



Ecocide, Speciesism, Vulnerability: Revisiting Positive Peace in the Anthropocene

33

Rimona Afana

Contents

Delineating Ecocide	626
The Speciesist Roots of Ecocide	632
A Vulnerability Lens to the Ecocide–Speciesism Nexus	636
References	638

Abstract

In line with the expansive, critical vision behind positive peace, this chapter develops an analytical framework for understanding the ties between ecocide and speciesism. I commence with thoughts on how ecocide is tied to “positive peace,” narrowly as a theoretical construct and broadly as an ethos driving the paths of scholar–practitioners in peace and conflict studies. While among the best-known examples recently of ecocide are the Amazon fires, the destruction of the Great Barrier Reef and of the Niger Delta, many other ecological disasters have been precipitated over the past decades by both state–corporate crime and by our individual failure to respect interdependence and to protect nature. Following a discussion of several prominent ecocides, I review the ethical and legal arguments driving the growing global movement which supports the recognition of ecocide as an international crime. The second part challenges prevalent speciesist beliefs and practices, materialized in individual and collective failures to protect non-human lives, which feeds into ecocides. The history of sexism and racism shows that the justifications used to render certain lives inferior (thus suited for subjugation) are strikingly similar to how speciesism operates: through strategic invisibilities and inconsistent standards which legitimate physical, structural, and epistemic violence. The third part filters the ties between ecocide and speciesism through vulnerability theory (with its insistence on dependency,

R. Afana (✉)

Vulnerability and the Human Condition Initiative, Emory University School of Law, Atlanta, GA, USA

interdependence, and state responsibility) and reflects on what a vulnerability-centered jurisprudence could contribute to prevention, repair, and accountability in the Anthropocene.

Keywords

Speciesism · Ecocide · Positive peace · Vulnerability theory · State–corporate crime

Delineating Ecocide

Summers spent as a kid in a remote village in Romania with my grandparents instilled in my psyche and body a particular awareness of the interdependencies between humans and nature. It was however only after turning vegan, initially for health reasons, that I began to learn about the ties between environmental harms, food politics, pathology, and lifestyle choices. Deeper thinking about ecocide started for me in summer 2019: following the Amazon fires so viscerally touched me that I felt compelled to read and write about it, seeking to connect the dots, for myself and for the few close friends I shared those reflections with. My research and activism over the past decade have mostly gravitated around human rights, conflict transformation, and transitional justice. While the environmental crisis has been marginal to my work, it is tied to positive peace, an ethos marking my and others' paths as scholar–practitioners. This multidimensional vision of peace (encompassing the diverse themes, spaces, temporalities, disciplines shaping peace) moves us beyond the narrow target of halting overt violence, to instead consider all interconnected values, processes, and entities which help us thrive. It is itself an ecological view on peace as area of theoretical inquiry and of praxis. The other side of “ecological” refers here to the interdependencies between different forms of life. To me, reflecting on ecocide is integral to the vision behind positive peace; a wide-angle take on peace would be incomplete without addressing the roots and consequences of ecocide.

Ecocide is the “extensive damage to, destruction of or loss of ecosystem(s),” notes earth lawyer Polly Higgins (Real Media, 2019). The “-cide” (Latin *caedō*) refers to acts and/or agents of killing. While processes we could think of as natural, such as invasive species wreaking havoc on ecosystems, fall within the scope of ecocide, the concept often normatively designates ecological destruction as a crime. That differentiates natural disasters from systematic man-made processes harming the environment. These crimes are seldom individual, isolated acts of negligence or malfeasance; more commonly they can be classified as state crimes (actions or inactions which breach a state's own criminal law or its international law obligations) or state–corporate crimes. Such “wrongdoing at the intersection of business and government” (Michalowski & Kramer, 2006) has led to some of the worst human and environmental harms of our times.

While criminology has traditionally served as an extension of state power, overemphasizing a narrow range of wrongdoings (theft, murder, drug dealing,

juvenile delinquency, domestic violence) and isolating the state itself from accountability, state crime research contributes a critical analysis of harms perpetrated by states, reorienting the relation between power and knowledge vis-à-vis criminality (Chambliss et al., 2010). State crime research contributes a complex understanding of how state crimes are enacted, experienced, and resisted (Lasslett, 2014, p. 92). The International State Crime Initiative embraces a wide understanding of state crime, contrasting reductionist legal definitions. As Green and Ward (2013, p. 28) note, “The law is ill-equipped to respond to these diffuse, complex, subtle processes.” This informs my examination of ecocide: to surface criminality I draw on different disciplines while also expanding thematically, spatially, and chronologically the analysis, to understand the continuities between different layers of harm, ecocide following some harms and preceding or causing others.

