
***Green
Criminology and
Earth
Jurisprudence:
transforming the
law to restore
the planet***

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Outline

What is Green Criminology?

What is Earth Jurisprudence?

An example

The Future

What is Green Criminology?

A generic interest in crime and harm related to the environment

It is not a single perspective

It is evidence of integrative criminology, which is interdisciplinary

What is Green Criminology?

Environmental laws

- Enforcement, prosecution and sentencing practices
- Implementation and compliance with international treaties and conventions
- Vicarious liability and the monetary worth of environmental harm

Environmental regulation

- Systems of administrative, civil and criminal law that are designed to protect and preserve specified environments and species, and to manage the negative consequences of particular industrial processes

What is Green Criminology?

Environmental harms

- Usually incorporating wider conceptions of crime than that provided in strictly legal definitions
- Environmental harm is itself deemed to be a (social and ecological) crime, regardless of legal status – if harm is done to humans or environments or animals, then it is argued that this ought to be considered a ‘crime’ (White 2013)

What is Green Criminology?

transgressions that are harmful to humans, environments and nonhuman animals, regardless of legality per se; and

environmental-related harms that are facilitated by the state, as well as corporations and other powerful actors, insofar as these institutions have the capacity to shape official definitions of environmental crime in ways that allow, condone or excuse environmentally harmful practices.

Green crime then is contentious and ambiguous (White 2011)

Green Criminology is also..

GLOBAL, CULTURAL, DECOLONIAL

- 'A perception of the world as a shared analytical, social and ethical space' (Franko 2010: 428).
- In an interlinked globe what is the scope of the social contract? Who are we obliged to? (Hogg, 2002).
- What is to be the scope of our knowledge about crime, justice and social exclusion? And the links to production and consumption?
- Franko (2010) argues for criminology this is beyond the local or the nation state and is an ethical imperative.
- Addressing the global interconnectedness forces the theoretical, analytical and methodological scope of criminology
- Disturb the hegemony of Western thought

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What is Earth Jurisprudence?

A radical complete reworking of Western legal systems to be Earth-centric.

Principles of Earth Jurisprudence	Description
Principle One	‘The Universe is the primary law-giver, not human legal systems’ (Cullinan, 2011: 13).
Principle Two	‘The Earth community and all the beings that constitute it have fundamental ‘rights’, including the right to exist, to habitat or a place to be, and to participate in the evolution of the Earth community’ (Cullinan, 2011: 13).
Principle Three	‘The rights of each being are limited by the rights of other beings to the extent necessary to maintain the integrity, balance and health of the communities within which it exists’ (Cullinan, 2011: 13).
Principle Four	‘Human acts or laws that infringe these fundamental rights violate the fundamental relationships and principles that constitute the Earth community (‘the Great Jurisprudence’) and are consequently illegitimate and ‘unlawful’ (Cullinan, 2011: 13).
Principle Five	<p>‘Humans must adapt their legal systems, political, economic and social systems to be consistent with the Great Jurisprudence and to guide humans to live in accordance with it, which means that human governances systems at all times take account of the interests of the whole Earth community and must:</p> <ul style="list-style-type: none"> - determine the lawfulness of human conduct by whether or not it strengthens or weakens the relationships that constitute the earth community; - maintain a dynamic balance between the rights of humans and those of other members of the Earth community on the basis of what is best for earth as a whole; - promote restorative justice (which focuses on restoring damaged relationships) rather than punishment (retribution); - recognise all members of the Earth community as subjects before the law, with the right to the protection of the law and to an effective remedy for human acts that violate their fundamental rights’ (Cullinan, 2011: 13).

An example

**Unconventional Hydraulic Fracturing
for Shale Gas in the United Kingdom**

Risk One - Negative Contribution to
Climate Change

Risk Two - Well Integrity Failure

Risk Three - Wastewater Disposal

Fracking

Green Criminology

Harm not just crime

Non-humans as victims

Global community

Capital accumulation as central

Earth Jurisprudence

Whole Earth community

Earth systems

Rights of other beings

Human adaptation to the Earth community

The Future

Thank you