Staging Climate Justice: Tribunal Theatre, Customs, and the Politics of Ecocide

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Abstract

This article examines the evolving principle of custom as a crucial force in both legal and cultural discourses, arguing that the recognition of ecocide as an international crime depends not only on legal codification but also on the gradual formation of cultural and discursive norms. Through an interdisciplinary framework drawing on law and cultural studies, we explore tribunal theatre; specifically, we discuss the theatre performance *THIS IS NOT A TRIAL*, which stages a fictional court case against a Dutch company for environmental harm in Indonesia. The article examines the form of tribunal theatre as a potential method for mediating questions of environmental justice, responsibility, and accountability, and their opposing

legal and cultural realities, as well as its potential for creating new imaginaries that exist beyond the limits of the law. Engaging with concepts such as slow violence, eco-dramaturgy, and more-than-human testimony, the article suggests that tribunal theatre facilitates the development of a shared cultural and juridical imagination. In doing so, we argue for an understanding of the underpinning customs that may eventually shape the legal and cultural recognition of ecocide, challenging entrenched anthropocentric models and expanding the scope of responsibility, testimony, and harm. Ultimately we seek to demonstrate the transformative potential of eco-dramaturgy to challenge existing legal paradigms and inspire new forms of environmental responsibility and action.

I. Introduction

Since the 1970s, there has been considerable debate about the possibility of classifying and prosecuting 'ecocide' as an international crime. However, the criminalisation of ecocide continues to face significant theoretical and practical obstacles, as does the very concept of ecocide itself. Although it has yet to receive formal legal recognition as an international crime in peace time, the term 'ecocide' widely circulates in public discourse to describe the escalation of widespread environmental crises and destruction through deliberate extractive ventures, including (but not limited to) major pollution, deforestation, and mass species extinction.[1] Ecocide, stemming from the Greek *oikos* (home) and Latin *cadere* (to kill), draws on various legal and cultural discourses surrounding human impact on the environment and the mass destruction of ecosystems. Equally, the term cuts across legal and cultural understandings of genocide. Here, ecocide draws on the understanding that environmental violence could be morally condemned at the same level as mass murder. Nevertheless, ecocide or large-scale environmental degradation shows to have its own life throughout Western cultural representations, as can be recognised in popular recent examples such as the play/opera/film *De Zaak Shell* (2020) and the 2019 film *Dark Waters*. Though the term itself might not be well known or used in common discourse, the existing cultural repertoire of representations of environmental violence affects how ecocide is perceived by both a general and legal public, which creates significant theoretical and practical obstacles for the legal and cultural acceptance of ecocide under the purview of a war crime, as a subcategory of genocide, as a crime against humanity, or as a fifth core international crime (Greene 7). Because of this rich cultural repertoire, ecocide is inevitably entangled in

1 At the time of writing, ecocide has only entered the Rome Statute as a war crime under Article 8(2)(b)(iv). Notably, however, as the European Law Institute makes clear: "no charges have ever been filed, possibly on account of the very high threshold of injury required under the article - there must be an intentional attack that causes 'widespread, long-term and severe damage to the environment'" ("ELI Report on Ecocide"). Similarly, the Rome Statute also does not account for corporate and state responsibility in the current definition.

discourses beyond a solely legal framework, and, as such, must be reckoned with as a specific expression of morals, beliefs, and customs.

