



Essential Readings in Environmental Law
IUCN Academy of Environmental Law (www.iucnael.org)

THE HISTORY OF ENVIRONMENTAL LAW (2): INFLUENTIAL CLASSICS

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OVERVIEW OF KEY SCHOLARSHIPS

1. Marsh, G.P., *Man and Nature* (Scribner, Armstrong & Co., 1874).
2. Leopold, A. *A Sand County Almanac* (Oxford Univ. Press, 1949)
3. Carson, R., *Silent Spring* (Houghton Mifflin, 1962)
4. Ehrlich, P.R., *The Population Bomb* (Buccaneer Books, 1968)
5. Hardin, H., *The Tragedy of the Commons*, (1968) 162 Science 1243
6. Sax, J.L., *Defending the Environment: A Strategy for Citizen Action* (Alfred A. Knopf, Inc., 1971)
7. Stone, C. D., *Should Trees Have Standing?—Toward Legal Rights for Natural Objects* (1972) 45 S. Cal. L. Rv. 450
8. Molina, M.J., and F.S. Rowland, *Stratospheric Sink for Chlorofluoromethanes: Chlorine Atom-Catalysed Destruction of Ozone*, (1974) 249 Nature 810
9. *World Commission on Environment and Development, Our Common Future* (United Nations, 1987)
10. Weiss, E.B., *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*, (Transnational Publisher, 1989)
11. Gore, A., *Earth in the Balance: Ecology and the Human Spirit* (Penguin Group, 1993)
12. Lomborg, B., *The Skeptical Environmentalist: Measuring the Real State of the World*, (Cambridge Univ. Press, 2001)

Background

While reviewing the vast history of environmental law to prepare a list of “Essential Readings on the History of Environmental Law” for this series, I quickly realized that it also would be useful to prepare a second, separate list of classic works that themselves have had the most impact in affecting the development of environmental law. The significance of each of these selected works is explained below.

1. **G. P. Marsh**' *Man and Nature*, later renamed *The Earth as Modified by Human Action*, warned that the U.S. should start to preserve natural areas to avoid the widespread deforestation that afflicted ancient societies in the Middle East. It helped spur the creation of the Adirondack Park and fueled the conservationist movement in the late nineteenth century.
2. **A. Leopold**'s *A Sand County Almanac*, is a book by a former forest ranger that was edited by his son and published a year after his death. It became a classic for articulating a "land ethic," a kind of philosophy of ecological best practices. The ethic is distilled into the statement that "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."
3. **R. Carson**'s *Silent Spring* has been the most influential book in the history of the environmental movement. **Carson** warned that the buildup of synthetic organic pesticides in the environment could eventually wipe out bird colonies, producing a "silent spring." The book helped galvanize the modern environmental movement and fueled successful efforts to get the U.S. government to ban DDT.
4. **P. R. Ehrlich** book titled, *The Population Bomb* issued dire warnings that hundreds of millions of people would die from famines and ecological catastrophes during the 1980s and 1980s as population growth and human consumption of resources outstrips the earth's natural carrying capacity. The predictions did not prove accurate, perhaps in part because the book galvanized greater support for environmental protection measures.
5. **G. Hardin** in *The Tragedy of the Commons*, while using an example of a commons on which individuals can graze their livestock for free, argued that individually rational behavior can be collectively deficient by leading to overconsumption and destruction of the commons because its carrying capacity has been exceeded.
6. **J. L. Sax**'s book *Defending the Environment: A Strategy for Citizen Action*, documented the unresponsiveness of mission-oriented, federal agencies to environmental interests. **J. L. Sax** argued for great judicial scrutiny of agency decisions employing ancient principles of the public trust to develop a common law of environmental protection. While his vision went unrealized, the book helped spur more aggressive implementation of the *National Environmental Policy Act*'s environmental impact assessment procedures. The author also is the author of the influential article on the history of the public trust doctrine (The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention, 68 Mich. L. Rev. 471 (1970)).
7. **C. D. Stone** in *Should Trees Have Standing?—Toward Legal Rights for Natural Objects* argued that legal proceedings to protect the environment should be brought in the name of the natural objects that the actions seek to protect. The argument was embraced by Justice William O. Douglas in his dissent in *Sierra Club v. Morton*, but it has not been adopted by U.S. courts, which employ more stringent tests for legal standing.
8. **M. J. Molina** and **F.S. Rowland**'s article *Stratospheric Sink for Chlorofluoromethanes: Chlorine Atom-Catalyzed Destruction of Ozone* hypothesized

that increasing releases of a set of chemicals known as chlorofluorocarbons (CFCs) that would remain in the atmosphere for 40-150 years, could lead to destruction to Earth's protective layer of ozone. This scientific theory, later demonstrated to be correct, spurred global action to phase out CFCs, culminating in 1987 with the successful *Montreal Protocol on Substances that Deplete the Ozone Layer*, a singular triumph of precautionary regulation.

9. **World Commission on Environment and Development, *Our Common Future*** (United Nations 1987) is also known as the "Brundtland report" because it was written by a commission chaired by former Norwegian Prime Minister Gro Harlem Brundtland. The report is best known for its definition of sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." The report focused international attention on global environmental challenges and laid the groundwork for the 1992 Rio Earth Summit.
10. **E. B. Weiss's** in *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity* defines a theory of intergenerational equity, proposes principles of intergenerational equity, and examines how to protect the rights and obligations of future generations concerning the integrity of the Earth and its natural and culture resources.
11. **A. Gore's *Earth in the Balance: Ecology and the Human Spirit*** warns that environmental problems are so serious that developing a global response to them should become the "central organizing principle of world civilization." Following his narrow defeat in the 2000 U.S. Presidential election, Gore in 2007 shared the Nobel Prize for raising global awareness of climate change largely through his 2006 Academy award-winning documentary film *An Inconvenient Truth*.
12. **B. Lomborg** in the book *The Skeptical Environmentalist: Measuring the Real State of the World* (1998, in Danish; 2001 in English) argues that the environmental movement has greatly exaggerated threats to the global environment. **Lomborg** maintains that more resources should be allocated to promote development and to alleviate poverty and that much of government intervention to protect the environment is misguided. The book generated a firestorm of criticism, but was widely embraced by opponents of environmental regulation and contributed to increasing political polarization of some environmental issues that previously had attracted bipartisan support.