Some illustrations of how ecocides feed into the current environmental crisis are perhaps useful to contextualize the ties between ecocide and speciesism. From January to early December 2019, over 193,000 fires had been documented in Brazil (Instituto Nacional De Pesquisas Espaciais Brasil, 2019), nearly 124,000 of them in the nine states within the Amazon basin, home to the world’s largest rainforest, significant for its carbon dioxide removal (Phillips & Brienen, 2017) and site of stunning biodiversity. The destruction of rainforest ecosystems and the violation of indigenous rights are primarily driven by deforestation and fires to clear land for agribusiness. Amazon Watch (2019, p. 3) documents how Jair Bolsonaro’s presidency “profoundly exacerbates the country’s environmental and human rights crisis”; operating in the Amazon are livestock and mining companies linked to illegal deforestation, corruption, slave labor, and other crimes tolerated by the political regime. Within just one year, deforestation in Brazil caused the loss of an area equivalent to nearly one million football fields (Greenpeace, 2018).

Ecocide driven by deforestation for agribusiness is not unique to the Amazon. The global deforestation crisis is exposed in a cross-border investigation documenting plans to clear one of the “largest remaining tract of pristine rainforest in Asia,” located in New Guinea, for what is envisioned as the world’s largest oil palm plantation (Mongabay, 2018). The Tanah Merah project, tied to an international consortium shrouded in secrecy and illegalities, threatens one of the most biodiverse places in the world. Vast stretches of rainforest have already been cleared based on allegedly fraudulent permits (Mongabay, 2019). Besides its expected greenhouse gas emissions, the project risks encroaching on the livelihood of the island’s indigenous peoples and contributing to the destruction of vertebrates, invertebrates, plants and microorganisms, some only found there. As massive deforestation meets record heat and drought (both consequences of anthropogenic global warming), ecological catastrophes seem inevitable: since summer 2019 huge expanses of forests and grasslands have gone ablaze in Angola, DR Congo, California, the Canary Islands, Siberia, Alaska, Greenland, and in other parts of the world (Global Forest Watch Fires, 2019; NASA Fire Information System, 2019; Irfan & Amaria, 2019; Deutsche Welle, 2020). The magnitude of fires leaves scientists warning that “humans have created a Pyrocene” (Pyne, 2019).

The Niger Delta is another site where the confluence of corporate interests and state negligence has caused ecological destruction and harm to local communities. Donatus (2016) documents how ecosystems throughout Africa are “systematically destroyed in order to maximize profits and to secure and expand the prosperity of the West”; contrary to the promise of prosperity that came with oil extraction (Nigeria is Africa’s largest oil producer), today the Niger Delta is a prime example of how areas rich in natural resources end up ravaged by pollution, expropriation, displacement, poverty, and corruption. Thousands of oil accidents in the Niger Delta over the past decades have contaminated the water, soil, and air, taking a toll on animals, plants, and human health; the Niger Delta is now one of the most polluted places on earth (Amnesty International, 2018). Multinationals like Shell, Eni, Chevron, ExxonMobil, and Total continue to operate with impunity, occasionally paying minor penalties, collaborating with public officials in fragile states to suppress grassroots resistance to their environmental crimes and human rights violations. Unsurprisingly, BP, Shell, ExxonMobil, Chevron, and Total, the five largest publicly owned oil and gas companies in the world, invest \$201 million annually in climate lobbying, “to control, delay or block binding climate policy” (Maslin, 2019).

Our impact on marine life is not any better: over half of the Great Barrier Reef, the earth’s largest single structure of living organisms, is dead due to heat and acidity caused by human activity (Loria, 2018; Hughes et al., 2019). The collapse of underwater ecosystems is expected to bear momentous repercussions on the entire planet. Polar ecosystems are also damaged by the aggregate effects of human activity. July 2019 was the hottest month on earth in recorded history, as documented by thousands of monitoring stations globally (Freedman, 2019). By the end of July, 1 million square miles of ice at the Arctic and Antarctic had melted and in October 2019 Arctic average sea ice extent was “the lowest in the 41-year continuous satellite record” (National Snow & Ice Data Center, 2019). Moore et al. (2019, p. 11,237) show that the ongoing loss of Arctic sea ice, alongside a trend toward thinner, younger, and more mobile ice pack (all indicators of our changing climate), produce stresses for all ice-dependent organisms and ecosystems. With projections of a “seasonally ice-free Arctic to occur for September between 2044 and 2067 under a high emissions scenario” (Thackeray & Hall, 2019), the continuous degradation of Arctic ecosystems comes as further evidence of the damage caused by human activity.