Essential in our exploration, then, is how 'custom' may inform and impact how we think about and engage with the concept of ecocide across social, legal, and cultural discourses. According to the *Oxford English Dictionary*, custom refers to "a mode of behaviour [...] widely practiced and accepted" or "common practice" ('custom,' N 1.a.), as well as "the fact of being or becoming accustomed to something through regular practice" (1.d.). In the legal context, custom is equally foundational, defined as "an established usage" or understanding "which by long continuance has acquired the force of law" (2.a.). These overlapping definitions lay bare the role of custom and understandings of what is customary in not only our behaviours, traditions, and cultural imaginaries, but also in our foundational understanding of justice, responsibility, and harm. In the context of ecocide, custom presents both a historical continuity of our cultural, political, and legal representations of ecological destruction and a living framework through which we interpret mass violence. Exploring ecocide through custom can help situate it within a historical continuum of how culture represents and helps us understand violence—whether immediate and direct, as in war crimes, or slow and systemic. The long-standing ways in which cultural expressions have represented nature, assigned value to ecological systems, and recognised harm all contribute to the evolving discourse on environmental destruction and our conceptual-isation of ecocide as a crime. As Susanne Knittel notes in "Ecologies of Violence," while ecocide remains a contested legal category, it has nonetheless secured a "prominent place in the cultural imagination, in part because it taps into the cultural and moral resonance of genocide" (1565). Legal systems, much like genres of storytelling, rely on precedent to construct meaning and legitimacy. Indeed, ecocide and genocide are often inextricably linked, as ecocide constitutes not only a violation of international human rights—primarily the rights to life and health—but also "emerging rights to a healthy environment, sustainable development, and the protection of nonhuman entities"

(Afana 7). Consequently, the term 'ecocide' prompts questions of how we may conceptualise guilt, liability, and the obligation to protect vulnerable (more-than-) human populations. It begs us to consider questions such as: how can we possibly identify those responsible, and how should they be held accountable? What is the significance of a legal framework like ecocide? And how do we treat cases in which the line between low-level perpetrator and victim is blurred by local environmental disasters? Through an exploration of different disciplinary perspectives on ecocide, we will discuss the notion of building a 'custom' in the context of environmental justice. We read this term and its connotations through the form of tribunal theatre, as a method for expressing the interlocking cultural and legal aspects of ecocide, as well as the potential for imagining new forms of justice and storytelling.

II. Setting the Stage

First and foremost, we recognise that critically engaging with the task of 'writing planet to page' reveals the ideological challenges of reducing the macro processes which govern our existence on Earth to the micro-scale of a text. Conversely, the move outward, from page to planet, induces a reflection on the ways in which language and writing create meaning and change in the wider world, and to what extent artistic practices can impact the structures that govern our day-to-day lives. The environmental repercussions of ecocide often ripple far beyond the immediate site of destruction, creating a cascade of effects that cross both geographical and temporal boundaries, adding a further element of difficulty in representing ecocide. As literary scholars, we are concerned with how understandings of the climate, the climate crisis, and climate justice are developed across different discourses. The tension between different perspectives on the environment becomes a productive space to begin understanding the representational limits of our legal system, and the difficulty in addressing questions of damage and complicity in cases of ecocide. The setting of the courtroom for mediating on these cases comes with its own set of constraints and assumptions. In this way, its anthropocentrism yields a very specific set of customary proceedings or performance of participants or 'players'

within the courtroom. It is due to this element of performativity that we focus on tribunal theatre as a genre which, historically, has "sought to do some of the same work as postwar trials themselves, which were struggling to interrogate, represent, and judge unprecedented crimes" (Arjomand 3).

Consequently, this discussion aims to examine the notion of building a 'custom' through the form of tribunal theatre as a potential method for mediating such questions of criminalising ecocide and its opposing legal and cultural realities, as well as its potential for creating new imaginaries that exist beyond the limits of the law. This article will explore these issues through the lens of the interdisciplinary Conceptualizing Ecocide project, which is set to stage a simulated court case against a fictional Dutch company accused of ecocide in Utrecht in June 2025. The case scenario at the heart of this project, *THIS IS NOT A TRIAL*, centres on the harmful practice of nickel mining in Indonesia within the larger context of the energy transition, examining the legal, ecological, historical, political, and socio-cultural aspects of ecocide. Consequently, this article will draw on conversations with some of the core members of the research and creative team, namely literary and cultural memory studies scholar Dr. Susanne Knittel, legal scholar and *StopEcocide NL* representative Shirleen Chin, and *THIS IS NOT A TRIAL*'s script writer Reinier Noordzij.

