

Idea Change of Environmental Law based on Modernization

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Abstract: Under the current social development model, many materials can be produced quickly. However, the destruction of ecological environment is so serious that cannot be remedied by subsequent measures. These behaviors and ideas should be limited from the perspective of environmental law. During the modernization of human beings, there was an important conceptual support to the development of environmental law. Inspired by the international art & crafts movement and ecological humanism, the idea of environmental law is always developing. Meanwhile, its transformation is also developing with the advancement of modernization.

1 INTRODUCTION

Modernization is the continuous transforming process of nature by human beings. At any ages, humans transform natural environment and resources via various ways for survival materials. However, with the advancement of modernization, there have been some pressures to natural environment and resources. Modern scientific research shows that excessive development will result in a non-renewable destruction to natural environment and resources. In brief, earth's environmental bearing capacity is limited (Qu Zhenhui, 2008). Although this limit has no clear boundaries, accumulation of over-development is bound to cause serious results, as the change of quality is caused by change of quantity.

2 DEVELOPMENT OF THE IDEA OF ENVIRONMENTAL LAW IN COUNTRIES' MODERNIZATION

The idea of environmental law differs in many countries. For example, it was called "Environmental Legislation" in U.S., "Protection Law for Interference and Infringement" in former West Germany and "Nuisance Law" in Japan. In terms of the appellations of national environmental laws, it can be found the understandings for

environmental law are different in countries. But its main purpose contains two similar basic levels (Luo Li, 2008). One is the protection for natural environment and resources, and the other is the prevention and remediation for pollution. Therefore, countries have drafted corresponding environmental laws and regulations for the above two levels. Environment protection, especially with related laws, has not drawn people's attention until the 19th century. With the scientific and technological achievements of industrial revolution, the world has gain unprecedented productivity. As a result, people begin to vigorously reform and develop the nature via advanced technology. But such practice will undoubtedly bring huge pressure to natural environment and resources (Mei Xianzhong, 2007). Therefore, after a round of dense development, many industrial countries gradually found problems in natural environment. Then, related laws are established by countries to restrict the development of natural environment and resources.

Development of environmental laws is closely linked to modernization process. Developed industrial countries have built relatively complete environmental law system as part of state law. Current idea of environmental law has developed out the following levels. Firstly, constitution can be used to require certain protections for natural environment and resources, as well as pollution control. Some big powers even consider environmental protection as the foundation of society or the highest national code of conduct. Secondly, comprehensive laws are adopted to

restrain environmental protection such as the Environmental Protection Laws of PRC. Such laws are called environmental policies. It is an environmental protection law with strong comprehensiveness. These laws play a guiding role in making strategies for natural environmental protection with critical significance. Thirdly, specific environmental laws and regulations are used to provide protections for different natural environment and resources according to the requirements of different levels. Besides, these laws possess strong pertinence, thus providing more professional protections.

3 IDEA DEVELOPMENT OF INTERNATIONAL ART & CRAFTS MOVEMENT: REFLECTION ON MODERNIZATION

3.1 Basis of reflection on modernization of international art & crafts movement

Social activists and thinkers began to rethink about the environment that heavily impacted and damaged by the development of modernization. The international art & crafts movement can be regarded as the rudiment of world development. During the First Industrial Revolution, ancient Britain has witnessed large-scale development. Although the development has made Britain the first industrialized country, too much resource was consumed. Shortly after industry brought prosperity to Britain, many problems have broken out. Related statistical reports show many cities in Britain, such as Manchester, Liverpool, Birmingham and Safford, have rapidly developed into metropolis since the 1850s. Due to the rapid development, British ignored the consideration of urban planning. As a result, there were not enough houses for the increasing urban population. Furthermore, the living environment and conditions of working class were very bad, thus accelerating the differentiation of social classes to some extent. Additionally, as the first country launching industrial revolution, Britain has suffered much from the pollution of soot and water. That is because there was no specific idea for environmental protection in Britain. They just paid much attention to the development of natural resources, namely the pursuit of wealth. So there was no effective measure

in Britain to prevent the natural environment from destroying. Another example was the German empire, a country united from the unification war of Prussian. Shortly after the unification, Germany launched a large-scale modern industrial development. Undoubtedly, this development has led to the seriously-destroyed natural environment and resources as well as the cross-flow of wastewater in German industrial areas.

3.2 Legal consideration of international art & crafts movement on environmental protection

Faced with destroyed environment, several scholars in Britain proposed the claim of protecting environment, and launched the international art & crafts movement. At the end of 18th century, British scholar Gilbert White's work "The Natural History of Selborne" was officially published to promote people's reflection on development of industrial civilization. At the same time, the criticism on destructiveness of industrial civilization was also initiated in Britain. As the overdraft and waste of ecological resources, there were multiple natural disasters in Britain. Such disasters have scared the people for the future, or even affecting their survivals on materials base. Under this ideological influence, part of the thinkers in U.K. and Germany launched the art & crafts movement. This movement can be regarded as the reflection on industrial civilization.

