

FOSTERING HUMANITY IN PROTECTING THE ENVIRONMENT: Role of Religion and Growth of Environmentalism

Manjeri Subin Sunder Raj♦

Abstract: The author tries to delve into those aspects of rights and duties that create a sort of mind-set that fosters protection of the environment. There are a plethora of laws that have been enacted for protecting the environment. Though the world has witnessed a sea change as far as putting into practise those laws and principles are concerned, have they really been able to protect the environment and ensure its safety beyond a point is a question that has to be answered taking into consideration the precarious position that Mother Nature finds herself in, presently. The author investigates the role of religion in fostering the human duty of protecting the environment. The growth of environmentalism and the question as to whether it is a new religion are also looked into.

Keywords: Duty, Environment, Environmentalism, Law, Religion.

1. Introduction

In the precarious position that the world finds itself in, owing to the sheer incompetence on the part of the human race, to protect Mother Nature, quick action and steps need be resorted to, to bring her back to her past glory. Through this work the author tries to create a case wherein religion, the better aspects of it, can be put to use in protecting the environment. Trying to delve into as to how or rather whether religious tenets and principles play a greater role in creating a sense of duty in humans, to protect the environment, the author aims to draw parallels with it as opposed to law and legal systems.

♦**Manjeri Subin Sunder Raj** is pursuing his PhD from NLSIU, Beangaluru. He is a member of the Association for Human Rights (Kerala), People's Human Rights Centre (Kozhikode), Youth for Environment Sanity and the International Association of Lions Club and is actively involved in coordinating and conducting human rights and environment protection campaigns, various rural extension programmes as well as legal aid clinics and classes under the 'Know Your Laws' campaign.

By analysing the current sorry state of affairs that the environment finds itself in, what more need be incorporated into law, so as to ensure better compliance and yield better results is to be looked into. The author tries to figure out a way in which expressions of a religious nature, manifestations of religious principles or protection of sacred spaces can be incorporated into law. The need for the same has arisen owing to the large scale destruction of the environment that has been taking place and law not being able to restrict it, beyond a certain point.

2. Human Beings: Children of Mother Nature

The world in which we live in has been our home in all its comprehensible sense. Had not it been for the produce, shelter and what was not essential for the survival of life in general and humankind in particular, that it provides aplenty, we, humankind as a race would have found living on this Earth impossible. That we do not realise the true value of the Earth has been evident from the fact that there exists a vast variety of activities that we indulge ourselves in, without any consideration whatsoever regarding the harmful effects that it would have on Mother Nature.

To understand the real value of the variety of offerings from Mother Earth, it is quite imperative that we understand truly the nature and extent to which humankind, as a race, are dependent on her. We are reliant on her and her gifts in the same way as a new born baby is dependent on its mother. Yet, we turn a blind eye towards the harm that we mete out to her. It is high time that we realise our folly lest the world in which we live in should cross the threshold of destruction, from where there is no possible return to normalcy.

A small anecdote with its timeless beauty depicts human dependence on the Earth. Justice O. Chinnappa Reddy, in *Shri Sachidanand Pandey and Anr. v. The State of West Bengal and Others*, had quoted the same in paragraph two of his judgment:

The backdrop of the story is a hundred and thirty-two years ago, in 1854, when 'the wise Indian Chief of Seattle' replied to the offer of 'the great White Chief in Washington' to buy their land. The reply, profound in its meaning, is reproduced: "How can you buy or sell the sky, the warmth of the land? The idea is strange to us. If we do not own the freshness of the air and the sparkle of the water, how can you buy them?"¹

¹"Shri Sachidanand Pandey and Anr. v. The State of West Bengal and Others," *All India Report, Supreme Court, 1987, 1109.*

2. Setting the Stage

The clamour demanding protection for the environment has been witnessed at various places, and times. But, one doubts as to whether it has reached such heights as is prevalent now. The right to ‘live in a healthy environment’ has been treated as a basic human right and has been construed to be a part of the Right to Life, which has been provided for, by Article 21 of the Indian Constitution. This classification has played a great role in shaping human relation with the environment.

