

Environmental Philosophy: Impacts on Law and Education in the Protection and Enhancement of the Natural Environment

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Abstract: The 21st century has brought humankind face to face with the consequences of our actions over successive generations. Issues such as climate change, habitat loss, desertification and many others have awakened in us the need for greater protection and enhancement of our natural environment. Also, dialogue and research regarding the impact that philosophy, law and education have had on our goals of greater enhancement and protection of nature has been integral to our understanding of such issues. This review seeks to add to that discourse by advancing the perspective that philosophy is most critical to any efforts aimed at preserving or enhancing the natural environment. Assessing the development of environmental law and education in a historical context, it will be shown that the dominant philosophy of a culture influences attitudes to nature. This has continued to the present as with the converging of world economies under globalization, dominant world philosophies at work influence environmental legislation and education at all levels. The prospects for meaningful protection and enhancement of the natural environment within the current global context are discussed.

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“A little philosophy inclineth man’s mind to atheism, but depth in philosophy bringeth men’s minds about to religion.”- Sir Francis Bacon 1561-1626

1. Introduction

Dialogue and research regarding how best the human race can negotiate the treacherous space that exists between two vastly competing ideals are now at the forefront of virtually all academic inquiry. Human goals of fully maintaining or improving our standards of living while caring for and protecting the very resource base on which we depend for survival have been described by scholars as incongruous at best (Leavenworth, 2002). These issues were brought to the fore with the historic signing of Agenda 21 in the early 1990’s. Historically however, discordance has not been a limiter of our efforts; the last 100,000 years have seen homo-sapiens overcome seemingly insurmountable odds to the point where we now virtually dominate the planet as a species.

The above words by noted British polymath Bacon during the seventeenth century presents an overall framework within which the above title will be examined. Humans’ philosophical leanings have served to shape our societies since we first became settled in and around the Fertile Crescent during the Chalcolithic Period. The ways in which we have framed issues relating to sensitive topics such as

justice, truth, knowledge and our very existence have collectively served as a backbone on which human civilizations have been built. This has affected the content and methodology of instruction in our homes and schools, and importantly also the system of rules that strengthen and keep societies intact.

To examine the issue at hand most effectively, the roles of both education and law in environmental enhancement and protection will be summarized. The key point being that philosophy serves as an overarching concept that has influence over both, serving as a common rudder to the vessels that are environmental law and education. At this point, providing definitions for key terms is prudent.

Using the Oxford English Dictionary, environmental enhancement is defined as an increase in the quality, value or extent of the surrounding conditions (biotic and abiotic) in which we live, while protection denotes any act aimed at keeping said safe from harm, destruction or injury. Philosophy (using the same resource) can be defined as the study of the fundamental nature of knowledge, reality and existence or as a theory or attitude that

guides one's behavior. Education is the knowledge or skill obtained or developed by a learning process. Finally, law refers to a rule or system of rules recognized by a country or community as regulating the actions of its members and enforced by the imposition of penalties.

It is important to remember that the latter three terms can be applied to virtually every field of enquiry. For the purposes of this paper, it is their application within the fields of environmental improvement and protection that will be focused on. It will be shown, based on work done by scholars from different fields, that philosophy plays the most critical role in environmental enhancement and protection. Throughout this paper, it will become evident that where, as dominant world philosophies changed from ones extolling the intrinsic values of nature to ones in which instrumental values became more important, our methods of education and the laws we implement are also changed.