International art & crafts movement was developed after the British Chartism. It mainly aimed at the restoration of human's original morality and faith by reviving European handicraft mode in medieval. It seeks the feelings and living state of people under naturalism. Therefore, it is an anti-industrialism movement to seek culture and materials. Morris and Ruskin, representatives of that movement, hold the view to promote the social status of European handicraftsmen. They also attempted to produce personalized crafts rather than sedulously pursuing the development of science and technology.

At the same time, handicraftsmen began to criticize the industrial civilization, requiring British government to re-examine ecological issues. Ruskin ever gave a lecture in Brantford University of Technology, saying that the country should not deny the arts education during rapid development of industrial civilization. What's more, the damage of industrial success to ecological environment is unacceptable, and what people needed are not only

mine and coal pits. Therefore, Ruskin proposed humanism criticism for the development of industrial civilization, which is of positive significance to the following ecological movement.

Besides, another handicraftsman representative William Morris argued that human beings should take social development as the ultimate goal. In his opinion, the individual value and dignity of human should be respected during social development, so that human can pursue individual freedom and happiness. Compared with the environmental destruction of industrial civilization, this humanism idea is the predatory of human's freedom right and enslavement of humanity's rationality. Therefore, Morris gave a legal thought to the relationship between human and goods.

4 FOUNDATION OF ENVIRONMENTAL LAW THEORY: DEVELOPMENT OF ECOLOGICAL HUMANISM BASED ON HUMANISM

Humanism was the secular trend developed in Western Renaissance. It has had a profound impact on the development of arts, including the examination of the position of humans. Therefore, humanism has influenced the development of ecological humanism a lot, which can be shown in the combination of ecological environment protection and human's development. Then, human could rethink sustainable development from the perspective of ecological humanism. Therefore, ecological humanism is of important significance and function. Science is the only basis of social development. This idea was even the social mainstream ideology in the development of industrial civilization, especially in the Industrial Revolution. However, the idea focusing on science and technology is actually the voluntarism. It will ultimately lead to the resources destruction and energy depletion. Now the whole world is witnessing serious ecological crisis. Therefore, the humanism idea of harmonious coexistence between humans and nature is necessary to make sustainable development. As the ideological foundation of environmental legal and environmental protection, ecological humanism itself is a unique kind of human-centered humanism. Different from the view of taking science and technology for all, ecological humanism also stressed that human beings should

depend on nature. In fact, Human and natural environment are actually one body.

In the view of ecological humanism, the relationship of human and nature should be transformed into relationship between subject and object under industrial civilization. Then, natural environment will be more stable and healthy. And only with this idea can we find a better development road for human. The Club of Rome in European was the pioneer of this development road.

5 CHANGE OF ECOLOGICAL ENVIRONMENT THEORY IN MODERNIZATION

With the development of ecological humanism, the foundation of legal theory on natural environment protection was formed, especially through the publication of the tradition of Renaissance. This can be seen in Rodale's writings. Rodale argued that humanism is actually the self-liberation of human to make people attempt to settle current problems. However, human should shoulder some responsibilities to obtain the self-liberation. Therefore, the difference between human and other animals lies in human's patience and endurance, as well as their understanding of seeking the long-term interests. The self-centered idea has been verified as undesirable through long-term practice. On this base, two questions were proposed. What are human beings and the relationship between rationality and belief? What's the role of human in exploring the natural environment and resources as well as in the balance of species? All these problems should be restricted by environmental laws.

Undoubtedly, environmental deterioration is in fact a crisis for human society. The question is how to solve the crisis that affecting continuous development. In fact, it is relatively difficult for human to develop without destruction under the current level of social productivity. Therefore, it is possible to have an impact on the development model of human society by way of environmental law, particularly its deep change. With the limitation of laws, more people will realize that human beings and nature are actually an interdependent whole. Besides, series of international environment charters should be issued, such as the "Declaration of the United Nations on the Human Environment". That was formed in the first conference on human environment. Through these international laws, more people will be aroused to participate in

environmental protection. Certain countries, like France, have written ecological environment protection to their fundamental constitutions, even adding some long-term considerations into environmental laws. Such approaches can make the idea of ecological environment protection better spread in the country. In the current social environment, it is a concept of environmental law with practical significance.

6 CONCLUSIONS

As a developing country, China should seriously take the precious exploiting opportunity. At the same time, there are some contradictions between modernization and environmental protection during development in China. Scientific development view has proposed the human-centered idea and continuous development that concludes the idea of modernization. To continuously implement the modernization, China has formed some related environmental protection laws and regulations. With the help of natural environment laws, the environmental protection idea in China has gain the support of nation. Meantime, with the development of modernization, the idea of environmental laws is also developing.

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