Ecocides are entwined with (and often precursors to) conflicts over natural resources, poverty, food insecurity, disease, displacement, corruption, and authoritarianism — all adversely impacting human security and the ideal of positive peace. Concerns around ecocide are thus not limited to the degradation and eventual extinction of flora, fauna, and microorganisms, but extend to varied forms of harm against humans. Displacement has been among the most prominent harms over the past decade, as stretches of land become uninhabitable due to drought, flooding, hurricanes, wildfires, pollution of land, air and water, and other phenomena caused or aggravated by anthropogenic climate change. Displacement disproportionately affects poor communities, people of color, and indigenous groups (Deutsche Welle, 2019; Minority Rights Group International, 2019; Boffa, 2019). Environmental

harms thus intersect with the multigenerational effects of colonialism, racism, and classism. Climate refugees enjoy few protections under international law, as the global entanglements between state–corporate negligence or criminality and environmental destruction remain obscured. Talking of “eco-colonialism,” Higgins (2015) observes: “This is the reality of colonization in the 21st century; it is no longer confined to the enslavement of people but enslavement of the planet.”

As Pyne (2019) perceptively condenses the status quo, “. . . together we have so reworked the planet that we now have remade biotas, begun melting most of the relic ice, turned the atmosphere into a crock pot and the oceans into acid vats, and are sparking a sixth great extinction.” The ecological crisis seems ever more present in our collective consciousness: while a decade ago talks of anthropogenic climate change were relegated to scholarly circles, now mainstream media write about children treated for “eco-anxiety.” The *Daily Telegraph* reports groups like The Climate Psychology Alliance are campaigning to have anxiety caused by the gruesome future of our planet recognized as a psychological condition (Bodkin, 2019). The American Psychological Association and ecoAmerica (Clayton et al., 2017) document the pervasive psychological impact of climate change: trauma and shock, post-traumatic stress disorder, compounded stress, anxiety, depression, substance abuse, aggression and violence, fatalism, and even suicide — among both populations directly affected by the disastrous consequences of climate change and those witnessing the crisis from afar with despondency and rage. Confronting the terrifying evidence of the environmental crisis, as we near the point of no return, leaves even leading climate scientists weeping behind closed doors (Gergis, 2019). Given scientists’ “moral obligation to clearly warn humanity of any catastrophic threat,” in late 2019 over 11,000 scientists from around the world signed a declaration substantiating “clearly and unequivocally that planet Earth is facing a climate emergency” (Ripple et al., 2019). Psychology associations on different continents also signed a resolution to collaborate on climate action; to me poignant was their commitment to “promote awareness of the psychological blindness that leads to regarding inequalities as a social fate, instead of a political choice” (American Psychological Association, 2019). This takes us back to my earlier point on the disproportionate effect of the environmental crisis on already disadvantaged communities.

The effects of ongoing ecocides are compounded by the problematic status of ecocide legally. Civil litigation, the route through which states and companies are held accountable for environmental harms, is “mopping the floor whilst the tap is still running,” warns eco-activist Jojo Mehta, co-founder (with late earth lawyer Polly Higgins) of Ecological Defence Integrity (2019). Mehta notes that as of August 2019 there were over 1,000 climate litigation cases around the world, people taking states and corporations to courts over their environmental record. Though the global ecological movement is expanding, advocacy and litigation are impaired by the lack of criminal laws on ecocide. Our relation to nature is thus not guided by correlated rights and responsibilities. Civil suits on environmental harms typically leave corporations only paying limited fines or compensations, allowing them to continue reap profit from environmental destruction. To contextualize the privileges corporations enjoy, including their extractive relation to and disastrous impact on the

environment, we need to examine the roots of corporate power in Western societies. Winkler (2018) documents the history of American corporate personhood, surveying over 400 years of cases which show the shifting legal approaches toward corporations, shaped by a robust yet overlooked corporate civil rights movement. This transformed the constitution to serve big business, giving companies nearly the same rights as people, protections which often impede the rights of individuals, communities, and of nature.