The *THIS IS NOT A TRIAL* project at the heart of this discussion creatively combines legal, academic, and theatrical performance, and plays out the premise that ecocide as a criminal offence has been integrated into Dutch law, based on the proposed legislation recently submitted by Dutch politician Lammert van Raan.[2] In the case set out in the trial, a fictional Dutch company stands accused of ecocide due to its involvement in nickel mining in Sulawesi, Indonesia, exposing several species to the risk of extinction due to heavy pollution

2 The core of the proposed ecocide definition states that "whoever causes severe and widespread or severe and long-term or irreversible damage to an ecosystem of considerable size or environmental value, or to a habitat within a protected site, or to the quality of air, soil or water, by any conduct (acts or omissions) committed with intent, or creates a risk to such damage, which in any case includes creating any danger which meets the damage criterion of ecocide" (*Wet strafbaarstelling ecocide*, our translation).

and deforestation that damages the local ecosystems, threatening the existence of local Indigenous communities. Beyond the form of court proceedings, this performance introduces the historical and social context of these extractive practices; a feature which would not appear in a typical courtroom. The performance plays with forms of testimony—both human and more-than-human—to create friction between the proposed definition of ecocide and its representational limitations in the courtroom. Through its innovative, multi-media performance, *THIS IS NOT A TRIAL* probes the legal, ecological, and cultural dimensions of ecocide, questioning whether laws from the Global North can genuinely support environmental and human rights in the Global South—or risk perpetuating colonial legacies.

III. Ecological Considerations

In mapping the complexities of the criminalisation of ecocide and environmental violence at large, the framing of our understanding of 'climate' as a whole must be critically examined. Indeed, the reality of representing ecocide is inevitably bound up with our sheer (human) inability to comprehend the myriad ways in which climate is impacted by environmental violence. Indeed, ecocide can take the form of instantaneous destruction, such as through acts of warfare, but can also be the result of slow-spreading and long-term interference in and destruction of an ecosystem. The latter formation, as a slow violence, can, in contrast to instantaneous destruction, be difficult to conceptualise or grasp. In this way, the notion of environmental degradation itself presents a profound paradox: it is both omnipresent and, in many ways, inconceivable. This inconceivability is embedded in the disjunction between our daily routines—our patterns of consumption, digital engagement, and social interactions—and the far-reaching ecological and social instabilities experienced in other regions of the planet; an attitude that Amitav Ghosh suggests we will look back on in the future and recognise as the defining phenomenon of this age of environmental destruction (*The Great Derangement*, 11).

This disconnect complicates the perceivability of the long term effects of environmental degradation, making it at times challenging

to mobilise widespread concern or action. Jennifer Gabrys notes that "many current scientific initiatives suggest that the monitoring of Earth processes remains one of the core areas of focus and development for the scientific understanding of environmental change" (3). The mediated nature of our understanding of the environment—as it is filtered through data, sensors, reports, and visualisations—illuminates how environmental concepts are constructed through networks of actors, systems, and audiences. Herein lies one of the core issues of conceptualising the criminalisation of ecocide, as achieving conceivability of the reality or the 'blood' of the 'crime' can often only be made possible through a similar process of mediation. The notion of conceptualising ecocide as a concept and as a possible crime consequently requires grappling with this disconnect between the tangible and the abstract. If environmental degradation itself is often elusive and slow-spreading, then assigning legal culpability for damages demands challenging and opening up our existing conceptual and legal framework. It requires us to question how we attribute responsibility for environmental harm that is dispersed across time and space, and how we can hold specific actors accountable for consequences that may not be immediately perceptible or cannot be reduced to one level of destruction alone. Indeed, as Susanne Knittel asks, how can we account for and represent the 'unrepresentable' violence of ecocide? (Interview). Here, Knittel suggests a shift is needed as these questions push the limits of representation, of language, and form (Interview). In doing so, culture, art, and literature have often been critical tools in pushing these boundaries, showing their unique ability to make abstract or invisible forms of violence indirectly perceptible, mediating complex and often inaccessible realities into forms that resonate with affective impact and imagination. As such, we suggest that the representational strategies of literature and theatre hold untapped potential for grappling with ecocide, offering innovative ways to render its dispersed violence comprehensible that can no longer be confined to the artistic sphere alone.

