

## International Journal for Crime, Justice and Social Democracy



## Book Review

### David Whyte (2020) *Ecocide: Kill the Corporation before It Kills Us*. Manchester: Manchester University Press

ISBN: 978-1-5261-4698-4

---

#### Rhiannon Bandiera

Maynooth University, Ireland

Over a nine-month period in 2019 to 2020, Australia experienced its worst bushfire season on record. Human-induced climate change was identified as a major contributing factor to the bushfires. Early predictions indicated that climate change would cause fire seasons to 'start earlier, end slightly later, and generally be more intense' in ways that would be 'directly observable by 2020' (Garnaut 2008: 118). Yet, despite the warnings, and although Australia possesses virtually unlimited access to solar and wind to support renewable energy, the country remains one of the largest producers of carbon emissions per capita among the OECD countries, and is also the largest global exporter of coal (Hudson 2020; United Nations 2020). This paradox is a direct consequence of the fossil fuel industry's well-documented (see Greenpeace Australia Pacific 2019, 2020) influence on Australian federal politics. Even amid a global pandemic and recession, the Australian Government, through the National COVID-19 Commission (which has clear ties to the fossil fuel industry), continues to push for a fossil-fuel-led economic recovery. Therefore, David Whyte's latest book comes at a crucial point in the climate debate, when it is arguably more important than ever to call such influence into question.

From the book's outset, Whyte makes clear that anything less than system change will be dire for humanity, let alone the environment. Under capitalism, environmental protection has been subordinated to the accumulation of profit. Moreover, corporations—the vehicle through which capital is mobilised—are frequently touted as our way out of the crisis, rather than its principal cause, and it is this dominant representation of 'corporations as solutions' that has been integral to the maintenance of capitalism. To change this system, Whyte argues, we must start with the corporation and its source of power. Thus, the corporation is the central focus of Whyte's analysis and case studies are the primary basis for his arguments.

In Chapter 1, Whyte draws on Marxist and legal theory to examine the corporation, including its evolution, function and capacity to evade liability. He attributes corporate impunity to the structure of the corporation, or 'corporate veil', demonstrating how the corporate person is rendered separate from

the decisions and actions of its agents—the owners, executives, board of directors, senior managers and shareholders—through legal privileges such as limited liability, asset shielding, and multiple or split personhood. Such structures, Whyte argues, have led to the development of a legal subject that acts as the target for regulation and prosecution and, thus, insulates agents of the corporation from the environmental and social consequences of their actions, giving such structures a dehumanising effect. At the same time, these structures enable the financial costs of the harms they produce to be externalised through wage and budget cuts, price increases, decreasing the market value of products, and even liquidation. The chapter is thorough and incredibly well written, and it would make an excellent introductory text on corporate crime in undergraduate courses on corporate and white-collar crime.

Chapter 2 examines the central role of corporations in facilitating colonial and neo-colonial expansion, acting as conduits for the annihilation of peoples (through the annihilation of their lands and natural resources) and the transfer of resources (and associated wealth) from South to North. This chapter serves two purposes: it highlights the ‘intrinsically *ecocidal*’ (Whyte 2020: 72, emphasis in original) nature of colonial capitalism, as well as the overall hypocrisy of this project as a civilising force, mirrored in the presentation of current solutions to the climate crisis based on sustainable capitalism. Few books in the field of criminology dedicate a full chapter to exploring the intersections between colonialism, capitalism and ecocide, let alone from the perspective of the corporation, making this chapter a valuable contribution of the book.

Whyte takes aim at government regulation in Chapter 3, revealing the various ways it both controls and enables environmental destruction. Regulation fails because it prioritises the speed over the sustainability of production and focuses on the end points—that is, the goods and services that are already produced. The case studies documenting how governments willingly constrain regulatory agencies through budget cuts and limits on their enforcement powers make for disturbing reading.

The concluding chapter offers a refreshing take on climate change solutions. Whyte is critical of individualised, consumer-based solutions—not only do they deflect responsibility for a collective problem onto individuals (although, individuals can exercise little real control over this problem), but also they focus on the point where goods and services are consumed. Existing penalties under international and national law, such as judicial dissolution (or the corporate death penalty), are also deemed impractical by Whyte because they are rarely used and do not address the corporate veil. Instead, Whyte offers three solutions aimed at removing the legal rights and privileges of corporations and their agents—first, through restricting the scope of corporate activity by restoring the corporate charter; second, by increasing the liability of corporate agents; and third, by reclaiming the assets accrued as a result of these practices. These proposals are hard to refute. Since many of these mechanisms already exist in law, they provide a realistic means by which to initiate system change.