Humanity has had an innate relationship with environment as early as they laid foot on this Earth; a relationship that has come a long way. A full circle, it can be said. This theme, wherein the full circle of human relation with environment is depicted, has been beautifully woven into a film titled ‘Baraka’. The film, released in 2001, is one that has no conversation except the sound of nature. It is a collection of sequences that are randomly shot and arranged meaningfully.

The film commences by depicting the reverence that humanity accorded to nature at the very beginning; wherein they, afraid of nature and its wonders, worshipped her. They viewed nature as a provider – a give all; a source which bestowed everything that they needed; and hence respect was showered upon her. Once they thought they understood the processes of nature, they soon were in tune with her. With the passage of time, when they came to understand further the nuances and the working of nature and natural forces, they started to concentrate on development. Science came into the limelight and soon led humanity into areas which they previously thought never existed, let alone went before! As a direct consequence of their mindless acts and uncontrolled development, they soon faced the heat. Realising that nature was at the receiving end of their wanton acts, they yearn to return to a time wherein they were in tune with nature. The actions and steps that they took in doing so form the rest of this wonderful film.

Humanity has come to realise the fact that their acts have cost them a lot. In what can rightly be termed a last minute struggle, humanity is fighting against time to save the environment; their environment. Somewhere in the pages of history, it can be seen that with the emergence of state, laws have been made to ensure the very best to the people. Environment protection is seen as a subject matter of law, along with the fact that the duty to protect environment too, forms a part of law in the similar way. A perusal into various legal systems clearly shows that there were quite a lot of laws enacted that aimed at

protecting the environment. Then why do we see ourselves in as precarious a position such as this?

One realises that law's 'failure' can be attributed to the simple fact that it has not been able to create an inner sense of responsibility in human beings that requires them to protect the environment; that demands them to consider themselves as just a part of environment; that makes them feel that they have to share the environment with all other living things. The 'failure' of law in this aspect can be ascribed to the fact that it is, in a sense, imposed. This is where the defining point of the present work crops up. Is there any other factor that is successful in making human beings understand where they actually stand; what their position is on this earth; what their relation with nature and all that it encompasses should be?

Is religion the panacea? Does it have in it that which makes humanity realise the importance of nature and perform their duty to protect the environment, considering the fact that it is not they alone for whom the environment provides, but for a teeming number of other beings as well. The present work aims to examine, briefly, the role that religion, through its teachings, has played in creating an intrinsic sense of a duty towards nature, and whether such a method would be capable of being imbibed and translated into something which has a backing of law. Has it succeeded where law has, if it may be permissible to use strong words, 'failed,' as our experiences tend to show? If so, how far has it been successful in instilling the said duty to protect environment, which for the fact forms part of the fundamental right to live in a healthy environment. Though fully aware of the tribulations that certain religious acts, practises and rituals commit on nature, the work intends to delve only into the positive attributes of such acts, practises and rituals.

3. Rights and Duties: Roles of State and Religion

As a result of the ever increasing, so called, 'developmental activities' of mother nature's 'favourite' children, she has been put through quite a lot of trials and tribulations. How exactly does one stop this 'new age menace,' has been the question for which quite a lot of people have tried to find answers to, mostly unsuccessfully; and in some cases, unconvincingly.

While modern state grew in stature, the onus fell on 'law', the child of the state, to ensure environmental protection. It did give its best shot, by coming up with various legislations; but, sadly, it was not enough as is obvious from the pitiable predicament that nature finds herself in.

Law, being identified as the first recourse resorted to by the modern state, was built on a large number of component concepts. Such concepts, identified as ‘elements of law,’ occupy quite high a position and command respect. It is from this concept that the idea of ‘Rights’ and ‘Duties’ as being part of law, stems from.² The presence of these components is an absolute necessity, as it tends to clarify the stand of law and the need for the same, as compared to the needs of the society in which it exists.³ Thus, it can be said that the idea of rights and duties, is the very crux and being the central and focal point, helps in the smooth and effective functioning of every legal system.

