The story of environmental law is an ongoing saga of escalating environmental ills and an array of legal responses. These laws first tried to address pollution damage observed in the late 1960s. By the early 21st century, environmental laws had become laser focused on correcting planet-altering climate change, global warming, Earth-system disruptions, and biological extinctions. During these 50+ years of multiple environmental problems, those responsible for the formulation of environmental “laws” to address these problems have been experimenting with multiple models of law-making. Unfortunately, the makers of our environmental laws have embraced conceptions of science and presumptions about human relationships, and human relationships with nature, that have proven to be unrealistic, or flatly wrong. As a result, the story of environmental laws has been a disappointing one. The Earth continues to experience grave consequences that could, in the not-too-distant future, spell the end of the environmental conditions that permitted the evolution of humans and many other life forms.

The time may therefore be right for a rethinking of environmental law. What is offered here is a specific proposal for how the vast body of environmental law might be refigured, and significantly simplified. To be successful, the underlying premises of environmental law should be more in line with the reality of how nature, and humans in nature, exist. These laws should also be more consistent with certain fundamental universal laws that govern Earth systems and the natural environment. One of those laws is the Principle of Universality. This Principle holds that for a “law” to be universal, it must apply everywhere, at any time, to all that are subject to the law.

The object of environmental law is the natural environment surrounding humans, and the humans who affect that environment. Are there fundamental laws that satisfy the Principle of Universality and that affect all that are subject to environmental laws – humans and nature? There are indeed certain principles that apply everywhere, during any time period. The thesis of this book is that our environmental laws should therefore be formulated so that they are consistent with those Laws of Nature.

Scientists, commentators, and academics seem to concur that there are a few such Laws of Nature that satisfy the Principle of Universality. Three of the most prominent are: connectedness (entanglement); simplicity (economy); and
symmetry (balance). If policymakers are to rethink environmental laws, they should ensure that “new” environmental laws have those three characteristics. Connectedness, simplicity, and symmetry stimulate nature. Our environmental laws will be more successful if they display those qualities.

What follows in this book is a recounting of how our environmental laws have historically not reflected those Laws of Nature, how they have been unsuccessful, why they should conform to Universal Laws of Nature, and what our environmental laws might look like if they were consistent with Nature’s Laws.

1 For example, consider the DNA molecule, which is present in all living organisms that have ever been observed. When James Watson and Francis Crick first announced its elegant and simple structure in a terse two-page article in the scientific journal Nature, in 1953, they wrote four telling sentences:

(i) ‘The structure of the DNA molecule is the same in all species.’ [The Principle of Universality]
(ii) ‘This structure has two helical chains each coiled round the same axis … where the two chains are held together by the purine and pyrimidine bases.’ [Connectedness]
(iii) ‘X-ray diffraction studies … show the basic molecular configuration has great simplicity.’ [Simplicity]
(iv) ‘The nucleotide consists of a unit having circular symmetry about an axis parallel to the helix axis.’ [Symmetry]