

# Ecologies of violence: Cultural memory (studies) and the genocide–ecocide nexus

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## Abstract

Ecocide and large-scale ecological degradation raise critical questions regarding guilt, justice, and responsibility. The complexity and scale of ecological violence present a singular challenge for memory studies, especially when it comes to understanding how we are implicated in this violence. Often, the way ecological violence is framed as violence relies on repertoires, forms and conventions for representing and commemorating genocides and other acts of large-scale violence against humans. Moreover, cultural forms are able to reveal the historical, structural and discursive links between crimes against humanity and crimes against nature. To explore the implications of these ‘ecologies of violence’ for memory studies, this essay brings together two major strands in the field that have so far not intersected in a substantial way: the turn towards the figure of the perpetrator and to questions of guilt, complicity/implication on the one hand, and on the other, the turn towards the environment and the non-human. The increased interest in the question of perpetration and complicity has gone hand in hand with a critical interrogation of the perpetrator–victim–bystander triad and a shift towards more relational and dynamic conceptions of violence. The environmental turn in memory studies is beginning to rethink memory in terms of more-than-human temporalities or scales, as well as developing new conceptualizations of trauma and victimhood. The aim of this essay is twofold: first, it will briefly sketch each of these developments, bringing out possible points of convergence and divergence. Second, it will explore the potential for memory studies in bringing these two strands together, taking the re-emergence of tribunal theatre as a key example of the cultural imaginary of the genocide–ecocide nexus.

## Keywords

complicity, ecocide, ecology, guilt, implication, perpetrators, tribunal theatre

## Introduction

In August 2019, during a sombre ceremony in Iceland, the first memorial to a vanished glacier was installed to commemorate the passing of Okjökull, declared dead in 2014. The inscription on the simple copper plaque reads: ‘A letter to the future. Ok is the first Icelandic glacier to lose its status as glacier. In the next 200 years, all our main glaciers are expected to follow the same path. This

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monument is to acknowledge that we know what is happening and what needs to be done. Only you know if we did it. August 2019. 415ppm CO<sub>2</sub>' (Luckhurst, 2019). The plaque marks an absence and calls on future generations to remember what took place here. At the same time, it is addressed to current generations, implicating us in the glacier's disappearance and exhorting us to take action. In this way, the plaque has a dual function of commemoration and warning: it is both a *Denkmal* and a *Mahnmal*.

In December of the same year, the ambassador of Vanuatu petitioned the International Criminal Court (ICC) in The Hague to include ecocide within the court's remit as a fifth crime next to genocide, crimes against humanity, war crimes, and crimes of aggression (Licht, 2019). Vanuatu is one of several Pacific Island nations whose existence is under threat from rising sea levels. This petition formed part of a decades-long campaign by lawyers and activists to gain international recognition for legislation on ecocide. Leading the push to designate ecocide as an international crime is the group Stop Ecocide, composed of lawyers and policy experts, many of whom have been involved in the prosecution of genocide and crimes against humanity (Bourke, 2021). It is not accidental that the ICC, which was established to prosecute genocide, should be identified as a possible institutional framework for the prosecution of the crime of ecocide. In fact, early drafts of the Rome Statute of the ICC included crimes against the environment under the purview of the court (Greene, 2019). The explicit link between ecocide and genocide has been established since the term was coined in the 1970s in the context of the US deployment of Agent Orange in Vietnam (Greene, 2019; Higgins et al., 2013; Zierler, 2011). Thus, there is a strong historical precedent, as well as a conceptual and structural nexus linking crimes against humanity to crimes against nature (Crook and Short, 2014). In the last couple of years, Stop Ecocide and other groups have successfully petitioned the European Parliament to support the recognition of ecocide, defined as 'unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts' (Sands et al., 2021).<sup>1</sup> This definition is not uncontroversial and neither is the question of whether the ICC is an appropriate framework or instrument for the prosecution of crimes against nature. There is by now a substantial body of scholarship in law and green criminology on this question, and I do not propose to rehearse it here.<sup>2</sup> What interests me from the perspective of cultural memory studies is how the genocide–ecocide nexus operates at the level of the cultural imagination, particularly with regard to questions of guilt, responsibility and implication.

Both the memorial plaque and the legal campaign implicitly frame processes such as rising sea levels or melting glaciers *as violence* and seek to assign blame, while emphasizing that this violence is being perpetrated in the knowledge of its effects in the present and in the future. Because Stop Ecocide is operating within the context of criminal law, the emphasis there lies on having the legal authority to hold individuals (politicians, CEOs, etc.) accountable who knowingly facilitate or perpetrate environmental harm. The Okjökull plaque, by contrast, does not identify individual perpetrators but rather makes all of us now living complicit in or bystanders to an ongoing crime against nature. Speaking on 'our' behalf, it exhorts future generations not to believe us when we say that we did not know what was happening or what needed to be done to prevent it. In both instances, the emphasis lies on knowledge and agency as criteria of responsibility, but the attribution of that responsibility is markedly different. These two examples represent different answers to some of the major questions that animate the contemporary discourse on the current environmental crisis, namely: Who or what is the perpetrator? And who or what counts as a victim? How can we conceive of guilt, justice and responsibility for crimes against nature? And how can the victims, human and non-human, be represented, either in the discourse or in a court of law, so that their voices might be heard?

