

## THE SYNERGY BETWEEN NATURAL AND LEGAL LAW IN ECO-ETHICS CONTEXT

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**Abstract:** From the multiple theses of eco-ethics, the study debates the complex relation between ethics – ethical principles and law – legislation in the field of environmental protection and durable development. Considering the differential – but also common – characteristics between natural laws and juridical ones that have an ecological signification, legislators must pass any law project while considering the needs of natural biosystems.

**Keywords:** eco-ethics; natural law; juridical law; environmental protection.

### 1. Introduction

The times we are living now prove that the wisdom (love of philosophy) of the ancients was greater than it was believed at the time. The adage of MARCUS TULLIUS CICERO should be featured in any lecture regarding the natural environment and human ambiance and any treatise of ethics and philosophy discussing the rights and duties of humans towards the rights of Mother Nature in our existence.

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The sub-fields of Eco-ethics and ecological legislation are part of our classification, in the shape of the tree of ecological sciences, of the very crown of ecology, which has been named Meta-ecology (fig. 1).

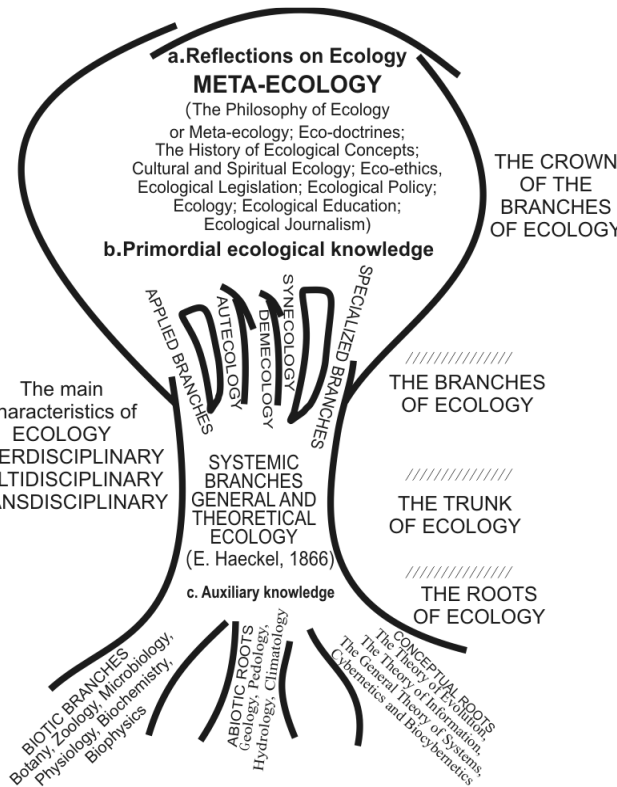


Fig. 1. The three of ecological sciences [1]

Etymologically speaking, the word Meta-ecology is derived from the Greek words: “meta”= after, beyond, “oikos”= house, logos= science.

The use of metaphors in science is possible [8]. According to the "tree of ecological sciences" suggested by us, which has a scientific dimension and a metaphorical one, Meta-ecology aims at the knowledge of transdisciplinary information resulting from theoretical, systemic, and applied investigations of Ecology. That is why, at this superior level of scientific ecology we believe that a debate regarding the complex relationship between ethics, juridical laws, and the laws of nature, is necessary

## 2. Objective, research method, results, and debates

The objective of the paper is to study the complex relationship between ethics – ethical principles and the law in the field of environmental protection and sustainable development.

The method we used is scientific information and documentation.

The purposes of eco-ethics are many, and merely discussing them would make the object of a separate debate. Here we shall confine ourselves to briefly circumscribe three aims of contemporary eco-ethics [12-14,7,2]. The first of these is the creation of a set of eco-ethical principles (precepts, commandments) in the spirit of protecting the natural environment and preserving wildlife. Relatively recently, to these was added the interest in fostering sustainable development. [15,6].

The second aim would consist of promoting the genesis and development of a strong "ecological awareness" regarding the affiliation of the human species, through individuals, and further, through the various populations and cultures, to the ecological structures and process at a global, regional and local level. Essentially, individual ecological awareness should be permeated by the significance of ecology for the various human activities, so as human actions in the ambience would force Mother Nature to turn against us [16]. From book-derived information, an ecological awareness is being constructed, linked to ecological ethics and its principles that are being formed and strengthened.

