

1. Record Nr.	UNINA9910955422803321
Autore	Coyle Sean
Titolo	The philosophical foundations of environmental law : property, rights, and nature // Sean Coyle, Karen Morrow
Pubbl/distr/stampa	Oxford ; ; Portland, Oregon : , : Hart Publishing, , 2004
ISBN	9786610807789 9781841133607 1841133604 9781472562968 1472562968 9781280807787 1280807784 9781847310330 1847310338
Edizione	[1st ed.]
Descrizione fisica	1 online resource (244 p.)
Disciplina	344.4104/6
Soggetti	Environmental law - Philosophy Environmental law - Great Britain
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references (pages [217]-222) and index.
Nota di contenuto	1. Introduction -- 2. Nature and the State of Nature -- 3. Commerce, Capitalism and the Common Law -- 4. Legal Regulation and Environmental Values -- 5. The Changing Face of Environmental Law
Sommario/riassunto	Legal regulation of the environment is often construed as a collection of legislated responses to the problems of modern living. Treated as such, 'environmental law' refers not to a body of distinctive juristic ideas (such as one might find in contract law or tort) but to a body of black-letter rules out of which a distinct jurisprudence might grow. This book challenges the accepted view by arguing that environmental law must be seen not as a mere instrument of social policy, but as a historical product of surprising antiquity and considerable sophistication. Environmental law, it is argued, is underpinned by a series of tenets concerning the relationship of human beings to the natural world,

through the acquisition and use of property. By tracing these ideas to their roots in the political philosophy of the seventeenth century, and their reception into the early law of nuisance, this book seeks to overturn the perception that environmental law's philosophical significance is confined to questions about the extent to which a state should pursue collective well-being and public health through deliberate manipulation and restriction of private property rights. Through a close re-examination of both early and modern statutes and cases, this book concludes that, far from being intelligible in exclusively instrumental terms, environmental law must be understood as the product of sustained reflection upon fundamental moral questions concerning the relationship between property, rights and nature

---