2. Environmental Education and Philosophy

Modern efforts at integrating 'environmental education' into school curricula throughout the world can be traced back to the Stockholm Declaration of 1972. Created by the United Nations Educational, Scientific and Cultural Organization (UNESCO), at its core lay the need to 'inspire and guide the peoples of the world in the preservation and enhancement of the human environment' (UNEP, 1972). The basic principles of the Stockholm declaration has been amended and improved on over the years by different groups but the overall goal was to get the world community on a similar page as it relates to environmental education. The decades following the 1970's saw growing concern over the negative effects development was having on the environment. Indeed, environmental education intensified during the 1990's with the formulation of goals of immediate environmental improvement and long term 'sustainability' education (Tilbury, 1995)

Historically, less structured forms of 'environmental education' have been a key aspect of human societies. In fact it can even be argued that for the vast majority of human history, mankind's role as a part of nature was more understood and accepted than at present. Even today, vestiges of the most ancient of human civilizations still maintain a deep abiding respect for the natural environment and its preservation. Examples of this abound over the globe: from Chinese agriculturalists to Australian aboriginal tribes, they all maintain a great reverence and

admiration of nature. O'Niell (1992) and Jameson (2002) have described what others have termed the assigning of intrinsic value to different aspects of nature. The oldest among the more modern wave of agriculturalists, subsistence farmers throughout the developing world for example, understand the importance of maintaining soil fertility using creative means (even at the expense of yield reduction). Nature worship, and by extension the philosophy of living in harmony with the environment by all means, had allowed ancient civilizations to survive far longer (with smaller populations of course) than the current 200 year run of modern society.

If one was to peer objectively at the changes seen in environmental education since the Stockholm declaration, great thought and planning has been placed in efforts aimed at protecting and enhancing our environment. As we are now well into the 21st century, 'environmental education' in one form or another is now part and parcel of almost all formal schooling systems the world over. With all this however, environmental degradation as a grave problem persists and can even be argued as increasing. While it is in fact true that great strides have been made compared to the levels of environmental ruin during the industrial era, problems still continue. How can this fact be explained? Environmental education the world over has intensified under the direction of International bodies such as the United Nations (UN), but many of these principles have no great bearing on the daily lives of people all over the world, especially as they relate to environmental enhancement and protection.

This new era termed the 'information age' has truly revolutionized knowledge acquisition. For the first time in our convoluted history, humans now have access to the vast body of knowledge accumulated over successive generations and at different locations. A seven year old child can easily explain the importance of trees and discussing the significance of nutrient cycling to ecosystem health is a task not too difficult for an internet browsing twelve year old. We understand the direct consequences of our actions and have seen firsthand what happens if and when the natural environment is not cared for. In short, we are now more 'environmentally educated' than at any time in our history. With all this, problems such as deforestation and pollution still continue not because of a lack of being 'environmentally educated', but due to the philosophies driving the world's education systems. If a culture's overriding philosophy is skewed in a

particular way, the education of its people will reflect such leaning.

As was mentioned earlier, philosophy deals with general human problems focusing on the fundamental nature of knowledge, existence and justice. A people's dominant philosophy and their perception of their 'place' in nature serve to guide how education in different spheres proceeds. Human history has seen the development of philosophies according to the spatial and temporal realities of early civilizations. Academics have seen it fit to use the dichotomy of eastern and western philosophy to categorize human philosophical development. Western philosophy centered on the teachings of Greco-Roman founding fathers such as Plato and Aristotle, and has gradually morphed over the centuries to what is now termed contemporary philosophy (1900-present).

Eastern philosophical traditions centered on early Indian, Persian, Chinese, Korean and middle-eastern thinkers are largely believed to be the source of western thought. This is evidenced by the fact that the origins of many western belief systems can be traced to eastern philosophical understandings. Indeed, the spread of the monotheistic tradition and the Abrahamic religions can be traced to earlier origins within eastern philosophy.

This brings up perhaps the key point which can be used to link philosophy to our understanding of our place in nature and hence our efforts aimed at environmental enhancement and protection through education. Religion and philosophy are deeply entwined and are seen by some as circularly causal. Both have great bearing on each other and both affect our understanding of the world in which we live. Lynn White, noted historian has written extensively about how Judeo-Christian religions as an aspect of western philosophy have served to underpin the basic systems of belief that drove modern technological advancement at the expense of the environment. White (1967) wrote of the 'exploitative' attitudes towards nature developed in the western world during the Middle Ages, a time of significant consolidation of Islam, Judaism and Christianity. They have exercised their God-given 'dominion' over the planet by changing it in unimaginable ways. Increased resource-exploitation through the application of new technology has allowed huge growths in our populations. Furthermore, this burden to provide for greater numbers has led to even more resource exploitation, all in increasingly unsustainable manners.

