

SUSTAINABLE, ECONOMIC, SOCIAL AND LEGAL COORDINATES OF HUMAN WITH NATURE AND WITH OTHERS

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Abstract

Because man is a natural and social being at the same time, the imperatives of protection, conservation and sustainable development of the environment are related to both man's relationship with nature, of which he is an integral part, and to his relationships with the others concerning the natural elements.

The purpose of this article is to point out in a historical perspective, the political, economic and legal measures through which can be provided and, if necessary, redressed the balance and the harmony between human being's interests and life needs and the need for health, protection and conservation of the Earth.

The political, economic, legal strategies concern the state and the plurality of legal concepts that it can establish and maintain: the domestic law, the international legal order and the community order.

Keywords: *ecological crisis, legal system, environmental protection, conservation, sustainability, industrial civilization.*

JEL Classification: *E01, E21, E24, F16.*

In achieving our approach on human relations with nature and with others from some conceptual and historical clarifications about the nature (the environment, ecology and law, analyzed in their human dimension.

I. HUMAN AND NATURE

Relations between man and nature relate to the history of humanity because we cannot analyze the human being and the micro or macro human communities separately from the environment. The environment has always offered to the human the sources with which this one satisfies his material and spiritual life needs. Getting from nature the elements he needs for living, man started to shape nature "whose laws are to be obeyed in order to survive.(Marinescu, 2003)".

With time, man tried not only to use in its own interest the elements offered by nature, but also to "master" it, sometimes at the risk of triggering conflicts between natural cyclical processes of the ecosphere and aggressive means of intervention. In the modern era (nowadays) the use of science and technology with the aim to industrial development has deepened the conflict between man and nature, which generated real "ecological crisis". The onset of this crisis is placed, by the researchers in the field, in the mid nineteenth century, when the development of industrial civilization caused profound and accelerated environmental changes. Under these conditions, the man had to face new challenges of industrial civilization which rose to unimagined levels never seen before in the exploitation of the soil and subsoil. Some examples are illustrative in this respect: planted areas have been expanded, cultivated systems were enlarged and diversified, the limits of rational or normal deforestations were exceeded. All this is explained by the temptation and the rush to get bigger areas of cultivations, higher quantities of wood.

But industrial civilization has had another consequence, that of population growth, with direct effects on the process of urbanization, large urban agglomerations in more restricted spaces. Apart from the human benefits, all this put man in trouble because he could not always meet normal conditions of balance, of harmony of his relations with the environment. Even if some are renewable resources (fauna, flora, forests), operated irrationally, beyond their endurance, can put man in conflict with the environment which ensures his material and spiritual existence. Obviously, the harmful effects of human intervention on the environment are more pronounced in the case of irrational exploitation of non-renewable resources, such as subsoil mineral wealth, oil, coal, gas, etc.

We can summarize thus by saying that the industrial development through the widespread use of science and technology brought to the man, besides the obvious immediate benefits some damage also, especially in the medium or long term. The balance that had to be established and maintained between the satisfaction of its own needs of growing and diversifying and protecting the components of the environment was affected, sometimes with serious irremediable consequences. Although, in an isolated way, natural imbalances appear before the twentieth century, since this century, especially in the second half, irrational, prejudicial, unbalanced interventions assaulted in a ruthless way natural resources of soil and subsoil. Hostility and disharmony between man and nature retaliated by throwing human communities in overwhelming sometimes disastrous trials. The floods, the destruction of human lives and material goods, typhoons, volcanic eruptions, nuclear accidents are

related to conscious or unconscious interventions of man who, setting in motion of nature's forces, proved incapable of controlling and mastering them (Dutu, 2007).

So it came to other crises facing humanity: crime, poverty, hunger. Awareness that the intensity of human activity increases pressures on the environment, either through uncontrolled consumption of resources and space, either by producing waste that nature cannot absorb without suffering, determined the international community to pass to initiate concrete actions such as preventing, countering and eliminating repercussions of disturbances (Rojanschi, Bran, 2002).