The scale and complexity of environmental violence are such that categories like perpetrator, victim and bystander, as well as legal and moral concepts like guilt come under immense pressure.<sup>3</sup> It can be difficult to pinpoint a specific culprit or establish causality or intent, or even recognize what is happening as violence in the first place. With certain forms of ecocide it may be relatively clear who the perpetrators and victims are of specific acts, but in cases of ‘slow violence’ (Nixon, 2011) where the causes and effects lie further apart or happen on different scales, it may be difficult or impossible to trace these effects back to singular causes. Hence, these categories and concepts need to be rethought, and differentiated modes of representation (juridical and political, discursive and aesthetic) need to be found. The challenge is not to do away with such categories and concepts altogether, but rather to elaborate conceptual and representational frameworks and modes that can account for a greater degree of complexity and ambiguity while still giving clarity and facilitating understanding. While the juridical question of how to define and prosecute ecocide remains vexed, the term already occupies a prominent place in the cultural imagination, in part because it taps into the cultural and moral resonance of genocide and, in so doing, gives a name to the growing concern about the destruction of the natural world, which it frames as a crime whose perpetrators might be held to account as opposed to a tragedy or a natural disaster.

The historical, rhetorical and conceptual link between genocide and ecocide can also be seen in the profusion of novels, artworks, theatre performances and documentary films dedicated to environmental violence that have appeared over the past two decades. Alongside the speculative and dystopian genres that have received a great deal of attention (e.g. Craps, 2017; Vermeulen, 2020), the growing interest in ecocide has also prompted a reimagining of realist, documentary and historical forms and genres, notably those that were instrumental in shaping the cultural memory of the major traumatic events and acts of mass violence of the 20th century. Thus, to represent crimes against nature, writers, filmmakers, artists and playwrights draw on and mobilize a body of ‘reusables’ (Assmann, 1995), a cultural repertoire of images, tropes, practices and genres, often ones that gained currency in response to crimes against humanity. Think of forms such as the (counter)monument, the testimony or memoir, the multigenerational family chronicle, as well as documentary formats in film and theatre, an example of which, tribunal theatre, I will discuss later on. These existing frameworks of cultural memory and representation are helping to articulate ecoviolence *as* violence and also inform the way we think about guilt and responsibility.

My aim for this essay is to explore the implications of the multidirectional entanglements of genocide and ecocide in the contemporary cultural imagination for the study of cultural memory. I am particularly interested in how contemporary culture maps the connections between genocide and ecocide and what this means for our understanding of complex modes of involvement in and responsibility for large-scale violence. This essay brings into conversation two recent developments in the field that have so far not intersected in a substantial way: the environmental turn in memory studies on the one hand, and on the other, the turn to the figure of the perpetrator and to questions of complicity and implication. The latter is concerned with developing more nuanced, dynamic, and relational conceptions of involvement in violence, but it has yet to theorize this in ecological or more-than-human terms. The former has sought to look beyond the human but has so far largely focussed on new conceptualizations of trauma and victimhood, and explored affective states such as grief, mourning and melancholia. In what follows, I will first outline the contours of these developments, highlighting possible points of convergence and divergence. I will sketch an ecological model of violence and implication that combines perspectives from the perpetrator and environmental turns while moving beyond the inherent anthropocentrism of the field. Finally, I will discuss a salient example of the contemporary cultural engagement with ecocidal violence, namely tribunal theatre, which grapples with the problem of representation, both legal and aesthetic, and foregrounds questions of guilt and responsibility.