Viewing ecocide as state–corporate crime is particularly significant when discussing it through a vulnerability lens; as I will show later, given the insistence within vulnerability theory on state responsibility, critical and expansive jurisprudence is needed on ecocide just as on other thorny areas shaped by inevitable interdependence. The recognition of ecocide as an international crime is thus crucial to effectively prevent and punish environmental harm. Writer and activist George Monbiot (2019) talks about a “gaping hole in international law” which allows individuals, companies, and states to damage nature for power and profit. This lack of safeguards is rooted in the complicated politics behind the non-criminalization of ecocide: while until 1996 drafts of the Rome Statute of the International Criminal Court considered the inclusion of environmental crimes, eventually “Article 26 was removed completely, and somewhat mysteriously, from the Code” (Gauger et al., 2012, p. 11). In the final draft of the Statute, the criminalization of environmental harm remained restricted to exceptional circumstances during war time; ecological crimes in times of peace were left out.

Proposals for the legal recognition of ecocide go back five decades ago and are tied to the history of chemical warfare. In 1970 at the Congressional Conference on War and National Responsibility, titled “War Crimes and the American Conscience,” botanist-bioethicist Arthur Galston (who studied the effects of a chemical later developed into Agent Orange) first used the term: “. . .the willful and permanent destruction of environment in which a people can live in a manner of their own choosing ought similarly to be considered a crime against humanity, to be designated by the term *ecocide*” (in Zierler, 2011, p. 19). Galston added, “I believe that the most highly developed nations have already committed autoecocide over large parts of their own countries. At the present time, the United States stands alone as possibly having committed ecocide against another country, Vietnam, through its massive use of chemical defoliants and herbicides.” To Galston, standing up against ecocide “wasn’t environmentalism, but a bioethical approach” (p. 18). This early thinking around ecocide seems to me narrowly tied to a belligerent and anthropocentric framework: environmental destruction was conceptualized in the context of warfare and its long-term effects chiefly considered vis-à-vis humans. This contrasts the scope of ecocide presently, as suggested by my prior illustrations: (1) most ecocides are casually perpetrated during times of peace, to further economic interests; (2) the global environmental movement (engaged in research, advocacy, litigation, civil disobedience, consumer boycotts, protests) is concerned with violence against all nonhuman forms of life, not just narrowly with human interests vis-à-vis nature.

In 1972 at the United Nations Stockholm Conference on the Human Environment, Swedish Prime Minister Olof Palme also spoke of the Vietnam War as an

ecocide, denounced likewise by other public officials, diplomats, and scholars. A working group on environmental crimes was set up, which developed a draft ecocide convention submitted to the UN the following year. Part of this expert group, Richard Falk (1973, p. 80) writes about environmental warfare in Indochina: “Just as counter-insurgency warfare tends toward genocide with respect to the people, so it tends toward ecocide with respect to the environment.” His proposed International Convention on the Crime of Ecocide mandates for ecocide, whether committed in times of peace or during war, to be recognized as a crime under international law, which United Nations members should commit themselves to prevent and punish. Significantly, under this broad understanding of environmental crime, Falk proposes not only the act of ecocide to be punishable but also conspiracy to commit ecocide, incitement to ecocide, attempt to commit ecocide, and complicity in ecocide. Falk’s approach reflects a gradual widening of ecocide jurisprudence.

Various academic and civic frameworks delineating the scope of ecocide (and criteria for its criminalization) have been advanced. Gray (1996, p. 254) views ecocide as a “breach of a duty of care owed *erga omnes*,” with international environmental law establishing the duty of care and international human rights law contributing its jurisprudential foundation. He qualifies ecocide as ecological damage that is: serious, extensive or lasting; bears international consequences; wasteful, i.e. “neither inevitable nor necessary” (p. 217). Perpetrators considered (pp. 219–222) are: states (directly through their activities and policies and indirectly, by their failure to regulate entities within their jurisdiction); individuals (especially high-ranking decision-makers, like government officials and corporate executives); organizations (corporations, multilateral development banks, United Nations agencies). To Gray, ecocide primarily violates international human rights (chiefly, the right to life and right to health), secondarily considering “emerging rights”: to a healthy environment, to development, and of nonhuman entities (pp. 222–226). “Criminalization of ecocide will occur because it must” (p. 270); “ecocide so menaces fundamental human rights and international peace and security that it must be treated with the same gravity as apartheid or genocide” (p. 271). Mégret (2010) concurs that “strong arguments exist both for the criminalization and indeed the international criminalization of grave harm to the environment” (p. 15), this reflecting “a global ‘upgrading’ of the values that could be protected by an international environmental offence” (p. 11).