White is among a group of noted academics who have drawn parallels between Christianity and the driving forces behind advances in modern technology. Such names include Max Weber, Robert Forbes and Ernst Benz. The God-given mandate of Genesis 1:28 giving mankind 'dominion' over the earth, care for the less fortunate, and the destruction of 'pagan' animism are key attributes of Judeo-Christianity. On careful analysis, it can be seen that the philosophies which guided the most ancient of societies were vastly different than those in effect today. For the greater part of human history, men saw themselves as a part of the environment with a specific role to play, just like other components. Enhancement and more so protection of the environment were part and parcel of the societal education that all received.

True environmental enhancement and protection via education generally are difficult tasks because the dominant philosophies guiding them still elevate mankind above nature. On a daily basis all over the globe, the reasoning behind both goals still centre on their perceived benefits to human survival. If for whatever reason no immediate or long term benefits can be seen, the preservation of an untouched landscape will rarely ever occur over some form of modern development. Education is not the critical factor in the goal of environmental enhancement and protection as if the overall philosophy guiding that instruction raises mankind above nature; such attitudes will be reflected in the actions of all people.

3. Environmental Law and Philosophy

The system of rules put in force through a set of institutions in an effort to maintain civil obedience and in this particular case to regulate how humanity interacts with the natural environment is also greatly influenced by philosophy. From the dawn of civilization, different cultures have developed their environmental laws from their own particular belief systems. A society's perception of humanity's role in nature will be borne out in the character of the laws that society accedes to. What then does this mean for current attempts to use international agents such as the United Nations and its International Court of Justice to formulate and administer global environmental laws? The answer to this question lies in the fact that the world economy marches more or less to the beat of Western, Judeo-Christian Philosophy. An analysis of these trends and the prospects for greater environmental enhancement and protection ensues.

National governments have always sought to pass different laws aimed at protecting human health from environmental contamination. Numerous examples abound throughout history where as soon as a new resource is harnessed or technology developed, laws are implemented to protect human welfare. Perhaps the earliest recorded example of such laws were the code of Hammurabi, the sixth Amorite king of Babylon ruling between 1792 and 1750 B.C. Turner (2008) in describing Hammurabi's series of 282 laws wrote of the responsibilities the King placed on those in charge of protecting the city's water supplies and the penalties to be faced when such were renegeed on. Compared to today's standards, life during ancient Babylon is seen by some as barbaric with the strict laws the King instituted regarding the 'public good'.

In AD 80 the Senate of Rome passed legislation aimed at protecting the city's supply of clean water for drinking and bathing. Moving westward, the burning of coal in London and the disposal of waste in waterways were prohibited in 14th century England. Across the Atlantic, William Penn, the Quaker leader of the English colony of Pennsylvania ordered that for every five acres of forest cleared for settlement purposes, one should be preserved. On that same continent, Benjamin Franklyn is known as much for his work as a scientist and politician as he is for leading furious campaigns against the dumping of waste. Finally, few people remember that the British government in the midst of the industrial revolution passed numerous regulations against the toxic effects of coal burning and the manufacturing industry (Encyclopaedia Britannica, 2006).

It is a known fact that this modern wave of environmental regulation came about after mankind collectively began to realize the adverse effects we have had on the planet. Indeed, since the development of agriculture, humans have greatly modified our surroundings but it was not until the industrial era that this activity increased in a manner never before seen in the history of the earth. We are seeing these ill effects come home to roost today in the form of decreased standards of living as a result of atmospheric pollution, contaminated water supplies plus a myriad of other detrimental effects of our own advancement. In short, the need for environmental enhancement and protection via the use of legislation only came about as our quality of life began to be directly affected by our actions – a symptom of today's dominant world philosophy.