The state being looked upon as a provider of ‘rights,’ was expected by the people to provide them with rights in lieu of domination. ‘Duties,’ on the other hand are the corresponding part of ‘rights.’ They can be termed as the correlative of rights. A legal duty is the legal condition of a person whom the law commands or forbids doing an act. The act commanded or forbidden may be called the content of the duty. It is the subject matter of the duty. They apply regardless of whether or not one desires to do that which one has a duty to do.⁴ If one has a duty to perform an act, then one should do so regardless of whether one wants to or not, because it is one’s duty.⁵

²For more see, Stephen D. Hudson and Douglas N. Husak, “Legal Rights: How Useful Is Hohfeldian Analysis?” *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 45 (1980), 37 <<http://www.jstor.org/stable/4319347>> accessed on 6 February 2014.

³Carlton Kemp Allen, “Legal Duties.” *The Yale Law Journal* 331 (1931), 40 <<http://www.jstor.org/stable/790175>> (accessed on 5 February 2014), tries to answer the fundamental question as to whether law is to be regarded primarily as a system of rights or of duties. It puts forward the idea that a legal right, however so it has been defined, must mean some enlargement, or at least some guarantee of individual freedom, of action or of enjoyment. On the other hand, a legal duty denotes some restriction, necessitated by the interests of others, upon self-interest.

⁴Bryan A. Gardner, ed., *Black’s Law Dictionary*, West Group, 2014. For more on Rights and Duties, refer, Arthur L. Corbin, “Rights and Duties” 33 *The Yale Law Journal* 501 (1924), 501, <<http://www.jstor.org/stable/788021>> accessed on 6 February, 2014; Henry T. Terry, “Legal Duties and Rights,” 12 *The Yale Law Journal* 185 (1903), 186, <<http://www.jstor.org/stable/781938>> accessed on 6 February, 2014; Henry T. Terry, “Duties. Rights and Wrongs,” 10 *American Bar Association Journal* 123 (1924), <<http://www.jstor.org/stable/25711521>> accessed on 5 February 2014.

⁵Joseph Raz, “Liberating Duties,” *Law and Philosophy* 3 (1989), 5, <<http://www.jstor.org/stable/3504627>> accessed on 6 February, 2014.

By the very nature of rights that we enjoy, it is quite imperative that some sort of a duty is cast upon us: duties that we owe not only to the sovereign but also other people. Due to this very fact, it can be said that the concept of duties have some sort of a relation to the concept of rights and that they are correlative. For a healthy legal system, a hand in glove functioning of rights and duties need be prevalent. Such rights and duties, whether it is collective or individual in nature, need be considered.

Human beings, generally, it can be said without doubt, have the tendency to be concerned about rights and not about the duties aspect. The majority of the human race is only concerned about what they are entitled to and in very few circumstances do they think beyond the *right* aspect and cross over to the *duty* aspect. Time has far approached wherein not only the rights but also the duties should be given prominence. It is to be understood that duties to others hold an equal, if not more standing as when compared to rights.

It can be said that the entire human race are duty bound to protect the environment. This duty has devolved upon us as a correlative to the right that we have as regards the environment, i.e., the right to live in a healthy environment. As said earlier, the human mind and psyche is too preoccupied with the concept of 'rights' that we tend to forget the 'duties' that we have. Is it so crucial that we create a right and prove its existence before inculcating a duty on us? The time is not far, before we lose our environment, to the uncontrollable expanse of human activity and the problems that it gives rise to. Taking such an impending situation, as opposed to law, whether religion is able to ensure a higher degree of compliance, is an area that needs to be looked into.

One of the main aspects of religion that separates it from law is that there is no fear of sanction in the former *as is* present in the latter. Religion exhorts that we do our duty that has been imposed upon us by the principles and if we fail to do so, then if not today, then tomorrow or some other day, for sure, we would definitely suffer the consequences that are sure to arise. This, to a religious person, is a very severe a punishment that can never be attributed to law. The feeling of a divine sanction working against him would ensure that such a person would definitely do nothing against the tenets of the religion. This is why it can be safely said that religion plays a greater role in ensuring that human beings do their duty. It is also to be noted that unlike the usual law which speaks of 'rights' more often than 'duties,' religion speaks more of the 'duties' one possesses than the 'rights' that one has.