IV. Mediating Inconceivable Impact

This difficulty of grasping environmental violence as a holistic concept (and, thus, equally the crime of ecocide) is compounded by the temporal and spatial scales it encompasses. The impact of 'ecocidal' violence is beyond our comprehension, both at the macro and micro levels. While climate functions at a global scale, as a concept which allows us to comprehend global temperature conditions, our relative size also impedes our comprehension of ecosystem change. The life spans and scales of ecosystems can far exceed our own, and so we are only able to understand a snapshot in time and space. This temporal imbalance is best represented through Timothy Morton's concept of 'hyperobjects' (2010), materials which represent our lasting legacy of global warming. As he writes in *The Ecological Thought*, "Ten thousand years ago, Stonehenge didn't exist. Ten thousand years from now, plutonium will still exist" (130). Indeed, the effects of ecocidal crimes also unfold and echo across the span of centuries, making it difficult to detect within the short span of human lifetimes and the traditional conceptual frameworks used to examine criminality. Furthermore, its effects are distributed unevenly across the globe, with some communities experiencing catastrophic consequences while others remain relatively untouched. Just as the temporal and physical vastness of hyperobjects are teleologically indeterminate, the effects of ecocide are difficult to conceptualise in relation to one individual's environmental footprint. This asymmetry often leads to a disconnect between those who contribute most to environmental degradation and those who suffer its harshest effects. This dynamic raises ethical and political questions about responsibility, justice, and reparations.

Similarly, international criminal law has traditionally been known to be preoccupied with spectacular, immediate acts of genocidal violence such as bombing and mass-executions, rather than slow, gradual violence as is characteristic to ecocidal crimes (Cusato and Jones 8). The temporal and spatial scales of ecocide can thus be understood as eluding straightforward legal and ethical assessment as, unlike acts of immediate and explosive violence, environmental destruction often

unfolds incrementally and invisibly, accruing damage across generations and continents. Rob Nixon's notion of slow violence, described as "a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all," guides our analysis and illuminates the challenges of comprehending and responding to ecological crimes whose impacts are temporally and spatially diffused (Nixon 2). This framework grants us workable language for describing the liabilities involved in ecological crimes whose causes and effects are temporally distant from one another. The dissolution of microplastics into the ocean or the near-extinction of the Maleo bird in Indonesia are the product of interconnected and wide-ranging spatio-temporal policies, and so they cannot be linked directly to one source. These phenomena cannot, in a modern understanding of testimony, stand witness to these indirect acts of violence. As Nixon discusses, literature and art function as forms of "storied activism," crafting narratives that can bridge the gap between scientific abstraction and lived realities, ultimately mobilising audiences toward justice and "sustaining urgency" (277). In this context, tribunal theatre—like *THIS IS NOT A TRIAL*—emerges in our view as a performative genre uniquely suited to this task, offering a stage where mediated concepts of ecological harm can be embodied, interrogated, and reimagined.

V. Criminalising Ecocide

As we are currently in the throes of what some are calling a 'sixth mass extinction,[3] Nixon's framework of slow violence offers us a way to incorporate into human archives and memory the "long dyings—the staggered and staggeringly discounted casualties" of ecological change which are forgotten amid the mass of representations of violence as something sudden, spectacular, and visible (2). These two understandings of violence—one, as something spectacular, and the other, as something slow and staggering—stand at odds with one another in the

3 Lewis and Maslin note that "populations of fish, amphibians, reptiles, birds, and mammals have declined by an average of 58 percent over the last forty years" (4). This statistic points to the interlocking processes of environmental degradation contributing to a 'sixth mass extinction.'