Leading voice over the past decade in the global fight to criminalize ecocide, Polly Higgins noted: “Ecocide is in essence the very antithesis of life. It leads to resource depletion, and where there is escalation of resource depletion, war comes chasing behind. Where such destruction arises out of the actions of mankind, ecocide can be regarded as a crime against peace” (in Jowit, 2010). In her book *Eradicating Ecocide*, Higgins (2015) makes a compelling case for the international criminalization of ecocide, documenting how the planet is rapidly damaged by corporations and governments operating within legal frameworks which provide insufficient deterrence. To Higgins, ecocide is the fifth crime against peace (alongside genocide, crimes against humanity, war crimes, and crimes of aggression), precisely because “The capacity of ecocide to be trans-boundary and multi-jurisdictional necessitates

legislation of international scope.” Higgins died of an aggressive form of cancer in spring 2019; her legacy is a growing global movement to prevent and demand accountability for ecocides (Watts, 2019).

The copious literature explaining scientifically the environmental crisis, while significant to understanding its ecological, hydrological, geological, meteorological (and other) facets, often omits or adumbrates the structures driving environmental harm. Aside from the legal perspectives presented earlier, green criminology, conservation criminology, and climate change criminology fill this gap, surfacing why these crimes are enacted, what their direct and collateral effects are, who their perpetrators and victims are, and what redress might look like. As Higgins (2015) notes, when it comes to “ascertainable ecocide,” the agents, consequences of and liability for ecological harm can (and should) be determined. This is arguably the case with most of my prior illustrations. The ties between environmental harms and criminality are examined in many recent studies (White, 2012, 2016, 2020; Sollund, 2015; Heydon, 2019). Supplementing criminological approaches, nascent fields like climate psychology, conservation psychology and ecopsychology explore the psychosocial facets of our failure to meaningfully address the environmental crisis. Hoggett (2019) documents “the non-rational dimensions of our collective paralysis in the face of worsening climate change” (p. 10); reactions like anxiety, outrage, apathy, denial, despair are explored through a range of methodologies applied to different sites. While these angles cover crucial matters around ecocide, I believe one core driving force behind anthropogenic environmental degradation, speciesism, remains neglected in scholarship and praxis.

The Speciesist Roots of Ecocide

How does speciesism manifest in our thoughts, feelings, actions, and how are these tied to ecocide? Speciesism is a form of discrimination based on a being’s species; by ascribing more value to some lives and less to others, the extermination and exploitation of supposedly inferior species appear justifiable. Speciesism was first discussed in the 1970s by psychologist and animal rights advocate Richard Ryder. In the 1990s he also coined the term “painism,” insisting that all beings who feel pain deserve rights and protections. Since “suffering is the important criterion for morality, not somebody’s intelligence” (Ryder, 2014), the suffering of nonhuman animals should be given equal consideration. Typically, speciesism emerges as human supremacism or anthropocentrism — privileging human interests over those of other beings, based on an assumed ontological superiority of the human species. Anthropocentrism is a “historical outcome of a distorted humanism in which human freedom is founded upon the unfreedom of human and animal others” (Weitzenfeld & Joy, 2014, p. 3). Speciesism also manifests in the (especially Western) tendency to treat cattle, pigs, and chicken as food, to be tortured and massacred on an unprecedented scale globally, while treating other animals, like cats and dogs as companions, their pleasure and suffering shaping our actions. This double standard is at odds with the scientific consensus that most animals we treat as food and those we

embrace as companions are both sentient beings. Speciesism helps us justify brutality, whether slaughtering animals to eat them, to use parts of their bodies (the leather items most of us wear, the widespread use of mink and fox fur in the fashion industry, or the global traffic of pangolin scales and shark fins for “medicinal” purposes), to experiment on them, or to erase entire ecosystems in the name of “development.”

Among prevalent speciesist beliefs is the assumption that nonhumans, because they do not experience the world in as “evolved” ways as we do, are inferior, thus their subjugation benign. This assumption is refuted in numerous studies and documentaries (Sapontzis, 1987; Ryder, 2011; Weitzenfeld & Joy, 2014; Animal Ethics, n.d.; Ultraventus Films, 2012). Though indeed we enjoy cognitive capacities superior to those of nonhuman animals, other beings have unique traits, often beyond the capacity of humans: complex vision (eagles, hawks, owls, shrimps, bees, boas, pythons); smell (African elephants, giant pouched rats, opossums, star nosed moles); hearing (moths, bats, whales); memory (dolphins, elephants, chimpanzees, ravens); resilience to extreme environmental conditions (tardigrades); longevity (Greenland sharks, glass sponges, black corals, Great Basin bristlecone pines); or biochemical defense mechanisms (plants developing impenetrable barriers or releasing toxic compounds). As bioethicist Peter Singer explains, “a difference of species alone cannot provide an ethically defensible basis for giving the interests of one individual more weight than the interests of another” (foreword in Ryder, 2011, p. 2). The Cambridge Declaration on Consciousness attests “non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviors,” thus “humans are not unique in possessing the neurological substrates that generate consciousness” (Low, 2012). While arguments have been voiced in favor of speciesism, some intriguing philosophically, in practice most translate to legitimizing the subjugation of other beings in the name of human supremacy. To me, this appears inimical to what positive peace requires: nonviolence and sustainability.