Now, whether religion, of all the existing avenues, squarely fits into the scheme of environment protection is sought to be delved into. The fact that it has initiated the individual to perform solemn obligations of social life from time immemorial,⁶ has led to it being regarded as one of the factors that determine human behaviour and shapes the conduct. While it is beyond doubt that it has played such a great role, how it transcends its powerful spiritual form and translates into physical action, thereby exhorting followers to perform their duties and in turn foster environment protection, need be looked into. The fear of divine sanction, it is felt, places religion on a higher pedestal; an enviable position, as it exerts a strong control over human actions and regulates behaviour.⁷

In the essay “The Historical Roots of Our Ecological Crisis,” Lynn White opined: “What people do about their ecology depends on what they think about themselves in relation to things around them. Human ecology is deeply conditioned by beliefs about our nature and destiny – that is, by religion.”⁸ This shows that religion has had an intense impact on humankind and has been successful in ensuring that human beings act in certain ways which are conducive to the environment and guarantees its protection and wellbeing.⁹

While religion has, without any doubt, played a great role in fostering human duty in protecting the environment, whether it would be able to transform itself into the much needed solution or would turn into an over hyped panacea, only time would tell! However, if the situation turns out to be positive, what law can learn and imbibe from religion, so as to ensure better environment protection, can be delved into, in detail and necessary changes be brought about, so that law too enjoys a higher level of compliance and an inborn affinity, which it hitherto lacked.

⁶John E. Boodin, “The Function of Religion”, 46 *The Biblical World* 67 (1915), 72, <<http://www.jstor.org/stable/3142554>> accessed 29 March 2014.

⁷To know more about the changing face of religion in the era of globalization, see P. Radhakrishnan, “Religion under Globalisation,” 39 *EPW* 1403 (2004), <<http://www.jstor.org/stable/4414836>> accessed on 29 March, 2014.

⁸“All about Religion and the Environment,” <http://www.uvm.edu/~gflomenh/ENV-NGO-PA395/articles/Lynn-White.pdf> accessed on 30 March 2014.

⁹For an in depth analysis, see Andrew Greeley, “Religion and Attitudes toward the Environment,” 32 *Journal for the Scientific Study of Religion* 19 (1993), <<http://www.jstor.org/stable/1386911>> accessed on 5 April 2014.

4. Role of Religion in the Protection of Environment

Religion has been one of the most integral parts of human life. It has occupied a position so high on the pedestal that it is near to impossible of it not being taken into account in the case of shaping of one's character and nurturing one's relation with the nature. The role that it plays in the protection of environment and in harnessing the human duty to protect the environment, is taken into account and an attempt is made to understand the nuances of the same. As we know, the right to a healthy environment is a fundamental right. There exists an imminent need to look into the human duty in protecting this fundamental right and the role of religion in fostering such a duty.

Religion is by far one of the most powerful influences on the worldview, values, attitudes, motivations, decisions and behaviour of individuals, groups, and societies for better or worse. Religions afford nature various cultural, moral, and spiritual meanings, and define the place of humans in nature including how they should act toward non-human beings and other phenomena. A religion may be grounded in the idea that nature as a whole is sacred. It can also be grounded on the fact that particular places in nature are especially sacred such as Mt. Fuji in Japan, Kailash in Tibet, Shasta in California and Uluru (Ayers Rock) in Australia. When someone regards something as sacred or spiritual, then that is more likely to be revered and protected. Thus it can be said that religion does have a strong relation in awakening the duty in human beings to protect the environment as is evident from the examples cited above.

It was in the second half of the twentieth century that there was a clamour about the role that religion could possibly have in protecting Mother Nature. This was a period wherein environmental alarm grew and intensified. Much of this concern has involved a hope for a 'greening' of religion; to put it into common parlance for better understanding, it envisioned religion promoting environmentally responsible behaviour. This was based upon the fact that religious beliefs would have a better effect over the people in making them protect the environment than that exerted by law.

Keeping this in mind, various changes had taken place in the society and newer trends came to the forefront. It can also be seen that with the advent of such changes, man too became overtly cautious and concerned about the same.

5. Environmentalism: The Much Awaited Saviour?

The growing concern for the environment, particularly as regards the protection that has to be afforded to the environment taking into consideration the precarious position that it finds itself in, in the present world, led to the evolution of the concept of environmentalism. The concept of environmentalism attributes a newer sense to the age old concept of ‘environment’. It has tried to change the view point in so far as the environment and its protection are given far more prominence than before. The newer concept tries to amalgamate the changes that have taken place as regards the need for the protection of the environment and the changing approach of the people towards the concept of ‘environment’.