Whyte’s exclusive focus on the corporation means that there is limited discussion on the state–corporate relationship and the explicit role played by states in facilitating ecocide. Yet, there are some exceptions: in Chapter 2, Whyte demonstrates not only how the interests of the colonial state and corporation intersect, but also the colonial state’s reliance upon the colonial corporation (in fast-tracking colonial expansion), and vice versa. However, this level of analysis is relatively absent from Chapter 3, in which Whyte explains how capitalist states create and maintain the legal and regulatory infrastructure that enables corporations to destroy the environment for profit, but not why—that is, how such infrastructure also aligns with the interests of the capitalist state and contributes to its power. In the conclusion, Whyte refers to the revolving door between government and corporations, political donations, lobbying and the involvement of corporations in policy development. However, this discussion does not explain how the interests, even ideology, of certain politicians (as the agents through which state power is exercised) may also align with those of corporations. In the Australian context, such examples would include the ‘Monash Forum’—the conservative pro-coal faction within the Australian Liberal and National parties, spearheaded by former Prime Minister Tony Abbott, among others. The Monash Forum’s ongoing obstruction of renewable energy policy ultimately led to the resignation of Prime Minister Malcolm Turnbull, Abbott’s usurper, and the instalment of Prime Minister Scott Morrison, a staunch supporter of

fossil fuels (see Hudson 2019, 2020). Indeed, Whyte's solutions require legislation by states. In Australia, these solutions unfortunately take place within a framework of colonial law. Such laws have permitted the dispossession and mismanagement of land and resources, through land clearing (Aravind 2020) and water licences and buybacks (Hartwig, Osborne and Jackson 2020; TheAusInstitute 2019), and ignored Indigenous law and knowledge, such as connections to land and cultural burning (Bowman and Lehman 2020; Williamson, Weir and Cavanagh 2020). The absence of this discussion, therefore, omits a layer of complexity from the analysis. The role of corporate media, such as the Murdoch press (see Greenpeace Australia Pacific 2020), in perpetuating myths about climate change would also have added further depth to this discussion.

The above critique is by no means meant to detract from the excellence of Whyte's work. This book is essential reading for all those concerned about the environment, and its interdisciplinary subject matter will appeal to academics and students in criminology and related fields. It is a true call to arms that offers pragmatic solutions to ending the corporate death grip.

*Correspondence:* Dr Rhiannon Bandiera, Lecturer in Criminology, Department of Law, Maynooth University, Maynooth, Co. Kildare, Ireland. Email: [Rhiannon.Bandiera@mu.ie](mailto:Rhiannon.Bandiera@mu.ie)

## References

- Aravind S (2020) Rio Tinto and Indigenous environmental justice. *Progress in Political Economy*, 4 June. <https://www.ppesydney.net/rio-tinto-and-indigenous-environmental-justice/>
- Bowman D and Lehman G (2020) Australia, you have unfinished business. It's time to let our 'fire people' care for this land. *The Conversation*, 28 May. <https://theconversation.com/australia-you-have-unfinished-business-its-time-to-let-our-fire-people-care-for-this-land-135196>
- Garnaut R (2020) *The Garnaut climate change review: Final report*. Melbourne: Cambridge University Press.
- Greenpeace Australia Pacific (2019) *Dirty power: An Australian political investigation*. <http://act.greenpeace.org.au/dirtypower>
- Greenpeace Australia Pacific (2020) *Dirty power: Burnt country*. [https://www.greenpeace.org.au/burntcountry?\\_ga=2.61283054.311242964.1600663839-814182826.1600663839](https://www.greenpeace.org.au/burntcountry?_ga=2.61283054.311242964.1600663839-814182826.1600663839)
- Hartwig LD, Osborne N and Jackson S (2020) Australia has an ugly legacy of denying water rights to Aboriginal people. Not much has changed. *The Conversation*, 24 July. <https://theconversation.com/australia-has-an-ugly-legacy-of-denying-water-rights-to-aboriginal-people-not-much-has-changed-141743>
- Hudson M (2019) What does Caunte want? The 'Monash Forum' and the Australian climate deadlock. *Energy Research & Social Science* 49: 126–133. <https://doi.org/10.1016/j.erss.2018.10.029>
- Hudson M (2020) Enacted inertia: Australian fossil fuel incumbents' strategies to undermine challengers. In Wood G and Baker K (eds) *The Palgrave Handbook of Managing Fossil Fuels and Energy Transitions*: 195–222. Cham: Palgrave Macmillan.
- TheAusInstitute (2019) Watergate: Scandal surrounding Murray Darling Basin water buybacks. *YouTube*, 22 April. <https://www.youtube.com/watch?v=rsdGZZSaUXw>
- United Nations (2020) *UN Comtrade Database*. <https://comtrade.un.org/data>
- Williamson B, Weir J and Cavanagh V (2020) Strength from perpetual grief: How Aboriginal people experience the bushfire crisis. *The Conversation*, 10 January. <https://theconversation.com/strength-from-perpetual-grief-how-aboriginal-people-experience-the-bushfire-crisis-129448>

Please cite this book review as:

Bandiera R (2021) Review of *Ecocide: Kill the Corporation before It Kills Us* by David Whyte. *International Journal for Crime, Justice and Social Democracy* 10(1): 159-161. <https://doi.org/10.5204/ijcjsd.1819>

Except where otherwise noted, content in this journal is licensed under a [Creative Commons Attribution 4.0 International Licence](https://creativecommons.org/licenses/by/4.0/). As an open access journal, articles are free to use with proper attribution.  
ISSN: 2202-8005