As the world's economies and political systems converge under globalization, numerous international organizations seeking to legislate environmental protection have come to the fore. Gyorgy Szenasi (1999) has written extensively on the role of the United Nation's International Court of Justice (UNICJ) in the development of international environmental law. A great deal of work has indeed been done in this respect regarding the formulation of the numerous treaties, statutes and conventions regulating environmental protection and enhancement on the world stage.

The concept of 'sustainable development' which came out of the United Nation's Conference on Environment and Development at Rio de Janeiro in 1992 is a further reflection of the dominant philosophy leading efforts at environmental enhancement and protection through law today. The formulation of a term such as this reinforces the belief of humans that somehow, the natural laws which govern the universe are somehow not applicable to them. Homo-sapiens are somehow 'above' all other living things and with proper legislation, development can indeed be 'sustainable'. An even casual analysis of evolutionary history would show that growth or development in all its forms is never sustainable. Attempts can be made to use certain resources sustainably but the western belief that resources must be continually consumed to allow for more 'growth' or development is one that may eventually lead to our demise.

Environmental justice as an issue has now come to the fore with the signing of various international agreements aimed at environmental protection. The chief purveyors of this new 'green' world, developed countries of the west, in their own infancy had free reign to pursue environmentally detrimental modes of production and resource extraction. As these activities were combined with the vast benefits gained through injustices such as the slave trade and later colonial rule, a huge gap now exists between 'developed' and forever 'developing' countries who yearn for the high standards of living and consumption patterns seen in the west. With the implementation of numerous environmental laws increasing yearly, what real opportunities exist for the poorest of countries to chart their own development within these same laws? The answer to that lies in the attitudes of countries such as China which have largely accepted the fact that economic advancement will come at the expense of the

environment. Laws and regulations protecting nature are secondary to the fostering of economic growth.

Western philosophy has again taken the lead in environmental legislation. The world has waited for the developed countries of the western world to at first cause the environmental problems so forcefully described in 1972, and beginning in 1992 to attempt to solve them by implementing legislation to prevent other countries from charting their paths to development in said 'unsustainable' manners. The validity and hence effectiveness of any environmental law implemented in such a contested context comes into question as many academics query the fairness of such efforts.

As was mentioned earlier, the anthropocentric nature of most western ethical perspectives has assigned intrinsic value only to humans and their welfare. If we were to begin at the root, Aristotle, in *Politics* (Bk. 1, Ch. 8) speaks of how "nature has made all things specifically for the sake of man" and that everything non-human in nature basically serves only an instrumental value. These are the belief systems which have led to the development of western society that now seeks to formulate laws aimed at environmental enhancement and protection. If therefore no immediate value can be seen in an ecosystem, it is highly unlikely that laws will be implemented for its preservation or enhancement, a trend that has continued to this day.

How effective has these anthropocentric-influenced laws been over the years in environmental enhancement and protection? Led by the United Nations under UNEP and the International Court of Justice, the constitution of international environmental law has been refined periodically to reflect changing realities in the world arena. Where new resources have been exploited, laws aimed at governing their use emerged. Amazingly, it took 20 years for the first legally-binding treaty to be agreed on by participant nations of the first conference in 1972. Adopted at the 1992 Rio Conference, the United Nations Framework Convention on Climate Change (UNFCCC) and the 1992 Convention on Biological Diversity marked the world's first tangible forays into environmental regulation. In essence, it took over 200 years for a legally binding document among nations regarding environmental protection to be agreed upon since the start of the industrial era in the late 18th century. Furthermore, these legally binding treaties were still only the first step in the formulation of clear laws in an effort to address the problem of environmental degradation.