In this global dilemma – the human behaviour must stop valences regulating relations between people on nature, in order to a call in the normal patterns of harmony and its balance. Social relations on the protection, preservation and development of environment are subject to legal regulations concerning either the environment as a whole or its individual components. Ultimately, the purpose of these regulations is to prevent and limit, to stop the possible effects of environmental degradation of natural causes or by human activities.

Historically, the issue of rules of human behaviour concerning human relationships with the environment, brings into discussion the role of social rules with an important character in the establishment and maintenance of a natural and social order (Iftime, 2015).

As we have stated above, man appeared and evolved in the natural environment composed of earth, various and complicated life forms: water, rain, birds and animals. Between man and the natural environment inevitably settled certain proportions, long before the emergence of state and law (from time immemorial). The interaction between man and the natural environment constituted an object of regulation for the first rules of human behaviour, which in ancient times did not have yet a legal nature. The oldest rules of human behaviour concerning relations between man and nature have given expression to a conscience (rudimentary obviously), of religious, moral and political nature. In the absence of specific certain interventions, we can assume that the first standards for ethical conduct concerned the human primary occupations as strictly necessary to cover the needs of life: picking, fishing, hunting, farming, collective defence against wild animals or natural phenomena. In this way were gradually crystallized norms of human behaviour in the natural environment, which were repeated and transmitted from generation to generation, became legal customs (Craiovean, 2009).

II. MAN'S RELATIONSHIPS WITH THE OTHERS CONCERNING THE ENVIRONMENT

From the facts summarized above arises the human attribute of being a natural and social being at the same time, leading to the idea that human relations and social norms regulations did not reduce to the interaction of the man with the natural environment. Amid a natural reality have been developed social relations, within the family, first, and then in other phases of social life. So, being in a slow evolution, specific to the dawn of humanity, it would expand increasingly more towards people's relationships with life and their occupations. Of course, the primitive idea of human solidarity had as reverse side a collective disapproval of the acts and forces of violation or disregard of rules of social coexistence. Much later, when the world was engaged in the transition from primitive forms of human community to the state organization, the collective disapproval began to be accompanied by a collective constraint. Then it was the state which emerged, as a form of organization of the collective power over a population located in a territory with a state machine (of constraint, first, and of binding rules of human behaviour/rule of law).

In this way, through its special activity, the state gave the collective constraint the character of an organized third entity, with the social mission to develop legal norms to ensure the compliance with these ones.

Since that time, social norms were not provided to people like recommendations, suggestions for life, but as an order, a command which all the addressees must obey. From then until now, the law as an expression of state life was and remained the most important factor of solving man's relations to other people about the natural social environment.

But the state may appear as a legal subject – creator of legal norms in three ways: as a rational state, providing a strong legal system model; as a state – direct subject of international law and as a state member of a form of community life, trained in an order of community law. Within these “orders” must be searched for and identified the sources of environmental law entailing the legal dimension of environmental conservation and sustainable development.

The notion of material source of law, related to the origin, factors of determination and of creation of the law (Giorgio del Vecchio, 1983). In a formal sense, the concept of source of law, as a theme and the practice of law with a specific meaning, strictly legal, which are considering ways of expressing legal norms, normative acts (laws, decrees), legal customs, legal contract. Specifically, the term expresses “ways of creating legal rules; how did they appear and how were they kept?” (Popa, 2009)

Focusing on this latter meaning, we must say that in addition to specific features of formal sources of law (generally), there are features that customize the sources of environmental law, namely: the mandatory nature of the rules governing relations between people on environmental behaviours and the predominantly technical nature of addressing environmental rules. These traits generated opinions that tend towards a “technological public policy” (Dutu, 2007).

The sources in which can be identified the rules of law of the environment can have a purely internal character, being adopted by the Romanian legislature to regulate relations on environmental protection (Environmental protection is required by the need of preventing and combating environmental degradation by human actions, of stopping the harmful effects of natural phenomena, by the need of restoration or reconstruction of depreciated environmental components), environmental preservation (The preservation of the environment involves especially the maintenance and reproduction of natural and anthropogenic factors, by establishing special measures for the protection of nature, p. 5) and its sustainable environment (Rojanschi, Bran, 2002). The elaboration, but especially the application of such rules was and remained sluggish because the opinions of specialist authors, of practitioners, but also of the actors involved in this matter are far from providing clear and uniform explanations and solutions in this sense.

