EPS Mid Term Assignment

There is a pleasure in the pathless wood,

Ther is a rapture in the lonely shore,

There is society where none intrudes,

By the deep sea and music in its roar,

I love not man the less, but nature more.

-F.Scott Fitzgerald

The boundless beauty and enchanting setting of nature bring serenity and exuberance to our minds and body. It nurtures us from birth till we are ready to return to its ever-enriching soil. Nature’s resources make sure we flourish, its tranquility comforts us when we are disturbed, and its natural balance efficiently controls all cycles on the planet. And yet we humans have conveniently disturbed this pristine balance of the natural world for our greed and mercenary

I’ve always been an admirer of the idyllic beauty of nature. Growing up in the ever-diverse boundaries of a boarding school which was in the middle of a forest and surrounded by majestic mountains, rivers, trees, plants, and blooming flowers was a delight. And this nourishment by nature made me feel close and connected to it. And a specific incident that dawned a realization upon me, was during a trek with my fellow mates and superiors to the mountains of Chakrata.

It was under my leadership in my schooltime that a decision was made to go for a 5-day trek covering the hills of Chakrata, a province in the state of Uttarakhand. I was in charge of organising all the teams and the work they would be doing, the more technical decisions of food and setting campsites was however left on my superiors who were professional trekkers. The plans were drawn, and the work efficiently divided, when we finally were to embark upon our journey. We started at the dawn of the day and made our way to our first campsite where we were supposed to cook our own meal from the very limited resources we had.

This meant looking for a clean water source, creating our own fire in the presence of the brisk wind, and making sheds for ourselves.

Our water source was a free-flowing river with sparkling water and an ethereal view. We found dried leaves and branches that assisted us in creating our own fire, and trees under which we found shade. The whole view was breathtaking and rejuvenating, which is exactly what we needed after the fatiguing day we had. Nature invariably met our needs and we cooked ourselves a good pot of warm food. But something that distraught me was what happened after. After everyone was done eating I realised that everyone else has built themselves comfortable shelters by breaking tree branching, and plucking out huge leaves, in addition to this all the food waste was dumped into the river contaminating it and possibly harming the life it bore.

The maxim of my team was to “*Leave no trace*”, and even though all the garbage and plastic waste was neatly bundled into bags that we carried throughout the trek, that magnificent panoramic view that we first arrived at was not the same after bearing us. The sparkling river lost its spark, the lush green trees were torn down, the tranquility of the zone was disrupted by all the noise, and any wildlife that the area supported definitely fled due to all the disturbance caused by us. We had indeed *“Left Traces”*

Witnessing this disruption distressed me, I wanted to undo all the harm that we had done to the area. But what was done couldn't be undone. It got me wondering and I realised that this is what humans have been doing since the beginning of time. We humans without any care for nature, mercilessly destroy it for our convenience. The houses we live in have been built by sacrificing millions of trees, the clothes we wear, the things we use, and the food we eat, everything has been made possible only because nature provides us with the resources we need to procure them. And in turn, we consistently misuse and deplete these resources, without giving them a second thought. Even here a group of mere 30 individuals was enough to disrupt an entirely untouched and serene environment.

Mother Nature bestows everything it has to offer to us and we exploit her inhumanely. And the reason behind this is because it cannot stand up for itself and speak against the atrocities laid upon her by the Inhuman Human world. At this point, I was convinced that humans who so vastly benefit from mother nature should consider her interests. We should stop depleting and misusing nature to our convenience and stand up for its rights.

Over the many years of evolution humans due to their complexity of the articulated symbolic language has separated themselves from all the other species in the world, raising itself as the only owner of the planet and has colonized the natural world to provide it with all the resources to grow as a “*dominant species*”. Owing to this dominance humans believe that they are exempted from the Law of Nature and are destroying “*every species, living or not-living, to justify its own growth”*(Quinn, 1992). The focus should now be on “Decentering human beings” and going back to the wilderness.

The world is amidst a planetary reckoning. People all over the world are now talking about how the bedrocks of nature: the trees, the rivers, and the mountains should have legal rights. Christopher Stone’s landmark paper ​​“Should Trees Have Standing?” makes a compelling and rational argument for the law to morally evolve to better protect the interests of other than that of human beings. If the elements of nature had legal rights and could sue their perpetrators then we could protect the environment from being exploited.” What if a river could sue its polluters and win damages to pay for its restoration?” (Christopher Stone,“Should trees have standing?”) Hence the argument I will be focusing on in this paper is- Elements of nature gaining legal rights.