discussion of ecocide. The difficulty, then, is not merely in perceiving the violence itself but also in addressing it within existing legal systems that are largely equipped to prosecute discrete, identifiable acts of harm rather than the diffuse, protracted suffering that environmental destruction causes. While genocide and war crimes are associated with visible, catastrophic events and clear perpetrators, ecocide often involves complex, distributed networks of causality. For instance, global supply chains and transnational corporations contribute to environmental degradation in ways that are interwoven with historical patterns of colonialism and contemporary economic practices. Indeed, as Malcolm Ferdinand makes clear in *Decolonial Ecology* (2022), "the current ecological storm is bringing to light the harm and the problems associated with certain ways of inhabiting the Earth that are inherent to modernity" (26). As a result, determining responsibility for ecocide becomes a fraught exercise that also asks us to confront our Western past and current ways of life. Does the institution of ecocide ask us to criminalise our forefathers, whose colonial reasoning led to the advent of plantations? Or do we criminalise those who inaugurate new oil exploration projects in the present? These questions highlight the moral and practical complexities of prosecuting crimes that do not fit neatly into existing, traditional legal paradigms, which are largely structured around human-centric and short-term understandings of violence, and the necessity, as Ferdinand posits, to adopt a "long-term (*longue durée*)" perspective (26).

In this context, Knittel notes that discussions around the conceptualisation of ecocide may need to evolve and shift to address collective and systemic forms of culpability (Interview). Criminalising ecocide consequently involves translating the complexities of environmental destruction into the language of legal systems and finding suitable means of representation. The challenge then lies in establishing direct lines of accountability for ecological damage that accumulates slowly and unevenly. Therefore, the legal conceptualisation of ecocide might benefit from accounting for the diffuse and multifaceted nature of environmental harm as slow violence, demanding an innovative approach that can accommodate both scientific understanding and ethical imperatives creatively. In this light, the courtroom emerges as

another site of mediation—a performative space where the complexities of ecological violence are made legible through the presentation of evidence, the summoning of witnesses, and the dramatisation of questions of responsibility and punishability. Conceptualising ecocide in order to recognise it as a crime thus requires an acknowledgment of the moral and ecological stakes involved, as well as the power imbalances that have historically shaped environmental exploitation. As a result, the endeavour to criminalise ecocide is not just a legal challenge but an ontological and conceptual one, compelling us to rethink our relationship with the planet and the structures of responsibility that govern environmental protection. As such, Knittel argues, in order to represent the non-discriminatory violence of ecocide truthfully and fairly, we must "come up with completely new genres and forms" which give testimony to victims beyond the human (Interview)..

VI. Building a Custom

In order to approach this call for new forms that account for the complexities of conceptualising as well as criminalising ecocide, we must consider how the notion of a 'custom,' as a powerful force in both law and cultural understanding, operates to codify emerging norms across different disciplinary contexts. In the context of international law, *custom* reflects the practices and implicit understanding that states adopt over time, often before formal entry into law. This implies the eventual inclusion of ecocide laws in a nation's own legal framework outside of the international law alone. Such a process of establishing custom that sets the foundation for new legal norms and action is particularly relevant in the context of ecocide, as it is an offence yet to be fully enshrined as a standalone crime under international law (the Rome Statute), Shirleen Chin makes clear (7). At this stage, the Rome Statute only pertains to four serious crimes, namely "the crime of genocide (Article 6), crimes against humanity (Article 7), war crimes (Article 8) and the crime of aggression (Article 8bis)," the latter having entered the

Rome Statute most recently in 2010 (4).[4] We propose that by engaging with the principle of custom across disciplines, we can examine how norms of both legal and cultural conceptualisation of right versus wrong come into conversation with ecocide and its (formal) recognition as a crime.