## The perpetrator turn

Since the 1990s, there has been a surge in engagements with perpetrators of genocide, mass killings and political violence, both in scholarship and culture, that has allowed for a more nuanced conceptual relationship to this figure that goes beyond simplistic notions of 'evil'. This turn to the perpetrator is situated at the confluence of various historical, political and cultural developments, including the debates, after the collapse of the Soviet Bloc, about the double legacy of fascism and communism (where someone could be a victim in one context and a perpetrator in another); the establishment of the ICC and of major international tribunals in the wake of the genocides in the former Yugoslavia, Rwanda and Cambodia (which made available an unprecedented wealth of testimonies and documentation); the Truth and Reconciliation Commission in South Africa, (which inaugurated a shift from punitive to restorative justice and emphasized the rehabilitation of perpetrators); and the 9/11 terrorist attacks on the United States and the ensuing 'war on terror', the exposure of the Abu Ghraib scandal, and the Guantánamo debate (all of which provoked a discussion on democratic perpetrators and a critical self-evaluation of the 'West' as perpetrator). Perpetrator Studies has become an interdisciplinary field with a shared set of key theories and concepts (Knittel and Goldberg, 2019). The field spans the humanities and social sciences, investigating not only individual perpetrators of mass atrocities (e.g. Jensen and Szejnmann, 2008; Hinton, 2016; Przyrembel, 2023; Stangneth, 2011) but also group dynamics and processes, the question of collective or collaborative, as well as institutional and corporate perpetratorship (e.g. Holá et al., 2022; Kelly, 2016; Köhl, 2014; Smeulers et al., 2019; Williams and Buckley-Zistel, 2018).

These developments have run parallel to a veritable avalanche of cultural representations of perpetrators in the literature, film, art and theatre that render this figure in multi-faceted, ambiguous or even empathetic terms. Scholarship in memory studies has begun to pay critical attention to the cultural construction and difficult memory of this figure in various media and in national and comparative contexts (e.g. Adams and Vice, 2012; Canet, 2020; Dunnage, 2010; Knittel and Benzaquen-Gautier, 2019), to questions of perpetrator trauma (Mohamed, 2015; Morag, 2013) and to the ethical and aesthetic conundrums that accompany the engagement with the perpetrators' perspective (e.g. Eaglestone, 2017; Knittel, 2019a; McGlothlin, 2021; Morag, 2020). The figure of the perpetrator also comes into view in the context of the turn to transculturality (Crownshaw, 2011) and multidirectionality (Rothberg, 2020) in memory studies. The concept of multidirectionality, while developed with a focus on entangled memories of different histories of victimization, nevertheless provides a framework for addressing the ways in which forms of perpetration can propagate themselves across seemingly discrete histories. Michael Rothberg's discussion, in *Multidirectional Memory* (Rothberg, 2009), of Maurice Papon, who was responsible both for colonial violence (in Algeria and in Paris) and for the deportation of Jews during the Nazi occupation, is one salient example of the multidirectional exchange between different regimes of violence. As I have discussed elsewhere, a focus on perpetrators and histories of perpetration and complicity as multidirectional vectors of memory allows us to see the connections and continuities (historical and structural) between different forms and histories of violence and the dynamics of their remembrance (Knittel, 2015, 2020).

The interest in the figure of the perpetrator has carried with it a growing sense of the need to problematize and critically interrogate the very categories we use to think about involvement in violence and to move beyond the triad of 'perpetrator-victim-bystander' (Hilberg, 1993). Scholars thus have started to pay critical attention to the in-between positions and 'grey zones' (Levi, 2017 (1986)), seeking to develop a more granular vocabulary for the various positions people occupy, simultaneously or successively, in relation to mass violence (e.g. Baines, 2009; Forti, 2014; Jessee, 2019; Morina and Thijs, 2018). Meanwhile, a whole interdisciplinary sub-field dedicated

to the study of complicity in mass violence has emerged (e.g. Kelly and Norman, 2019; Lepora and Goodin, 2013; Mandel, 2006; Mihai, 2019; Sanders, 2002; Sanyal, 2015; Wächter and Wirth, 2019; Ziemer, 2016). Scholars have also been theorizing how people may benefit from (Robbins, 2017), be implicated in (Rothberg, 2019), or compromised through (Bird et al., 2023) structures and systems of mass violence without their active participation, intent or even knowledge. This new phase in the theorization of complicity and cognate concepts draws on the seminal philosophical debates that took place after World War II and the Holocaust, led by thinkers such as Hannah Arendt, Karl Jaspers and Theodor W. Adorno concerning the ‘banality of evil’, the problem of collective guilt and responsibility, and the complicity of culture and scholarship in the very structures of oppression and exploitation they ostensibly critique. But while these early discussions framed the issue of complicity ‘as an evil to be opposed’, the new wave of complicity critique approaches it as an inescapable state of entanglement to be ‘managed, negotiated, contained, and controlled’ (Mandel, 2019: 696). As Mark Sanders argues, complicity is not about ‘accusing or excusing’, but rather about striving to understand and ethically respond to our fundamental state of entanglement with the other (Sanders, 2002: x). It is the refusal of acknowledging this entanglement that makes it possible for us to condone large-scale harms. Inversely, assuming our ‘responsibility-in-complicity’ (11) can pave the way for solidarity and resistance. Rothberg (2019) prefers the term implication to complicity as a ‘more capacious and more fundamental term’ for describing indirect forms of participation in violence and oppression (13) and calls attention to the crucial fact that implication corresponds to a particular subject position that one occupies ‘in a history of injustice or structure of inequality’ (48). He distinguishes between synchronic and diachronic forms of implication in violence: synchronic or structural implication concerns the position individuals occupy in present structures of violence and inequality, themselves often the result of violent events in the past. Diachronic or genealogical implication illuminates the positions of those who are imbricated, as descendants, in histories of perpetration. We have come a long way from the ‘evil’ perpetrator here, from a singular figure that occupies one pole in a dualistic scenario to a dynamic conception of the way people or collectives participate in, enable, and ‘inherit’ violence.