The way speciesism manifests in the ecocides illustrated in my prior section is straightforward: we ascribe worth hierarchically to different forms of life — this allows humans to subjugate and exterminate other beings. As Goff (2019) suggests, prevalent beliefs rooted in dualism tend to portray the natural world as mechanistic, creating a chasm between humans (superior due to our supposedly unique access to consciousness) and nature, which simply becomes a site for exploitation. Some of my earlier examples presented ecocides caused by deforestation: such massive operations ongoing around the world are clearing space primarily for cropland and pastures, used to feed the livestock we breed, to then slaughter. Wildlife is wiped out because we place more value on the short-term availability of certain types of meat than on the long-term conservation of varied forms of plants, animals, and microorganisms; likewise, of less concern is the integrity of soil, of water, and of air, all spoiled by industrial farming — these factors combined additionally contributing to climate change.

The United Nations Food and Agriculture Organization (2006) documents in an extensive report that animal agriculture is a leading cause behind the global

environmental crisis due to its role in climate change and air pollution (pp. 79–123), in water depletion and pollution (pp. 125–179), alongside its impact on biodiversity loss (pp. 181–218). The livestock sector is “the single largest anthropogenic user of land” (p. xxi), leading to the unnecessary torture and killing of billions of animals worldwide each year (Heinrich Böll Foundation & Friends of the Earth Europe, 2014). As Joy (2015) points out, carnism, the “invisible belief system that conditions us to eat certain animals,” is dominant and normalized: in spite of cultural variations around what animals are deemed desirable for consumption, most cultures mandate meat consumption and consider their choices rational, which perpetuates carnism. This does not only cause suffering for millions of animals every day, but it contributes to the climate crisis, it decimates wildlife, it causes land degradation, it exposes humans to a multitude of foodborne pathogens, and it plays a role in global food insecurity, among many other detrimental effects.

Considering the environmental footprint of animal agriculture, expected to worsen given population growth and a trend toward growing consumption of animal products in developing countries, the United Nations Environment Programme (2010, p. 82) warned that reducing our impact on the environment “would only be possible with a substantial worldwide diet change, away from animal products.” The Intergovernmental Panel on Climate Change (2019, pp. 66 and 89) concurs that, since climate change is expected to negatively impact global food security, plant-based diets would make a significant difference, given their low environmental impact and health-promoting properties. Research substantiates this transformative potential: excluding animal products from our diets would reduce by 76% the land now used for food production (Poore & Nemecek, 2018, p. 991).

The land freed from animal farming can be dedicated to restoring compromised ecosystems, which on an ethical level would address the legacy of prior ecocides and on a practical level would mitigate the ecological crisis. For instance, trees planted would capture carbon dioxide and conservation efforts toward animal species now endangered would benefit entire ecosystems. Veganism, one of the fastest growing movements in the world (Hancox, 2018), is driven not only by concerns about animal cruelty and on the potentially detrimental health effects of eating animal products but also by an awareness of how devastating industrial farming is to the environment. The conundrum for those choosing plant-based diets is that plants are themselves alive, thus harm is not removed from the human–nature equation. Since plants communicate, learn, remember, and might even feel pain — traits signaling inchoate sentience (Mancuso & Viola, 2015; Gagliano, 2018; Paulson, 2020), ethical veganism (different from dietary veganism) seeks to reduce suffering among beings most likely able to suffer from exploitation, not to do away altogether with our domination over other forms of life, which at this point seems unlikely.