In the legal context, customary law plays a pivotal role. As Chin illustrates, we cannot think of the definition of crimes established in the Rome Statute as having emerged from a vacuum, as they were instead grounded in already existing customs that guided international action over time (Interview). She notes that "the three crimes before the crime of aggression were undoubtedly derived from customary norms," this being rooted in our instinctive understanding of right and wrong, leaving customary law to provide the implicit framework necessary to recognise and condemn these actions globally (Chin 4). Indeed, the crime of aggression as an example followed "an unspoken practice of affirming customary norms as law," a process which enabled this crime to be treated with similar gravity to other internationally recognised offences (4). This customary understanding of forceful invasion of another nation being a wrongful act allowed it to formally enter into legal definition. This legacy of the crime of aggression sets a precedent for ecocide, which, while not yet recognised as an international crime, could follow a similar path through the gradual alignment of state practices and evolving societal values.

Consequently, in the case of ecocide, the concept of 'custom' is especially central as it highlights the critical importance of establishing a normative framework that can adapt to different national conceptual contexts, paving the way for shared international standards and understanding. As a result, legislative reforms at a national level contribute to what Chin describes as "normative state practice" indicating the principle of having a shared belief among states that ecocide should be treated as a legally punishable offence (9). Such parallel developments strengthen the legitimacy of ecocide as a concept under customary law, making it

4 The crime of aggression essentially refers to illegal use of force by a state against the sovereignty, territorial integrity, or political independence of another state. This includes actions like military occupations of another state without justification.

possible for ecocide to eventually attain the status of a crime under international law. This grassroots approach to legal reform underscores custom's flexibility, which allows it to serve as a bridge between national legal frameworks and international norms, accommodating differences in legal structures while supporting a shared moral standard.

This process consequently illuminates the importance of opening up the traditional legal framework to engage the notion of building a custom equally in and through the cultural context. Recognising ecocide as a crime necessitates a shift in our juridical thinking to encompass both human and non-human entities as victims and requires an acknowledgment of the moral and ecological stakes involved, as well as the power imbalances that have historically shaped environmental exploitation. Hence, we propose the view that building a precedent can be navigated through building a cultural understanding or 'custom' within and through the legal system, as a way of interpreting and acting upon cases that become part of a broader societal narrative and build a normative understanding of right and wrong. As our discussion with Chin makes clear, the process of codifying ecocide will require much more than a simple legislative act, as it will involve building an international stigma around environmental destruction, which must become recognised as a shared harm (Interview). This understanding is where custom, as an evolving and organic expression of collective belief, is most potent, and where Nixon's notion of slow violence becomes significant. An expanded ontological framework, which recognises the violence of ecological degradation—even in the context of its inconceivable temporal scales—creates the basis for legal action through a distinct, established, and codified societal engagement. As a result, custom-based approaches can lay the groundwork for legal reforms that influence future actions while providing a consistent, precedent-backed basis for states to align their practices around a shared environmental ethic (See Higgins 2012). The term 'custom' as we engage it serves not only as the foundation for codified law but also as a means of engaging cultural narratives that help embed these norms in collective consciousness.

VII. Innovating Ecocide Law and the Legacy of Tribunal Theatre

Departing from this proposed understanding of the 'custom,' what does our engagement with and the potential of custom offer us in working with ecocide and the form of the tribunal theatre? The critical work to be done lies in reflecting on the customs and traditions in which our current growth-model process and environmental interactions are embedded, and whose ubiquity and regular practice makes them so potent. Our intervention lies in the evaluation of these customs and identifying potential modes of transformation, developing and codifying new mores which account for the multifaceted and diffuse reality of perpetration and victimhood that blurs boundaries.