## The environmental turn

If in the perpetrator turn in memory studies the paradigm to overcome was that of the victim, in the environmental turn, the paradigm to overcome is that of the human. The environmental turn in memory studies is indebted to the rise of ecocriticism, which studies the literary and cultural imagination of nature and the environment, and which has carried with it a broader debate on the role of human actions in processes such as climate change and extinction, and on the role of culture and representation in making these processes visible and comprehensible at a human scale. The very concept of the Anthropocene could be seen as an effort to capture the *human responsibility* for these processes. The term has been criticized; however, on the grounds that in making the entire human species responsible, it obscures the uneven distribution of responsibility for and vulnerability to the effects of ecological violence (Bonneuil and Fressoz, 2016). A plethora of alternative terms have been proposed, each of which specifies a particular culprit or dominant factor responsible, most notably Capitalocene (Moore, 2016), Plantationocene (Haraway and Tsing, 2019), Eurocene (Grove, 2019) or Hesperocene (Driscoll, 2021). While the term may have originated in geology, the intensity of the debate, at least in the humanities, has more to do with its *narrative potential* (Vermeulen, 2020): multiple different possible starting dates for this new epoch have been put forward, each of which links the current environmental crisis to a particular history or histories of violence. Most accounts align the beginning of the Anthropocene with the rise of



industrial capitalism, or with the detonation of the first atomic bomb. Another proposed starting date, however, is 1610, which marks the point at which the level of CO<sub>2</sub> in the earth's atmosphere was at its lowest (Luciano, 2015). This, it is suggested, was due to the genocide of the Indigenous peoples of the Americas in the first century of European contact, which resulted in a sharp decrease in farming and other activities, which in turn led to large-scale reforestation of the continent. Thus, all of the proposed starting points for the Anthropocene explicitly link climate change and ecological violence, historically and geographically, to histories of colonialism, genocide and other forms of mass violence.

In view of this fact, it is surprising that the impact of the ecological turn has only relatively recently been felt in cultural memory studies. This is perhaps because of the field's foundational commitment to a humanist conception of the subject (Knittel and Driscoll, 2017). If, as Dipesh Chakrabarty (2009) has argued, one major consequence of the Anthropocene is the collapse of the distinction between human history and natural history, the Anthropocene discourse presents a signal challenge to cultural memory studies. For a start because of the way it disrupts familiar (human) scales, temporalities, and distinctions, such as the one between nature and culture. One strand of Anthropocene memory studies scholarship sees the field grappling with the implications of rethinking memory in terms of more-than-human temporalities, for example, geological 'deep' time, or the speculative, 'anticipatory' memory of the present projected into a climate-changed future (Craps, 2017; Crownshaw, 2017), or the 'slow' and sustainable memory connected to the ordinary and uneventful (Wüstenberg, 2023). Another strand focuses on problems of scale. In the context of global climate change, concepts such as transnational, transcultural or cosmopolitan memory appear too limited: after the move from collective to national and then to transnational memory, we now are faced with the prospect of 'planetary' memory (Bond et al., 2017; Craps et al., 2018).

These recent efforts to rethink cultural memory in environmental terms have occasioned important re-conceptualizations of trauma, suffering and victimhood, and of affective states such as grief, mourning and melancholia to encompass the non-human (Craps, 2020a, 2020b, 2023; Cunsolo and Ellis, 2018; Rapson, 2015). This scholarship is concerned on the one hand with developing a conceptual framework that is able to account for the emotional toll of species extinction and ecosystem loss. On the other hand, it seeks to capture how mourning in the Anthropocene is increasingly directed not only at that which has already disappeared but also towards a foreclosed future that will not come to pass (Kaplan, 2016). In this context, the concept of multidirectionality has also been given a more-than-human dimension. Rosanne Kennedy's formulation of a 'multidirectional eco-memory' (Kennedy, 2017) is attentive to the entanglement of the histories of suffering of humans and non-humans and places them 'in an expanded multispecies frame of remembrance' that 'could facilitate new visions of justice that hold humans responsible and accountable for our actions towards nonhuman species' (Kennedy in Craps et al., 2018: 506). The field is thus beginning to find ways to theorize the dynamics of violence and memory beyond the human, and to address questions of perpetratorship, domination and the multidirectional legacies of injustice in the Anthropocene context (e.g. Bond and Rapson, 2023; Crownshaw, 2019; Małczyński et al., 2020; Vermeulen, 2020).