With the passage of time and the hurdles that we had cleared successfully, owing to the vast growth that science and technology has helped us to achieve, humanity as a whole found itself at the threshold of a newer world, a world in which technological prowess ruled and a development mindset was at the anvil. The revolutionary changes that were brought about had definitely taken its toll and the environment that we live in, the Earth that has been the cradle of humanity has borne the wrath of the unruly changes that were the end result of the uncontrollable and in many a way catastrophic development of science and technology.

Environmentalism has been a term that has wide ramifications in the present world, which is sometimes termed as a new religion. If it has the ingredients of religion, as suggested by some, then the world would witness a never seen before aspect of environment protection. Traditional religion, it is said is having a tough time in parts of the world.¹⁰ Due to the vacuum that this phenomenon has created, there is a larger scope for people to get attracted to other principles. As early as 1990, the concept of environmentalism being treated as a religion can be traced out. While reviewing the book *Trashing the Planet* by Dixie Lee Ray, Barbara Bankoff in the Wall Street Journal, identifies that the author has identified ‘environmentalism’ as a religion than a matter of science.¹¹ Moving forward, the thought has gained strength and has come a long way and found more supporters.

¹⁰Joel Garreau, “Environmentalism as Religion,” 28 *The New Atlantis* 61 (2010); <http://www.newgeography.com/content/001794-environmentalism-religion> accessed on 20 March, 2014.

¹¹Barbara Bankoff, “Is Environmentalism a Religion,” *Wall Street Journal*, (Eastern Edition), New York, 03/12/1990, A12, <<http://proquest.umi.com/>

By 2003 there were quite a lot of discussions that were taking place as regards environmentalism being the new religion. It can be attributed to Michael Crichton, who 'exposed environmentalism' as a religion and thereby caused a furore amongst ecological circles.¹² He, in his speech, termed it as one of the most powerful religions of the western world.¹³ In the same speech, he opined that environmentalism is turning to be the religion of choice for urban atheists. He has put forward an interesting line of thinking wherein he deduces environmentalism to be a perfect 21st Century remapping of traditional Judeo-Christian beliefs and myths as is clearly laid down in his words,

There's an initial Eden, a paradise, a state of grace and unity with nature, there's a fall from grace into a state of pollution as a result of eating from the tree of knowledge, and as a result of our actions there is a judgment day coming for us all. We are all energy sinners, doomed to die, unless we seek salvation, which is now called sustainability. Sustainability is salvation in the church of the environment. Just as organic food is its communion, that pesticide-free wafer that the right people with the right beliefs, imbibe.¹⁴

He suggests that the religion of environmentalism has to be done away with as the movement would not be effective if it is conducted as a religion. The reason that he points out is that somewhere between 10-30 million people since the 1970s have been killed as a result of environmentalism. He says that the path needs to be rational, apolitical and flexible, if it has to achieve its goals. But this cannot be true as far as environmentalism is concerned, as he stresses on the fact that we know very little of the complex system of environment.¹⁵

pqdweb?index=0&did=4231939&SrchMode=1&sid=2&Fmt=3&VInst=PROD &VType=PQD&RQT=309&VName=PQD&TS=1290145988&clientId=10089> accessed on 20 March 2014.

¹²<<http://www.sullivan-county.com/immigration/e2.html>> accessed on 20 March 2014.

¹³The full text of the speech is available at <http://www.crichton-official.com/speech-environmentalistas_religion.html> accessed on 20 February 2014.

¹⁴<http://www.crichton-official.com/speech-environmentalistas_religion.html> accessed on 20 February 2014.

¹⁵It has been opined that many of the crucial issues of modern environmentalism are not amenable to broad-based moral reasoning and intuition that religion can provide and hence to treat it as a religion is not right. See Jonathan Zasloff, "Do Religion and Environmentalism

In the same year, Robert H. Nelson, A senior Fellow at the Independent Institute, Professor of Environmental Policy in the School of Public Policy at the University of Maryland and Senior Scholar at the Mercatus Centre, also accepted that ‘environmentalism’ is a modern religion.¹⁶ In a research paper by Feler Bose, titled “Environmentalism and Religion: Substitutes or Complements?”¹⁷ based on the study conducted, the author has come to a conclusion that environmentalism is a substitute for religion. Warren Newman, Director Corporate Relations for General Utilities PLC has in his article “Environmentalism as Religion”¹⁸ treated environmentalism as a religion. The impetus that this line of thought has received has left people in awe.