While speciesism underlies ecocide, both are normalized by the neoliberal structures driving our lives: our constant exposure to old and new media, both littered with ads, is in part driving the crisis. As Monbiot (2007) notes, “You cannot open a newspaper without being confronted by a host of incongruities. Yesterday, the Telegraph urged people to share their car journeys as ‘a simple way to lessen your carbon footprint’. Beside this exhortation, and at six times the size, was an ad by

Ryanair for £10 flights to France. [. . .] Almost all advertising — by promoting excessive consumption — threatens the biosphere.” Indeed, it seems consumerism, speciesism, ecocide collide—coexist with a plethora of ecological initiatives rooted in a critical grasp of the rights—duties dialectic. I am thinking of the Brazilian company JBS, the world’s largest producer of beef and chicken in 2013; its worldwide capacities could slaughter *every day* 85,000 cattle, 70,000 pigs, and 12 million birds (Heinrich Böll Foundation & Friends of the Earth Europe, 2014, p. 12). I am also thinking of the IUCN Red List, the world’s biodiversity barometer, which now lists over 38,000 species risk becoming extinct mainly due to human activity. Countering that, we find recent groundbreaking initiatives giving legal personhood to parts of nature, like apes, rivers or lakes (Keim, 2014; Safi, 2017; Roy, 2017; Mogensen, 2019; Bresler, 2020; Pallotta, 2020), countries like Ecuador and Bolivia legally recognizing the rights of Mother Earth (Asamblea Legislativa Plurinacional de Bolivia, 2010; Rapid Transition Alliance, 2018), and scholars exploring whether nonhuman animals could be treated as persons (Sapontzis, 1980; Tooley, 2011; Satz, 2009; Weizman, 2016). While we live within predominantly anthropocentric structures, the interdependence between different forms of life is also increasingly recognized.

Our attitudes on interdependence rely on the intersection between knowing and feeling. As Burton (2017) observes, “Our lines of reasoning are predicated upon how thoughts feel.” What that might mean vis-à-vis ecocide is that the way we think about environmental destruction is marked by our feelings, shaped by conscious, unconscious, and subconscious biases. While feelings mark thinking, both shape actions — how and whether we respond to ecocide is not a rational process. Unsurprisingly, “we are crowd following creatures who constantly use mental ‘short cuts’ and ‘feeling’ cues to act in ways that make us feel better about ourselves” (Hoggett, 2019, p. 5). I believe recognizing our speciesist beliefs and how embedded they are in social institutions is uneasy because critical awareness mandates changes in our self-image, worldview, and lifestyle, some at odds with comfort, thus potentially destabilizing. As research in climate psychology highlights, “Typically we will feel torn between different impulses, to face and avoid reality, between guilt and cynicism, between what is convenient for us and what is necessary for the common good” (Hoggett, 2019, p. 9). Our defense and coping mechanisms “have become integral to sustaining our exploitative relations with both the non-human and human worlds” and remain tied to “the cultural assumptions and practices (e.g. the sense of privilege and entitlement, materialism and consumerism, the faith in progress) that inhibit effective change” (ibid.).

Why do the speciesist roots of ecocide matter to positive peace? Injustice, conflict, and destruction are perpetuated by our tendency to be only moved by violence against our own kind. Solidarity tends to be racist, sexist, classist, speciesist. I trust we need to widen our grasp of violence and of our duty to prevent, resist, repair it. Expanding everyday ethics can create a foundation for preventing ecocide, universalizing empathy, countering the self-serving, double-standard arguments now used to justify environmental destruction for corporate profit and individual comfort. As Ryder (2011) advises, “there is an urgent need to find a more

consistent and unified approach to morals and legislation generally,” since law and much of Western politics have become “a hotchpotch of old religious principles and an odd and incompatible alliance between Utilitarianism and Rights Theory” (p. 1). Given our tendency to structure beliefs and actions around narrow self-interest, Ryder believes “morality can only be about how I treat others.” It is for this reason that to me speciesism is key to interrogating interdependence.

Countering the destructive manifestations of speciesism would not only gradually reduce our environmental footprint but also create the space for a more fair and compassionate rapport to any Other, human and nonhuman. It seems unrealistic and insincere to deplore the current environmental crisis while continuing to benefit from processes and products which degrade our common home. A broadened understanding of violence can elevate the mainstream discourse on environmentalism, which seldom challenges deep-seated individual and collective beliefs, or the foundational logic of law and the economy. If I think of the justifications used by racism, sexism, or colonialism to render certain lives inferior (and thus suited for subjugation), they appear strikingly similar to how speciesism operates: strategic invisibilities and inconsistent standards legitimate physical, structural, and epistemic violence. Just as colonial, sexist, or racist domination is no longer tolerated (albeit remnants still strongly embedded in our societies), perhaps scholarship and activism will in time treat speciesism also as a transgression of individual and collective rights. The first step is to unpack the correlations between speciesism and the ecological crisis, then imagine how law can address these ties, to reorient public consciousness.