## Ecologies of violence

What does it mean to bring these two vibrant strands into conversation with each other in the context of ecological violence? What role does cultural memory play in shaping the discourse on crimes against nature in the public imagination? Who or what is an eco-perpetrator, and how does culture engage with this question? And how can the field of memory studies respond to what we might describe as 'ecologies of violence'? Ecocide and environmental violence are both 'fast' and

‘slow’. That is, an oil spill or industrial-scale deforestation are ‘spectacular’ instances of violence with clearly definable perpetrators and victims. But any particular instance of pollution or deforestation can or even must also be seen as a local manifestation of a longer trajectory and history of violence with multiple causes and ongoing effects that extend into the future. Thus, one task is to account for the perpetrators and victims of this violence, another is to situate these events and the figures and agents implicated in them in broader and longer-term contexts. In other words, it means to map, synchronically and diachronically, the different forms and structures of perpetration, complicity, and implication in ecocidal violence, as well as the historical connections between such violence and crimes against humanity. Here, recent theories of complicity and implication offer valuable tools to understand the kinds of relations, structural and scalar, that pertain between individuals and systems or processes of mass violence. At the same time, cultural forms have already been engaged in precisely this mapping and in making these connections visible. Indeed, culture is a key site for the articulation and dissemination of ideas about the genocide–ecocide nexus. Thus, an important third task is to account for the cultural and mnemonic dimensions of the contemporary discourse on ecocide and environmental violence.

To accomplish these three tasks, an ecological approach to violence, its memory, and representation is key. Such an approach entails several layers of analysis, which I have sought to encapsulate in the phrase ‘ecologies of violence’. This refers, first, to networks and systems in which seemingly disparate and incommensurate acts and histories of violence, such as genocide, colonialism, and ecocide, are *interconnected*. A growing body of scholarship on the genocide–ecocide nexus is exploring precisely these connections (Crook and Short, 2021; Lindgren, 2018; Małczyński et al., 2020; Sample and Theriault, 2022; Snyder, 2015; Zierler, 2011). While some see genocide and ecocide as related but separate forms of violence against humans, others argue that, especially from the perspective of non-Western and Indigenous epistemologies, the *genos* in genocide cannot be limited to humans alone and should be expanded to encompass non-human animals and the environment (Eichler, 2020; Hubbard, 2014). Likewise, in post- and decolonial studies, as well as Anthropocene studies, the history of colonialism is increasingly being revisited through an ecological lens (Huggan and Tiffin, 2015). The work of Amitav Ghosh (2021) is exemplary in how it maps and interweaves the history of the climate crisis with the history of Western colonialism via the figure of the perpetrator.

Second, an ecological approach to the cultural memory of violence and implication would attend to the networks of cultural and media representations (e.g. in the literature, art, film, theatre, exhibitions, etc.) that make violence and its historical, material, and discursive interconnectedness visible and that construct and constitute its cultural remembrance. This encompasses the way in which repertoires, genres and forms are adapted to represent and bring together different histories of violence, as well as the dynamics of mediation and remediation. This furthermore includes the (strategic) use of comparisons, analogies and connections between genocide and ecocide in public discourse, specifically the use and abuse of the Holocaust paradigm when discussing climate change and violence against nature (Buettner, 2011; Levene, 2022).

Third, such an ecological approach would also have to be concerned with how cultural representations may themselves be implicated in or contribute to the violence they depict by implicitly or explicitly legitimizing, normalizing or aestheticizing it (Demos, 2017; Mandel, 2019). Furthermore, the production and consumption of culture is inseparable from the consumption of natural resources. When it comes to ecological violence it thus becomes necessary also to attend to the material conditions that sustain cultural production and how cultural products are themselves *agents* in ecologies of violence.

Fourth, an ecological approach must of course also think about how scholarship and the production of knowledge are itself implicated in the processes it studies and critiques. Such implication