Out of the UNFCCC emerged the Kyoto protocol, a highly contested aspect of the treaty which aimed to achieve "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (UNFCCC, Jan 2009). The issue of individual countries' responsibility has emerged as many argue that developed countries should be made to pay more for the 'damage' to the earth's atmosphere. Also, legitimate scientific opposition to the magnitude and in some cases accuracy of anthropogenic global warming has all but signaled the death knell for the Kyoto protocol. As the figures for greenhouse gas emissions show, the Kyoto protocol has indeed failed to meet its targets and is at present in the process of revision.

Other global environmental laws show *prima facie* evidence of being far more successful than Kyoto. Examples include the successful Montreal Protocol on substances that deplete the ozone layer which came into full force on January 1st 1989. If the agreement is adhered to (as it is currently), the ozone layer is expected to recover by 2050. The convention on biological diversity is another treaty and attendant laws of the UN which have been relatively successful. It has been important as it relates to threatened species protection.

Environmental laws based solely on the guiding anthropocentric philosophy of the western world very rarely become effective tools at environmental enhancement and protection. When this is combined with politics, unsound science and the thirst for power evident in the efforts of many public 'environmentalists', the future does indeed seem bleak for the earth as a whole as it relates to environmental enhancement and protection. The majority of efforts to date are highly reactive to environmental degradation rather than being proactive about the sustainable use of the planet's resources. Western philosophy extolling humans above nature has changed the course of history in unimaginable ways. Our environmental laws reflect that dominant attitude and the environment; as long as it is merely of instrumental value it will be continually degraded.

4. Conclusion

As the human race proceeds along the linear path of economic, social and demographic transition, it is hoped that the dialogue that exists on how best to sustainably utilize earth's existing resources will continue. Out of that discourse has emerged debate

on the roles philosophy, education and law play in the enhancement and protection of the environment. An understanding of these roles is critical in the formulation of plans of action relating to both goals.

Teaching people about the environment so they are able to make informed decisions has been a part of history since early human civilization. Indeed, 'environmental' knowledge as tool may be the reason the most ancient of civilizations lasted as long as they did compared to those most recent. The assigning of significant intrinsic value to nature as a key aspect of the philosophy of cultures as noted by O'Niell (1992) and Jameson (2002) were used to explain why philosophy serves as a compass to environmental education. The example of the world being far more 'environmentally educated' while at the same time decreasing the levels of protection and enhancement of the environment under a new guiding philosophy is most salient. Western philosophy, under which environmental education proceeds presently, only assigns instrumental value to nature so protection and enhancement is seen of importance when humans are to benefit directly.

Human societies have also historically formulated laws aimed at the protection and enhancement of the natural environment. As with education, philosophy as a guide to legislation was expounded on. In past times, locally instituted environmental laws such as the code of Hammurabi in the 18th century B.C. showed that where laws were congruous with the philosophies of the people they govern, the rates at which they were accepted and followed were greater.

However, as the world has converged in the wake of the industrial era, environmental legislation has taken on a truly global nature. The United Nations (UN) has led this effort and has had both successes and failures in the implementation of environmental laws with the examples of the Montreal and Kyoto protocols given. This has again been due to the heterogeneity in philosophies throughout the world. The hunting of some endangered species for food (some Pacific turtle species for example) is seen as being in contravention of some biodiversity laws formulated by the UN. The western world powers are also the purveyors of world philosophy at present, so virtually all laws reflect this sentiment. Laws are made with value placed primarily on human survival; elements of nature having no instrumental value to us are very unlikely to emerge in discourse on 'environmental protection'.

The opening words by Bacon reflect the power philosophy has over the minds of humans. The depths at which we seek to understand the fundamental nature of knowledge, reality, and existence serve as a guide to our behavior. Human history supports this fact as the dominant philosophy of a time and place can be seen in the methodology of our education systems and the laws we implement. Philosophy is therefore the most critical discipline in environmental enhancement and protection, serving as the foundation of both education and legislation.

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