

## Rights of Nature for Global Environmental Constitutionalism

Prof. Pierre Brunet

*Based on the course and the work you have done, what thoughts does this excerpt inspire in you?*

Klaus Bosselmann, « The Framework of Ecological Law », *Environmental Policy and Law*, vol. 50, n°6, 2021, p. 479-486, p. 481:

“What we as law teachers and researchers can do, however, is to show the failures of the existing legal system and describe the changes needed for a better one. One focus must be the dominant concept of property. Its failures can be seen on a daily basis and are all around us. (...) Here we need to discuss the social dimension of property rights. Or think of climate change. The air is free for everyone and corporations use their power to determine the price that they are prepared to pay. Governments, in turn, fear for the competitiveness of their national economies and hope for ‘global’ solutions. Here we need to discuss the ecological dimension of property rights. The social and ecological blindness of property rights is at the core of the law’s failure to achieve sustainability. Fundamentally, the legal system needs to be organized around sustainability not property.”

Rachel Carson, *Silent Spring*, Boston, Houghton Mifflin, 1964, p.14: “We have subjected enormous numbers of people to contact with these poisons, without their consent and often without their knowledge. If the Bill of Rights contains no guarantee that a citizen shall be secure against lethal poisons distributed either by private individuals or by public officials, it is surely only because our forefathers, despite their considerable wisdom and foresight, could conceive of no such problem. I contend, furthermore, that we have allowed these chemicals to be used with little or no advance investigation of their effect on soil, water, wildlife, and man himself. Future generations are unlikely to condone our lack of prudent concern for the integrity of the natural world that supports all life. There is still very limited awareness of the nature of the threat. This is an era of specialists, each of whom sees his own problem and is unaware of or intolerant of the larger frame into which it fits. It is also an era dominated by industry, in which the right to make a dollar at whatever cost is seldom challenged.”

Claude Levi-Strauss, "Reflections on Liberty", in *The View from Afar*, NY, Basic Books, 1985, p. 281-283: "Can we then conceive of a basis for freedoms so self-evident as to impose itself on all human beings without distinction? Only one such basis seems possible, but it implies that man be defined not as a moral but as a living being, since this is his most salient characteristic. But if man possesses rights as a living being, then it follows immediately that these recognized rights of humanity as a species will encounter their natural limits in the rights of other species. Thus, the rights of mankind stop whenever and wherever their exercise imperils the existence of another species." (...) "As embarrassing as it may be to admit, before we even dream of protecting nature for man, we have to protect it against him. And when, in a recent statement, the minister of justice stated that 'justice cannot remain indifferent to the assaults man endures from pollution,' he, too, was turning the facts upside down. Man does not endure pollution: he causes it. The right of the environment, which everyone talks about, is the right of the environment in regard to man, and not the right of man in regard to the environment."

William Cronon, « The Trouble with Wilderness: Or, Getting Back to the Wrong Nature », *Environmental History*, vol. 1, n°1, 1996, p. 7-28, p. 16-17: "the trouble with wilderness is that it quietly expresses and reproduces the very values its devotees seek to reject. The flight from history that is very nearly the core of wilderness represents the false hope of an escape from responsibility, the illusion that we can somehow wipe clean the slate of our past and return to the tabula rasa that supposedly existed before we began to leave our marks on the world. The dream of an unworked natural landscape is very much the fantasy of people who have never themselves had to work the land to make a living. (...) Only people whose relation to the land was already alienated could hold up wilderness as a model for human life in nature, for the romantic ideology of wilderness leaves precisely nowhere for human beings actually to make their living from the land. This, then, is the central paradox: wilderness embodies a dualistic vision in which the human is entirely outside the natural."

Donella H. Meadows, Dennis L. Meadows, Jorgen Randers et William W. Behrens III, *The limits to growth*, Potomac Associates, 1972, p. 23-24:

"1. If the present growth trends in world population, industrialization, pollution, food production, and resource depletion continue unchanged, the limits to growth on this planet will be reached sometime within the next one hundred years. The most probable result will be a rather sudden and uncontrollable decline in both population and industrial capacity.

"2. It is possible to alter these growth trends and to establish a condition of ecological and economic stability that is sustainable far into the future. The state of global equilibrium could be designed so that the basic material needs of each person on earth are satisfied and each person has an equal opportunity to realize his individual human potential.

"3. If the world's people decide to strive for this second outcome rather than the first, the sooner they begin working to attain it, the greater will be their chances of success."