may be on a material as well as a discursive/conceptual level. Regarding the latter, an important task for cultural memory studies in the age of the Anthropocene would be to problematize the emphasis on the individual subject, especially when it comes to theorizations of perpetration, complicity and implication, and to interrogate the commitment to a liberal humanist conception of the subject that subtends them. There are several good reasons why such a critical interrogation is productive: the first is that environmental violence and the Anthropocene discourse in general have revealed the limitations of a conception of agency that hinges on individual action and intentionality. New materialist or critical posthumanist approaches to the problem of agency in violence and injustice, for example, provide conceptual tools that can account for the relational and collective as well as distributive and more-than-human dynamics that underlie involvement in large-scale harm (Austin, 2024; Bennett, 2010; Celermajer, 2019; Celermajer and Chao, 2023; Celermajer et al., 2021; Pugliese, 2020). As Danielle Celermajer (2019) puts it, one advantage of these theories is that they can ‘map the multiplicity of factors’ that contribute to perpetration and violence and ‘help us to imagine those factors more like an ecology than a causal chain’ (n.p.). Furthermore, as numerous scholars have shown, the liberal humanist conception of the human is itself implicated in violence and oppression, particularly in the way that it defines itself against the non-, in- and sub-human, which has furnished the justification for colonial exploitation, enslavement, resource extraction, eugenics, and so on (Driscoll, 2019; Jackson, 2020; Yusoff, 2019). Work in decolonial and posthumanist scholarship has been dismantling the apparent self-evidence of the humanist articulation of the subject and shown how, in Sylvia Wynter’s (2003) terms, this is just one ‘genre’ of being human that has succeeded in overrepresenting itself as ‘the’ human as such and thus authorized itself to oppress, exploit, and kill all those others deemed less than fully human. This points to a crucial obligation for memory studies to examine how the concepts and theories we use to approach these issues may themselves be implicated in the violence we study. The same applies to the concept of ecology itself, of course, since historically a commitment to ecological issues has proven to be compatible with Fascist and racist ideology. Indeed, the term was coined by the German zoologist Ernst Haeckel who was an early proponent and interpreter of Darwin in the German-speaking world and a passionate advocate for eugenics, social Darwinism and scientific racism (Biehl and Staudenmaier, 1995; Brüggemeier et al., 2005). The necessary project of thinking ecologically demands an acute awareness and understanding of the historical and political legacy of the concepts we use.

Fifth, and finally, the approach I am sketching here invites us also to pay attention to the role of affect and emotion in the cultural imagination and memory of ecocide and environmental violence. In general, a focus on perpetration, complicity and implication brings with it a different set of affective registers beyond the classic ones such as pity and fear, mourning and melancholia. In Holocaust and genocide scholarship, as well as in human rights education more generally, there is a long-standing discussion about the potential advantages and dangers of negative and ambiguous effects such as unsettlement (LaCapra, 2001), concern [*Betroffenheit*] (Elsaesser, 1996), and discomfort (Boler, 1999; Mihai, 2018; Simon, 2014; Zembylas, 2015; Zembylas and McGlynn, 2012) for prompting critical self-awareness and a sense of responsibility. Elsewhere (Knittel, 2019b), I have discussed discomfort as an important component in an ethical and critical engagement with the figure of the perpetrator, one that may contribute to a critical recognition of our own implication in structural and political violence and injustice.

## Conclusion

By way of conclusion, let me offer an example of a contemporary artistic intervention that engages with these ecologies of violence. As I mentioned above, one of the hallmarks of the contemporary



cultural response to crimes against nature, particularly in realist and historical modes, is that they revisit and reimagine the cultural repertoire of genres, tropes and forms that have been effective and important in the representation and memory of genocide and crimes against humanity. One particularly notable example is tribunal theatre, a type of documentary theatre that revolves around the interrogation of the perpetrator, and that became important in the wake of World War II and the Holocaust when it served to publicly address the difficult question of responsibility for crimes against humanity (Arjomand, 2018; Fischer, 2022). The tribunal theatre of the 1960s and 1970s – think for example of plays such as Peter Weiss's *Die Ermittlung* (The Investigation, 1965), Rolf Schneider's *Prozeß in Nürnberg* (Trial in Nuremberg, 1967), or Abby Mann and George Roy Hill's *Judgement at Nuremberg* (1959) – would draw on or re-enact trials that had already taken place, such as the Nuremberg trials or the Frankfurt Auschwitz trials. These plays provided a space in which to reflect critically on how crimes of unprecedented magnitude challenge the existing legal framework. This tradition continued in the 1990s, for example, with plays such as Richard Norton-Taylor's *Srebrenica* (1996) and other famous tribunal plays by the Kilburn Tricycle Theatre (Brittain et al., 2014), which likewise drew on existing documentation and testimonies from trials, hearings and official enquiries to conduct a rigorous interrogation of the question of culpability in modern, highly bureaucratized societies. Contemporary tribunal theatre about ecocide and environmental violence grapples with these same questions, but it *pre-enacts* trials that the authors feel *should* take place but cannot be held because of the limitations of the legal system. On the one hand there are scripted, fictional pieces such as Anouk Nuyens and Rebekka de Wit's *De zaak Shell* (The Shell Trial, 2020), Andres Veiel's *Ökozid* (Ecocide, 2020), or Dawn King's *Das Tribunal* (The Trials, 2022) that stage legal proceedings against corporations and states and are set in an alternative present or the near future, when the crime of ecocide will have been adopted.