The opinion put forth by the judge reflects not only his take on the subject, but as is the case mostly, the general feeling that is present in the society at large. In a case that was decided in the UK, *Grainger Plc & Ors v. Nicholson*,¹⁹ it was held that environmentalism can be treated as a philosophical belief. This case arose as an appeal against the decision of the Regional Employment Judge. Nicholson had argued that he was terminated from service due to his philosophical belief about climate change and environment and on accepting such a claim he was entitled to pursue a claim under the Employment Equality (Religion or Belief) Regulations, 2003. On appeal, Justice Burton of the United Kingdom Employment Appeal Tribunal rejected the claims made by Grainger Plc and held that such a belief in man-made climate change and resultant actions would, if genuinely held, be a ‘philosophical belief’ for the purpose of the 2003 Regulations. It was also stated that the belief must be of a similar cogency or status to a religious belief.

A new term that has found its way into the vocabulary is ‘radical environmentalism’. This term is best understood as a new religious movement that views environmental degradation as an assault on a

Mix,” <<http://legalplanet.wordpress.com/2009/06/29/do-religion-and-environmentalism-mix/>> accessed on 20 February 2014.

¹⁶In a speech given at Case Western Reserve University School of Law on 25 September 2003. The full text of the speech is available at <http://www.publicpolicy.umd.edu/files.php/faculty/nelson/environmentalism_religion/envrel.pdf> accessed on 20 March 2014.

¹⁷<<http://ssrn.com/abstract=1649225>> accessed on 20 November 2013.

¹⁸<<http://www.libertarian.co.uk/lapubs/polin/polin073.pdf>> accessed on 20 December 2013.

¹⁹IRLR. 4, [2009] UKEAT 0219_09_0311, [2010] I.C.R. 360.<http://www.bailii.org/uk/cases/UKEAT/2009/0219_09_0311.html> accessed on 20 October 2013.

sacred, natural world.²⁰ As the name itself suggests the ways that the followers use for showing their protest are radical-like a massive civil disobedience movement for example.

6. Conclusion

From what has been discussed, above, it can be understood that environmentalism is rapidly growing in popularity and emerging as a new religion. More and more people are attracted by the scope of this new religion and find themselves swept off their feet owing to the relevance that the concept possesses as of now. However, if it takes the route travelled by other religions, it would have nothing more to offer. Considering the pitiable plight that we find our environment in, it is high time that steps are taken and we are able to ensure a gift; the most needed one, to the next generation.

Laws, a plethora of them, are present to protect the environment. But sadly have failed not only in protecting it to the desired level, but more importantly failed in instilling the values associated with environment protection. The duty aspect of environment protection has not been imbibed by the society and law has never been really able to take off in pursuit of such an ambitious venture.

Punishments were and are, aplenty. But even then one sees that the world faces a grim situation when it comes to the plight of the environment. This highlights the fact that law has to a certain extent, failed and that we need something to invigorate the legal system so as to ensure that the needs of the future generations are taken care of; so that our children get to live in a healthy and safe environment.

The so called failure of law can be attached, to some extent, to the fact that it is an external agency. Religion, on the other hand, possesses something which law cannot boast of. Fear of divine sanction is much more important than legal sanction. This in turn creates an innate sense of duty in human beings. Taking this into consideration, let us imbibe the spirit of religion and try to accord legal protection to religious practises that protect, promote and preserve the environment. But then, only time will tell as to how far it would be feasible and successful in tackling the grave problem. Still it is worth a shot; a risk that humankind has to take, for the future generations.

²⁰Bron Taylor, "Religion, Violence and Radical Environmentalism: From Earth First! to the Unabomber to the Earth Liberation Front," 2 <http://www.brontaylor.com/environmental_articles/pdf/Taylor_Religion_Violence_andRE.pdf> accessed on 30 December 2013.