

RESPONSE TO COMMENTS ON TRACK SIXTEEN

MUST ENVIRONMENTAL RIGHTS BE HUMAN-CENTRED?

This emerged as perhaps the key issue for most of you.

Lily Megaw wonders whether we should – for tactical reasons I think she would say – focus on achieving environmental rights indirectly, through the promotion of human rights. Since humans are ‘fundamentally self-interested’ this is the best that can be hoped for, in her view. Paul Bernal also frames the issue as one of rights for humanity. To Holly Bontoft when it comes to environmental protection we humans are ‘entirely self-serving’.

Maybe this is the best we can hope for. But on this account, the rights of indigenous peoples end up bearing a big burden when one goes down that road, and I see Lily developing many examples by reference to the Inuit. They are our gateway to the environment: is this to expect too much?

And is this too pat, this effort to talk only of humans when we really mean the planet?

Must its protection be as Richard Buck puts it ‘a function of their service to sentient beings’?

I think this is not to go far enough, even when it can (as with Richard) be cleverly expanded into a full scale environmental rights manifesto by hypothesizing about the interests of future humans.

Now I acknowledge what Anthony J Langlois says at this juncture, that the transition to environmental rights (even if only journeying from animal rights) is very difficult – and ‘also philosophically fraught’ as he says. Like the other respondents I have mentioned above Anthony thinks the whole thing ‘not about the environment, it is about us.’

GETTING HALF-WAY BEYOND THE HUMAN

As Anthony puts it, how do we identify the ‘value of anything aside from how we value it’? Well I guess for environmental rights we have to.

I agree the power analysis does not work here: there is no space for Lily’s ‘rights as constructed in response to adversity through social movements, as a tool for the defenceless to protect against abuses of power.’ That doesn’t describe the destruction of trees and irreplaceable flora and fauna, the melting of the arctic icecaps or the pollution of some once-grand lake.

But the abuse of power is there, the crude instrumentalisation of all around us for our own gain. Does the lack of feeling on the part of the ‘victims’ (maybe ‘subjects’ is better, or even ‘receivers’) make no difference at all? Does the thing instrumentalised have to have feelings for such instrumentalisation to be wrong? Must senses be the vital dividing line for which Richard argues (and by the by with all the obvious

unhappy consequences for the less clever animals (and some members of the human race among them, as Joe Hoover later points out).

Maybe environmental rights is another way of saying that destructive use of the world is wrong because it lets us down, shows us in a bad light, de-dignifies us. Christina puts it well: 'We have RESPONSIBILITY to the planet we live on and the air we breathe.'

Still human-centred but not now all about our right to eat, drink and live a good life. Half way to recognising the quality of independent near-otherness in our environment that demands our respect.

GOING THE FULL DISTANCE

Why does our language not allow us to describe a vast climatic disaster as a kind of living thing?

In [an article](#) last Summer, Naomi Klein described looking at the Gulf of Mexico spill from the air as being like seeing 'a violent wound inflicted on the earth itself'. As Paul Bernal says, why not the right to life and the right not to be tortured? Christina talks of an 'earth [that] wants to breathe and regulate its body, much as we need to exercise and eat sensibly.' Fatima Ahdash writes of the 'poor and the environment' sharing a common enemy, in the shape of 'unregulated ... capitalism'. Favio Farinella is on to something similar when he talks of 'Our instrumental capitalist rationality aimed at immediate profit' which must 'be replaced by an environmental rationality based on values, emotions and culture which points at limiting progress for the sake of inter and trans- generational solidarity.'

Does it matter that as Joe says this is all 'deeply non-sensical'?

I don't think we should necessarily run away from such [anthropomorphism](#).

Joe himself provides a different but terrifically fresh and interesting way of looking at rights which provides an easy space for animals and also nature as well, more all-inclusive than even my effort with regard to animals on [common track eight](#). Joe refers in his framing of his social account of rights to the possibility of a 'spiritual' dimension to identity (in a non-religious sense, for sure Christina!).

The idea of 'life' is surely bigger than the biological tests we impose on individual species-members.

It is not as narrowed down an idea as Holly's almost-caricature: 'If a cob of corn has rights, I find it hard to believe that those rights would ever trump those of a hungry human.' Of course the man should eat. But as Holly says in the sentence just before this one, 'if the concept of environmental rights will help us to preserve our habitats, then it can only be a good thing' – that is exactly what it is about – not this corn or that pea but the holistic (living in the broadest sense) world that has made them possible.

Alan P Brady reminds us the subject of human rights itself is trying hard to transcend its origins in a concern for the individual that while important misses the collective dimension that adds so much to the subject. Often in human rights it is already not 'I' but 'We'. So collectivity like this is not foreign to our subject – read the declaration of the rights of indigenous peoples, or many of the rights in the Economic Social and Cultural Covenant. Maybe we can push this 'we' even further?

'RELAX: TECHNOLOGY IS THE ANSWER'

I paraphrase Alex but only slightly: 'The only act which will solve the environmental crisis is finding sources of clean energy, making them more affordable to developing nations and removing the profit-incentive from exploiting the earth's resources to exhaustion.'

Now this has already attracted some attention from Richard and Craig Valters and Alex has responded. But I for one can't accept that it is right that 'we should focus on the human issues and leave the environmental issues to the environmentalists who better understand the problems.' We have this vital social justice angle that might otherwise easily go begging. (Colin Harvey picks up on this towards the end of the posts as well.) Craig says 'both sides of these arguments are simply instruments for the good.'

WHO SPEAKS FOR THE ENVIRONMENT?

Alan is absolutely right on this one. We must. [Grandmother Willow](#) is sadly a Disney fantasy. I like Alan's 'a directly analogous legal right for a tree is just a right for an environmental campaigning human' except I would take out the 'just'. Favio has much of interest to say on the mechanics of what is involved here.

TAKING TO THE STREETS

Craig reminds us of police infiltration relationship between human rights and environmental activism clear in such cases: see [track two](#). Suzy Madigan picks up on this too and makes some really interesting connections with terrorism (the subject of [track fourteen](#)). This is one area in which as Colin notes human rights can make a strong contribution – without colonising the whole territory for sure (a fear of Colin's). I talk about this some more in the track and especially the [article](#) I mention there.