Others take a more open-ended and participatory approach in the tradition of the people's tribunal. This format arguably began with the 1966 Russell-Sartre Tribunal, which investigated American war crimes in Vietnam and ultimately found the US and its allies guilty (Duffett, 1968). Since then, numerous other people's tribunals have been established to investigate and document human rights abuses in places such as Latin America, Iraq and Palestine. Over the past decade, a number of similar tribunals have emerged along the genocide–ecocide nexus. The 2016 *Monsanto Tribunal* in The Hague, Milo Rau's *The Congo Tribunal* (2017), Maria Lucia Cruz Correia's *Voice of Nature: The Trial* (2019), and Radha D'Souza and Jonas Staal's *Court for Intergenerational Climate Crimes* (CICC) (2021–2022), for instance, explore what it would mean to prosecute the perpetrators of crimes against humanity *and* crimes against nature (cf. Nellis, 2021). Many of these recent tribunals empower the public to act as a jury and experiment with alternative conceptions of justice and testimony that seek to account for the human and non-human dimensions of violence, the interconnections between different histories and structures of violence, and their long-term and cross-generational legacies.

The *Court for Intergenerational Climate Crimes* (CICC) is a particularly salient example in this context. Led by legal scholar and activist Radha D'Souza and visual artist Jonas Staal, the CICC held public hearings in 2021 and 2022 at Framer Framed, a non-profit art space in Amsterdam. The hearings focused on multinational corporations registered in the Netherlands as well as the complicity of the Dutch state in providing legal and economic support for what D'Souza and Staal call 'intergenerational climate crimes'. Over the course of four hearings, the court considered evidence against the Dutch state for the ecocidal impact of its bilateral trade agreements with Bolivia, Peru and Mongolia; against Unilever for large-scale pollution and deforestation in India, the Democratic Republic of the Congo and Kenya; against Airbus for manufacturing and trading weapons of mass destruction used against populations and ecosystems in Yemen and Libya; and against the bank ING for financing and investing in coal, palm oil production and deforestation in Indonesia,

Cameroon, and Brazil (CICC 2021–22). In each case, the defendants were invited to attend and present their case, but none did, presumably to avoid lending legitimacy to the proceedings. The absence of the perpetrators was performatively marked and incorporated into the hearings in the form of prolonged silences and interruptions. At the foundation of the CICC is an alternative legal framework developed by D'Souza and Staal, the 'Intergenerational Climate Crimes Act', which rejects the linear, individualized, and backward-looking nature of the present-day legal system to consider not only past and present climate crimes, but also to prosecute climate crimes 'on behalf of unborn human and non-human comrades of the future' (D'Souza and Staal, 2021b).

The CICC is premised on the 'acknowledgement of harm carried across past and future, as well as the identification of systemically rooted implication' (Maum, 2021: 18). In granting legal representation to future generations of humans *and* non-humans and admitting the testimony of future victims of past and present crimes, the CICC gives aesthetic and juridical form to both 'anticipatory' and 'planetary' memory and interweaves them with the more immediate history and cultural memory of colonialism and fossil capitalism. The court is conceived as a more-than-human assembly – and assemblage – spanning different temporal and geographic scales across generational and species lines. The courtroom space is simultaneously a commemorative art installation reminiscent of a cemetery: arranged around a pool of hardened oil containing an ammonite fossil (a literal reminder of the fossil in fossil fuels) are 30 further fossils as well as 65 paintings and 20 tapestries of animal and plant species driven to extinction by human actions since the beginning of the colonial era. In the hearings, they are both silent witnesses to and evidence of past violence. These images are drawn from a larger archive, entitled *Comrades in Extinction*, which accompanies the CICC. Each represented species is identified by the single word 'comrade' in various world languages, a gesture that acknowledges their political agency and seeks to recover a lost sense of interdependency and solidarity between humans and non-humans. Moreover, the designation of 'comrade' challenges the hegemony of scientific systems of taxonomy and nomenclature, which were imposed on the world by European colonizers (cf. Dias, 2022; Maum, 2021). Furthermore, by identifying both human and non-human actors as comrades in extinction and the struggle against ecocide, the CICC seeks to circumvent problematic rhetoric of humanity versus nature; it is not humanity as a whole that is on trial, but rather particular corporations and systems of injustice and exploitation.