Here, we see the intersection of law and the arts as a critical juncture of discourses, and that the forums we create for multidisciplinary and interdisciplinaryconversations can become productive spaces for the transforming of cultural imaginaries through which we conceptualise ecocide. The historical roots of tribunal theatre, as developed in the aftermath of WWII, offer an insightful precedent. The genre developed most prominently in the wake of WWII, following the Nuremberg and Eichmann trials. These highly publicised and controversial trials, Minou Ajormand writes, sparked "public debates about how justice could be done and about how it could be *seen* to be done" (5), and inspired a slew of trial plays. Importantly, these plays existed at the nexus of culture and law, and offered a novel mode of engagement with legal discourses for the public sphere. As Knittel observes, post-war trials grappled with the challenge of addressing unprecedented crimes and rethinking the relationship between judgement and law (Interview). An example of this can be recognised in Peter Weiss' 1965 *Die Ermittlung* (The Investigation), which quickly followed the 1961 Eichmann trial. The performance, staged in a figurative courtroom, dealt with questions of multi-level perpetration in the context of the Shoah. It was performed in cantos, drawing on Dante's *Divine Comedy*, and through this mode its form stressed the verbatim or spoken word testimony of perpetrators, victims, and

witnesses in the Frankfurt Auschwitz Trials. The theatre became a vital space for publicly exploring these dilemmas, leveraging its imaginative and affective capacities to craft alternative forms of testimony (Knittel et al., forthcoming). Knittel et al. note: "due to their imaginative and affective capacities, literary and artistic works can help overcome the limitations of the traditional testimonial framework and can construct alternative forms of testimony" (forthcoming). Those forms can construct alternative narratives that capture the diffuse and long-term effects of multi-pronged, slow violence—impacts that conventional legal frameworks often fail to represent adequately. Most important for our work is what the authors refer to as an "alternative form of testimony," in which, as we see it, the question of 'human' rights is complicated by the inclusion of 'nature' as witness to ecocide in equal measure (Knittel et al. forthcoming). In this capacity, legal frameworks and scholarship can turn to literary and media studies to understand the representational issues inherent in legal rhetoric, the question of representing the 'unrepresentable' slow violence of ecocide, and the possibilities for imagining witnesses and testimony beyond the bounds of the legal frameworks we have in place today. Analysing a legal framework through a cultural and artistic framework of exploration thus draws attention to the rhetorical mode of legal argumentation and the significance of the figures present in a courtroom. Knittel et al. note that:

> Tribunal theater plays with the double meaning of the word representation. At least in English, 'representation' carries a double meaning: on the one hand it means legal or political representation (as in speaking on behalf of someone or something) [mz1] and on the other, it refers to cultural representation or depiction. (forthcoming)

This, Reinier Noordzij expresses, is indeed where the power of theatre emerges, allowing a multitude of others to become included, and for the complexities of determining 'guilt' in crimes of ecocide to be explored (Interview). The traditional roles in a courtroom can be rewritten with a focus on their representational power, 'representing' and giving voice

to, for example, non-human victims such as the Maleo bird of Sulawesi that is on the brink of extinction due to the mining destruction wreaked upon its natural habitat. An example of such alternative modes of representation of the more-than-human emerged in the tribunal theatre performance of the Court for Intergenerational Climate Crimes (CICC), in which fossils sat as witnesses and banners displaying extinct animals surrounded the courtroom, all labeled with the term 'comrade' in a multitude of languages. The specifications of this performance address the widespread, structural systems that impact the more-than-human and, as Susanne Knittel writes in "Ecologies of Violence" (2023), seek to "circumvent problematic rhetoric of humanity versus nature" (1572). This silent, yet potent representation of the more-than-human stakeholders in ecological violence showcases how the courtroom setting can be bent in theatre in order to question legal structures themselves. Approaching this intersection of legal and cultural representation is crucial, as it demands we reconsider who or what has the right to be heard and acknowledged in a court of law. Indeed, Knittel denotes, the theatrical form allows us to explore such questions of implication, as "the audience becomes not only a witness to what's happening, but become complicit" in the slow violence of ecocide and environmental destruction at large (Interview), by considering their own relation to the legal system. As such, in the context of *THIS IS NOT A TRIAL*, the borrowing of the trial format as a formal constraint for the stage makes the core concept—this specific definition of ecocide—available for consideration as a serious reckoning.