Here are, according to Primack [17] a few of these principles, accepted by most protectionist ecologists:

- a) the diversity of organisms is good, as one of the prerequisites for the process of evolution;
- b) the untimely extinction of populations and species is bad since it causes natural systems to become poorer in regenerable resources;
- c) ecological complexity is good, as it may lead to the stability of ecosystems;
- d) evolution is good, as it fosters the birth of novelty;
- e) biological diversity has an intrinsic value, as it is part of the great process of evolution.

It has been stated by some authors that there are human individuals who have are genetically prone to loving the living world, with its entire biodiversity, an inclination which was given the name of "biophilia" (love of life). The ecologists' desire would be that this wonderful feature was spread out to the entire human society through education. In any case, it is meritorious the fact that two young German philosophers, in a handbook recently published in Vienna and quickly translated into Romanian, dedicated an entire chapter to the relations between humans and nature, also touching upon the issue of ecological ethics [8].

The third aim of eco-ethics, starting from the developing ecological awareness, would be the initiation of and support for the passing of juridical laws, with a major

ecological significance (the protection of the environment, of wildlife, human ambiance and eco-development).

This last objective of eco-ethics and, implicitly, of ecosophy, will be more thoroughly discussed in order to understand the entire mechanism of transforming a salutary idea. This idea is expressed in an ethical precept of ecological origin, in a juridical law aimed at protecting either the environment or life in any of its forms of manifestation.

But before debating the proposed topic, a few specifications are necessary, regarding the differences that have existed and will exist between natural law and juridical one. We shall be content on showing that the natural law expresses the essential relations among the systems included in the development of a natural process, whereas the juridical law is a compulsory norm in society, for as long as it is in force.

The scientist, in this case, the ecologist, after scrutinizing the philosophic and scientific content of the concept of law, will find that there is a series of main differences between natural law and the juridical one, but also some similarities. Let us examine them one by one.

Here are some differences of which each and every one of us, to a lesser or greater degree, aware, separating natural law from the juridical one:

a) According to the great religions of the world (Christianity, Judaism, Islam, Buddhism, Hinduism, and others), the laws of nature (of the physical universe) were given in the moment of creation by God or another superior spiritual power, unknown to us. Secular mindsets, not always atheistic, but limited to by the methods used in studying the material world confine themselves to stating that the laws of nature or natural laws are inherent to material structures and processes occurring in the Universe. Without searching, here, for the real cause of these laws, we shall be content on ascertaining their existence, and the fact that, in similar circumstances, they always manifest themselves in the same way.

b) Another impressive characteristic of natural laws, revealed by Rachel Carson (1904-1964) – famed author of the *Silent Spring* – resides in that they are quasi-eternal, being generated and conferred to the universe until the end of time [4,5].

c) In a perfect counter-thematic symmetry, juridical (normal) laws are made by humans. They have a quasi-ephemeral duration with respect to the laws of nature and can be amended or abolished at any time. Finally, their characteristics depend, almost to the highest extent, on the spirit of an epoch, reflected in the moral sensibility of a unique historical combination of circumstances.

But the laws of nature and the juridical ones are similar in other respects, namely:

a) both have a legislator (God, nature, emperor, king, dictator, or freely elected parliament);

b) both reflect the matching and interconnection between events occurring in their never-ending development;

c) what to us, seems to be the most interesting detail, the infringement or denial of both categories of laws trigger a penalty that can be quantified through fines, plundered energy or deprivation, or a certain period of time (various ecological and biological retrogressions, payment of a sum of money or their energetic equivalent, quantification of the social isolation time, etc.)

We were stating above that the start point of the genesis of a juridical law with ecological infringement is usually a precept or commandment ultimately originating, in its turn, from a deep observation of the nature's *modi operandi*.

The question that, first the ecologist, and then the jurist asks, may be thus formulated: how is it possible for a principle of ecological morals to be converted into a juridical law, voted by a parliament, or passed through a decree?

The history of the founding and developing the worldwide network of strictly scientific reservations, natural reservations, natural parks and other protected natural biotic areas provides sufficient arguments for us to follow the ideal, most efficient and desirable path to the creation and implementation of sensible laws for protecting the environment and genuine nature [10,1]. This path would mean covering six essential phases, according to the following succession:

**Phase I** would consist of storing concrete scientific information regarding the ways in which the great natural systems are structured and function in a sustainable regime [9] and considering the sensibility of ecological processes with respect to the (local, regional and global) scale in which they manifest themselves and are subsequently recorded and carefully studied [9,11]. All these data enable a good knowledge of the laws of nature that occur within the vast scope of ecological processes. Without this knowledge, it is not possible to draft juridical laws that are in line with the ecological realities.