In terms of its content and form, the CICC enacts an ecological approach to violence, its representation, and memory, and embodies the five crucial aspects of the approach outlined above. First and foremost, it is committed to a multidirectional and more-than-human conception of violence. It operates within several disparate timeframes: first, the geological fossil record embodied in the ammonites, who bear witness to the last global mass extinction event and simultaneously mark the source of the fossil fuels that are driving the current one; second, the history of colonial expansion and resource extraction, which inaugurates the modern geopolitical order and simultaneously marks a starting point for the Anthropocene. The witnesses to this time frame are the *Comrades in Extinction*. Third is the contemporary ecocidal reality of global finance capitalism and the military–industrial complex, which is borne witness to by the human participants assembled in the space, who are implicated in these histories and interpellated as ancestors to unborn generations who will inhabit a future marked by the effects of the climate crimes of the present. By situating itself within these interlocking timeframes, the CICC engages in a process of cognitive mapping along synchronic and diachronic axes, tracing the networks of perpetration and complicity that inform the global present but also showing how these are embedded within much longer histories of physical and epistemic violence. To represent these different time scales and histories, the CICC employs multiple different kinds of media as well as tropes and representational conventions inspired by a variety of sources. Just as it does not try to speak on behalf of the non-human witnesses but rather represent them materially and visually, it also does not seek to represent the

climate crisis directly, and instead employs an oblique and deliberately lo-fi aesthetics designed to counteract the Anthropocene sublime (Demos, 2017) that characterizes some artistic responses. The courtroom seats are designed to look like graves with headstones and are arranged around the central mirroring pool of oil, an arrangement that recalls the dominant aesthetic of memorials to war and genocide.

In terms of its conceptual framing, the CICC puts the liberal humanist of rights and personhood on trial for its complicity in colonialism and ecological violence. In particular, the fiction of 'legal personhood' comes under fire for its role in silencing and excluding certain entities, human and non-human, while upholding the rights of abstract 'legal persons' such as corporations to advocate for themselves while being immune to criminal prosecution. For the CICC, a reduction of rights to individual properties obfuscates the intergenerational and interdependent workings of our shared ecosystems (D'Souza and Staal, 2021a). In the process, it reframes histories of injustice in more-than-human terms. The CICC goes to considerable lengths to address its own unavoidable implication in the structures and processes it critiques, both aesthetically and materially. The installation is made using sustainable and repurposed materials from previous art projects. But as a large-scale art project with a travelling exhibition, it also has an ecological footprint. Moreover, it is also dependent on institutional support and funding, in part from the Dutch state, and this makes it vulnerable to appropriation by the system itself as an alibi (see Dias, 2022).

Finally, while a crucial aspect of the court is the making public of evidence of the crimes and its mapping of the networks of perpetration and complicity, an equally important dimension is the affective one. In the tradition of tribunal theatre, the CICC seeks to foster a collective embodied experience of the act of judging, as well as feelings of grief and rage. At the same time, the central figure of the pool of oil complicates any too-easy identification on the part of the human participants with the victim position. Even though the members of the public are framed as comrades and as future fossils, they are also literally reflected in the smooth surface of the pool and thus made to feel implicated in the intergenerational climate crimes on trial by their dependency on fossil fuels. In the case against the Dutch state, in the absence of an official government representative, members of the public, many of them Dutch citizens, were invited to speak on behalf of their government, but none did, suggesting that they did not feel represented by their government or comfortable with representing it. The invitation to speak also emphasizes, however, their political agency and responsibility within a democratic system. In this way, the CICC can be interpreted as potentially spanning the full spectrum of guilt and responsibility I mentioned at the outset, from putting on trial clearly defined major corporate and state perpetrators of ecocide to, perhaps, making all of us feel implicated in those crimes.

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## Notes

1. In March 2023, the European Parliament adopted the decision to start negotiations to revise the EU directive on environmental crimes with a mandate to include ecocide in the new legislation (European

- Parliament, 2023). Meanwhile, ecocide has already been adopted as a crime at the national level by more than a dozen countries (European Law Institute (ELI), 2023).
2. There are two main bones of contention: the first concerns the use of the term ‘knowledge’ in the definition, which sets a very high bar for prosecution, and the second revolves around the inherent anthropocentrism of the definition and its elaboration in the proposed Article 8 ter, which weighs environmental harm against human social and economic benefit and leaves room for legitimate widespread and long-term destruction, rather than emphasizing the intrinsic value of the environment and the interconnectedness of humans and nature. See Minkova (2023); Robinson (2022); Van Uhm (2022).
  3. For an enlightening discussion of the problem of guilt in the Anthropocene see the recent special issue of *The Germanic Review* (Robinson and Prade-Weiss, 2021) as well as the work of Jensen (2019) and Fredericks (2021).

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## Author biography

Susanne C. Knittel is Associate Professor of Comparative Literature at Utrecht University in the Netherlands. Her work is situated at the intersection of memory studies, genocide studies, posthumanism and ecocriticism. She is the author of *The Historical Uncanny: Disability, Ethnicity, and the Politics of Holocaust Memory* (Fordham UP, 2015). She is the editor, with Kári Driscoll, of ‘Memory after Humanism’, a special issue of *Parallax* (2017) and, with Zachary Goldberg, of *The Routledge International Handbook of Perpetrator Studies* (2019). She is the founder of the Perpetrator Studies Network, editor-in-chief of the *Journal of Perpetrator Research*, and the co-director of the Utrecht Network for Environmental Humanities.