VIII. Mediation at the Nexus of Eco-dramaturgy and Law

Such enrichment goes both ways, as the courtroom stands in itself as a space of performance and can be understood as yet another crucial site of mediation of both legal and cultural customs. Examined through this lens, the form and conventions of the trial consequently enable critical engagement with law and policy that would otherwise be impossible in the reality of legal frameworks, as the performance allows for definitions and representations and their limits to be put on trial.

This emphasis on pre-enactment is particularly significant for ecocide because it allows audiences to consider a future in which the legal system has evolved to recognise and prosecute environmental destruction as a crime against both human and non-human entities. In *THIS IS NOT A TRIAL*, Reinier Noordzij writes around a proposed definition of ecocide which has not yet been formally recognised (Interview). Although this definition has not been accepted within the current legal system, the conceptual space of the theatre is not tasked with validating this definition, rather, it offers an appropriate yet experimental setting for the momentary suspension of disbelief for its audience, allowing for a consideration of the ethical and legal possibilities of a world where such a definition is enforceable, therefore engaging with the idea of what might be.[5] Eco-dramaturgy, Knittel notes, takes a different approach than past tribunal theatre as it "*pre-enacts* trials that the authors feel *should* take place but cannot be held because of the limitations of the legal system" (1571). Noordzij notes that therein lies the power of dramaturgy, entangling in these discourses of criminality, to instil and probe questions of morals and values in the audience, and to focus on their own values and how they change over the course of an affective performance (Interview).

In doing so, the tribunal theatre disrupts the expectation that the law is static and reveals it instead as a construct that can and must change to meet the demands of justice in the Anthropocene. The experimental, shared experience created through eco-dramaturgy has the potential to demystify the concept of the perpetrator and the crime itself, breaking down the barriers that often prevent meaningful engagement with environmental issues (Knittel, Interview). The theatre, in this capacity, becomes an incubator for new legal and cultural norms, or customs, that treat environmental harm with the seriousness it warrants. Thus, the intersection of tribunal theatre and law extends beyond the stage. It demonstrates that the process of codifying ecocide must go hand-in-hand with a broader cultural shift that calls for interdisciplinary accountability

5 On the notion of experimentation in theatre, Noordzij expresses that in writing dramaturgical material, there is a "*responsibility to irresponsibility*" (Interview) or an obligation to leave room for conceptual error and ambiguity, in order to create space for a continued process of critical intervention and reflection.

and a breaking open of static, established forms. In this way, *THIS IS NOT A TRIAL*, an imaginative space presenting the pre-enactment of legal reforms that are not yet possible within existing frameworks, may lay the foundation for a shifting cultural precedent that could influence future legal standards. Such forms of artistic engagement and reinvention, Knittel feels, hold the potential to ripple outward, challenging and expanding the boundaries of Dutch legal standards and beyond, establishing a new custom of creative, performative engagement (Interview). As such, by merging the power of art with the authority of law, the *THIS IS NOT A TRIAL* performance format invites us to imagine and work towards a future where ecocide is not only recognised and understood, but actively prosecuted.

IX. Conclusion

This article has explored the potential of tribunal theatre, exemplified by the *THIS IS NOT A TRIAL* project, as a crucial medium for addressing the multifaceted challenges of criminalising ecocide. The inherent difficulties in prosecuting ecocide stem from the slow and spatially dispersed nature of environmental harm, which traditional anthropocentric legal frameworks, geared towards immediate and identifiable acts of violence, are ill-equipped to address. By engaging with the concept of slow violence and the limitations of existing juridical structures, this study underscores the need for innovative, interdisciplinary approaches that can bridge these representational and practical gaps. Such an interdisciplinary approach underscores the intersection of legal praxis and cultural engagement, demonstrating how eco-dramaturgy may seed new customs and normative understandings, challenges entrenched anthropocentric legal traditions, and envisions a jurisprudence that recognises the rights and vulnerabilities of non-human entities. Thus, setting the stage for a reconceptualisation of global environmental ethics.

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