A Vulnerability Lens to the Ecocide–Speciesism Nexus

Hereafter I seek to share some nascent reflections on what vulnerability theory could contribute to understanding the junctures between ecocide and speciesism. Vulnerability theory reminds us that vulnerability is not exceptional but universal and constant (Fineman 2004, 2008, 2010, 2012). As a post-identity paradigm, it emphasizes the universality and multilayeredness of vulnerability, not vulnerabilities solely arising out of our belonging to a certain ethnicity, gender, or class. It is thus an alternative to the narrowness specific of human rights, formal equality, and identity politics. Vulnerability stems from our condition: embodied (our existence depends on a fragile material case, the body) and embedded (we are never autonomous but depend on others in complex ways). This jurisprudence replaces the independent, self-sufficient liberal legal subject with the “vulnerable subject.” Within this approach, the opposite of vulnerability is not invulnerability but resilience: the capacity to withstand harm. Responsible for creating/maintaining resilience are law and institutions (“the responsive state”) meant, ideally, to mitigate our vulnerability. Vulnerability theory has primarily been used to critically examine US domestic affairs, like the regulation of the family and of work. While environmental applications exist (Mboya, 2019; Deckha, 2015; Satz, 2009), they do not deal with ecocide jurisprudence.

Within a vulnerability analysis, we need to not anymore cosmetically deal with harm and disadvantage but to understand how law confers privilege and how disadvantage is a result of the invisible mechanisms which confer privilege (Fineman, 2016). Here, “vulnerability” is not used conventionally (i.e., “vulnerable populations”: children, the elderly, the disabled, refugees); instead, vulnerability designates the inherent human condition, not extraordinary circumstances only some find themselves in. We are all vulnerable because of the constant susceptibility to change and harm throughout our lifespan (Fineman, 2008) of the body we inhabit and depend on to stay alive and to thrive, and of the relationships shaping the course of our lives (law and institutions designing the nature of these relations). To me, what both embodiment and embeddedness have in common are dependency and interdependence: throughout our lives we are always dependent and interdependent. This takes us back to positive peace: to Johan Galtung (1967, pp. 12–17) positive peace is marked by values and processes like freedom from fear, freedom from want, absence of exploitation, equality, justice, cooperation, development. It seems that at the heart of all these lies interdependence, equally of concern within vulnerability theory. Also, vulnerability theory, similarly to anti-speciesism, challenges uncritical notions of hierarchy.

The ties between ecocide and speciesism can be revisited through the focus on dependency and interdependence central to vulnerability theory. As highlighted in my article on the Amazon fires (Afana, 2019), “given our biological and social reliance on other lives to sustain our own, the destruction of ecosystems carries immediate and multigenerational effects on humans, flora, fauna, and other life forms.” Ecosystem collapse erodes our resilience, individually and collectively. The failure of individuals, of states, and of intergovernmental fora to comprehensively protect nature puts a lasting dent in our ability to cope with common, intersecting vulnerabilities. Since, as earlier illustrated, ecocide is often the fruit of systematic state–corporate crime and given the insistence in vulnerability theory on state responsibility, it is primarily the role of states to prevent and mitigate ecocides through laws and institutions. Critical and expansive jurisprudence is imperative on environmental issues, given the calamitous effects anticipated by scientists for the coming decades if we do not take bold and urgent action. “Major environmental crimes could be an example of a new category of international crimes that pose a threat to the continued existence of global communal life”; such global crimes, because of their ubiquitous materialization and possibly irreversible impact, “would be the characteristic crimes of a world operating under conditions of globalization” (Mégret, 2010, p. 10). As Gray (1996, p. 226) also notes, “the cohesion and interdependence of all living things mean that we are harmed as a part of nature. [. . .] To destroy nature is to destroy ourselves.”

Jurisprudence informed by vulnerability theory and by positive peace could contribute to prevention, repair, and accountability in the Anthropocene. These needed legal frameworks can be informed by cross-disciplinary research on a series of questions my future work will also engage with. What are the conscious, unconscious, and subconscious factors skewing the way we ascribe worth to different forms of life? How are speciesist beliefs driving the rights–duties dialectic

embedded in our communal structures? What is the direct and collateral damage, to humans and to nature, of the violence normalized against some forms of life to the benefit of others? Why has the neoliberal ethos rendered interdependence (in both prosperity and downfall) marginal to individual beliefs and to institutional responsibilities? Why and how does law confer privileges to humans at the detriment of other forms of life? Why does law, in spite of the alarming evidence on the environmental crisis, still allow corporations considerable room for maneuver to maximize profit, while harming nature? What can be done to enhance legal protections that benefit as many forms of life possible? How can our individual beliefs be reformed and what would critical earth jurisprudence look like?

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