**Phase II** would consist of the genesis of ecological awareness in scientific communities whose members work directly with living and unliving systems of nature. It might be shortened if all the members of a scientific community as such (in this case, ecologists) would genetically possess the biophilia feature, which is a rarer situation.

**Phase III** would require the transformation of several biophile ecological researchers into agents of propagation from one individual to another and as a mass phenomenon to different walk of life, of ecological knowledge and, especially, of the way in which an individual and the human population are inserted into and contribute to the accomplishment of the great ecological processes, especially at a local and regional level.

**Phase IV** would be the natural result of the previous phases and would lead to the gradual formation and consolidation of the opinion that juridical laws for protecting

the environment and natural systems are vital to the existence of humankind and its sustainable (durable) development.

**Phase V**, one of the most laborious ones, is not possible without excellent interdisciplinary cooperation between ecologist scientists, ecologist politicians, and lovers of nature, jurists, and other intellectuals concerned with the state of ambiance and environment. This eventually multidisciplinary and transdisciplinary collaboration must lead to the drafting of juridical law texts, with a striking ecological charge, likely to ensure a superior life quality for individuals and societies and the survival of natural systems. The application of such laws is not possible without strengthening ecological awareness, the genesis of a civilized behavior of individuals, based on superior moral commandments promoted both by the various churches and by civil society. The latter must assume, among other things, the ecological education of the population, at least in part.

**Phase VI** would be a decisive one, as it would comprise all legislative studies, from project to legislation by Parliament vote. The discussions carried in the legislative forum might lead, in some cases, to a rejection, usually generated to the scanty knowledge of ecological realities by the members of parliament not only in our country but everywhere in the world.

**Phase VII** essentially pertains to the retroaction loop or the cybernetic feedback loop. It would involve the law project being improved by specialists in ecology, and then re-discussed in its new form in Parliament, according to constitutional regulations.

A law for protecting the environment and the biosystems composing it, as well as unliving systems directly or indirectly sustaining life, must meet certain conditions to be efficient and yield the expected outcome. Among these conditions, five seem to us to be absolutely essential.

**The first condition** is for specialists on both sides, natural scientists, on the one hand, and jurists, on the other hand, to carefully examine whether the project of a juridical law with ecological responsibility is a good or almost perfect replica of natural (or ecological) laws governing the systems of natural; this replica is required to comprise nature into law paragraphs, without omitting the essences.

**The second condition** is to study the extent to mutually acceptable concessions are possible between actions designed to protect the natural environment, and sustainable development, political expectations and socio-economic needs of humankind or local population. In this attempt to harmonize some often contrary desiderata, one must not lose sight of the act that natural law cannot make concessions and, if infringed, it will have its revenge. The only possible compromise is the one made by the wise man (*Homo sapiens*), in the multiple senses of the expression.

**The third condition** demands that the application of a law with a deep ecological significance must trigger the realization of the important balances in the "global human-nature system":

- a) the balance between natural processes and human activities;
- b) the balance between the main natural systems and human society, and
- c) the balance between each separate natural law and the project of a juridical law with ecological significance.

**The fourth condition** insists that any change for the worse in human ambiance and natural (which might also be called ecological retrogression) should be followed, through the support and power of juridical law, by a change for the better in the state of the environment (in other words, any ecological retrogression provoked by humans should be prevented and replaced by an ecological restoration). All these requirements of the fourth condition for a good and rational juridical law, having ecological significance, should be stipulated in the paragraphs of the project drafted by legislators and submitted to Parliamentary vote.

**The fifth condition** regards the spiritual life of human beings. Any juridical law having a strong ecological charge must not forget that a specific esthetic relation has always existed between eco-ethical consideration and the intrinsic beauty of the systems [20]. For example, any ecological restoration, regardless of its other objectives, must restore in the end, identically if possible, the original beauty of a landscape that had been damaged by human activities. This correspondence between juridical law, eco-ethical appreciations, and esthetic valuing must, likewise, be clearly stipulated in juridical law, having a semantic ecological charge.

### 3. Conclusions

Taking into consideration the differential and common characteristics between natural laws and the juridical laws with an ecological significance, legislators must draft any project of law while considering the needs of natural biosystems, as these have their own value and the same right to existence as the whole mankind.

If we wish to protect the living and unliving natural systems which provide us with the resources required for living, we must militate and opt for a good sustainable economy, which should be in accordance with local, regional and global ecological balances.

We must not forget that the birth, development and augmentation of eco-ethical principles and ecological awareness mean survival with the biodiversity of wildlife and the human species, in this still wonderful world!

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### Author Contributions

The authors contributed equally to this work.

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