But what does it mean that natural objects are holders of legal rights? According to Stone, a thing can be a holder of legal rights without possessing interests or a will of its own. Moreover, the rights of a thing are non-reducible to the interests of other beings. It is rather that for a thing to have rights is for it to have a recognised position in a legal system, which implies that any injury to it must be taken into account (in judicial discretion) and there is a case for remedies whenever injuries occur. (Christopher Stone, “Should trees have standing?”)

Considering the current converging crises of biodiversity loss, mass extinction, and climate change, we can infer that our current laws are manifestly failing to safeguard our environment.

Christopher Stone in his book “Should Trees Have Standing?” suggests ideas that are more urgent than ever. Stone talks about the historical expansion of rights, beginning with different categories of people. He notes that children were once considered the property of their fathers, women the property of their husbands, and slaves the property of their owners. But all eventually became persons by the law.

The idea of trees having legal standing is somewhat mocked when first heard by an individual and this was known to Stone. He tells us that the reality is that whenever there is a movement to provide rights to some new 'entity,' the idea is sure to come across as strange, terrifying, or laughable. This is partially because we cannot perceive the rightless being as anything other than a thing for the use of 'us' - people who are possessing rights at the time. But a bedrock belief held by the legal system is “The Earth, and all things herein, are the general property of mankind, exclusive of other beings, from the immediate gift of the creator.” (William Blackstone).

Stone here is trying to provide a legal corrective to man’s relationship to the rest of nature. Linking humans and all that surrounds us is not difficult as every breath we take comes from plants, every drop we drink runs from rain, rivers, and streams, and every bite we eat originates from seeds and animals. We are inseparable from the land on which we depend our lives. We are interconnected with all other life forms. And this is often overlooked due to the tendency of human dominance.

Stone's theory could be characterised as court-room-led environmental policy, which has as its normative basis the guardianship model. The guardianship model stems from the idea that those things that are not able to defend themselves against humans and who do not have their own voice should, however, have a watchdog (or an ombudsman) as a protector, Such a guardian could sue the damaging party and defend their client's interests in courts.

He presents a very compelling argument stating that trees like the Yew trees live longer (4000 years) than humans or any other building structures which have been given legal rights, and trees that are the key component of our survival have no legal rights whatsoever just because they can't speak! “It is no answer to say that streams and forests cannot have standing because streams and forests cannot speak. Corporations cannot speak, either; nor can states, estates, infants, incompetents, municipalities, or universities. Lawyers speak for them.” (Christopher Stone)

The validity of his statement compels everyone to take into account that nature and its elements should not be denied legal rights on account of their muteness, because every corporation, every estate, every state or university for that matter that has legal rights to defend itself is every bit as speech impaired as the trees are. And if they can have legal rights then why shouldn’t the trees who are living links to the humans? Stone references the fact that in 1886 “bold and imaginative” lawyers convinced the US Supreme Court that a railroad corporation was a person under a constitutional provision. Today, corporations enjoy extensive rights as legal persons. What does it say about our culture that we accept this legal reality without blinking but balk at the idea of natural phenomena being accorded similar status?

Additionally, the rights of trees and other elements of nature should be protected by illegalising any harm done to them. “We see them as two sides of the same coin. Rights are only half the story. Your right to life is protected by the crime of murder and we’re aiming for the same effect.” (Joy Mehta). This will ensure the conservation of nature and its elements and ensure efficient fulfillment of the same goal.

A minor incident in the woods made me realise that safeguarding and conserving nature is the need of the hour. And the most effective way to reach this goal is by giving them legal rights. Humans are exploiting hundreds of acres of land each day for expansion and establishing dominance over the natural world. It is therefore very vital that we consider the interests of trees and other elements of the natural environment thus striving towards ecojustice.

Citations

Should trees have standing? Law, morality, and the environment, 3rd ed.,

Christopher D. Stone, Oxford, Oxford University Press, 2010, xvi + 248 pp..

index, €13.99 (paperback), ISBN 9780199736072