If we refer to the concept of environmental protection, for example, at least three theses clash in world practice, based on the geocentric concept, on the biocentric concept and on the anthropocentric one.

The geocentric thesis makes from protecting our planet, taken overall, an end in itself because it penalizes any human intervention.

The biocentric thesis puts under man's protection and environmental concerns all other forms of life, its sources, any interference with the species' lives.

The anthropocentric thesis starts from diverse needs of the man, for which it may intervene.

Each of those theories is likely to offer a simplistic explanation of such a deep and complicated relationship as the relationship between man and nature.

In deciphering the meaning of this relationship we must keep in mind that, ultimately, the goal of environmental protection is to protect humans. Through the objectives proposed, environmental protection shelters in a safe place from negative influences natural behaviours, especially man, who is part of nature.

Identifying the causes of environmental impairment, reducing the effects of pollution, up to their total elimination, serve the health and balance of humanity. We must also add that often, the establishing of the ecological balance and the protection of different components of the environment depend on human activity, for influencing the spontaneous functioning of various natural factors. For these purposes, human interventions should be sensible, rational, scientifically founded. Only in this way the depreciation of environment can be prevented and fought against and its sustainable development can be maintained.

The balanced management of natural resources must be accompanied by an appropriate legislation, with stimulating effects that provide in a clear and complete way, the permissions and prohibitions of man's interventions over nature and to indicate the penalties which, if necessary, can recover the disturbed natural order.

Through the above-mentioned factors can be protected and preserved the natural state of the environment and of the human. Because risk factors for natural balance, for the state of harmony that should exist between man and the environment that maintains it, ultimately aim at the man (The harmful effects of environmental impairment affect all areas of life and human activity: insufficient food, health impairment, high, p. 7), with these ones being, in a way, the creation of the environment, but also the creator of many components of the environment. To the extent to which on the thread of the relationship between man and nature do not occur imbalances, the changes and additions brought by the man to the environment are not harmful. On the contrary, in many cases they can be profitable for saving the environment.

All these positive interventions on the environment, but especially the possible aggression committed by man should be considered in designing economic, social and political strategies (Lupan, 2009), and in developing an appropriate legal framework which would grant man a quality of life.

III. CONCLUSIONS

We have presented briefly the main economic, social and legal aspects of man's relationship with nature and with others based on the idea that the global society is aware that environmental problems are inseparable from economic and legal processes in general, from human welfare and quality of life viewed individually or as a member of micro or macro-communities.

We considered that, in the economic field, the environment and natural resources were and remain core components that serve economic growth. But neglecting the cost of degradation and damage of the environment and human health are ultimately borne by the whole community threatened by the serious ecological dangers.

In the legal field, we stopped at that specific human theory which is legally enshrined and guaranteed as the human right to a healthy, prosperous and ecologically balanced environment. We insisted on the role that the state must fulfil in developing political, economic, legal strategies, meant to reconcile economic problems with environmental issues, so that the human program is maintained by covering human life needs, not only for present but also for future generations. It is about a civilized state in a triple framework: national state, state subject of international law and community state. Thus are underlined these two dimensions of protection, conservation and sustainable development of the environment; the national dimension and the international dimension, in a systematic structural unit. The human nature of these two dimensions is explained by the

ecological uniqueness and indivisibility of the environment, of the Earth, even if this one, in terms of state sovereignty is partially protected at the national and international level.

As for the law, its mission is to establish procedures guaranteeing the collective management on environmental heritage, a concept which broadly represent the natural and cultural heritage, the biological heritage, the urban and rural architectural heritage.

In conclusion, environmental regulations generate social stories with a special character, which originate in the environmental preservation, development and protection. They are relations of national future, so the state interferes directly conferring a mandatory level to legal rules governing the social relations in this field. The majority of these are technical regulations sanctioned judicially, on strict theories and relationships as regards the implementation of clearly defined, compulsory objectives.

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