

The Link Between Environmental Rights and the Rights of Nature: The Virtues of a Complexity-Based Approach¹

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We would like to invite the reader to take a little journey together in the footsteps of the poet Antonio Machado³:

*Caminante, no hay camino... You who walk, there is no way
se hace camino al andar. we make our way by walking.*

Abstract

Our goal is to propose methodological elements for adapting common health to local realities, considered in their interdependence with the global, taking into account the indisputable fact that resources are limited on Earth, while ensuring the articulation of a multitude of competing yet highly complementary needs: those of the Oikos (the home, in other words, the Earth in the broad sense and, in a more restricted sense, our place –s– of life), the Bios (the living in all its diversity), and the Anthropos (humans regardless of origin). How can we meet such a challenge? We propose to reason from a logical perspective in a mesocentric manner by adopting an approach that intersects all the needs addressed by the major currents of environmental ethics, whose stakeholders all depend on the health of natural environments. This approach is very well illustrated by the concept of ‘common health,’ according to which human health depends on the health of societies, which, in turn, depends on the health of natural environments. Environmental rights and the rights of nature address the health of natural environments in different ways. Since we believe it is useful and desirable to connect these two normative approaches, it is important to first establish this need for connection before proposing a method of connection in complexity inspired by certain founding values.

Keywords: common health, human health, societal health, natural environment health, interdependence, resources, limits, mesocentric approaches, environmental law, rights of nature, method of reliance in complexity, value of existence, value of memory, value for the future, consideration, tolerance and robustness.

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³ Machado, A. (1912). *Proverbios y cantares de Campos de Castilla*, Madrid, Spain: Renacimiento, p. 37.

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1. Introduction

We would like to cross-disciplinary boundaries with the reader in order to grasp what might exist in the gap between disciplines. To begin with, we would like to say that there are links and needs that lie fallow in the making; links that may or may not come to fruition. If they do, they will be emergent. We would also like to try to go beyond disciplinary approaches and give ourselves the means to develop a trans-disciplinary approach by relying at the same time on multidisciplinary and interdisciplinary approaches that we consider to be complementary.

Indeed, there is no question of continuing again and again to be satisfied with approaches that are too simplistic to be satisfactory. This is why we will begin by pointing out, without dwelling too much on it, the fragmentation of disciplines within the legal field itself, where a distinction is made between private law and public law. Within these two broad areas, there are many generally codified subjects, which are sometimes ordinary law with special rules (for example, in the Civil Code, there are provisions relating to ordinary contract law and special rules governing various named contracts, such as the contract of sale), sometimes special laws, which also include rules of ordinary law (for example, in the Intellectual Property Code, there are provisions relating to the ordinary law of literary and artistic property contracts and rules relating to various named literary and artistic property contracts, such as the performance contract or the publishing contract).

There is also a fragmented and sectoral approach within the Environmental Code. However, this does not prevent most legal writers, and Michel Prieur in particular, from defining environmental law according to a finalist criterion: ‘it is a law whose content contributes to public health and the maintenance of ecological balances; it is a law for the progressive improvement of the environment’⁴. This finalistic approach is a good factor for social cohesion and the coherence of environmental law, but public policies, which are heavily influenced by economic and financial considerations, do not always seem to give sufficient consideration to public health and ecological balances as priorities. The history of environmental law shows that it is above all anthropocentric. Indeed, even though various rules aim to protect natural ecosystems, they are considered legitimate because it has been demonstrated that these natural ecosystems provide so-called ecosystem services to humans.

But can human beings be satisfied with a purely anthropocentric approach when it comes to apprehending Nature and natural entities, with their standards and institutions, in all that they have in common with them?

An international movement, which has been developing since the 1970s, is attempting to provide some answers to this difficult question: the rights of nature movement. These rights are based on either a biocentric approach or an eco-centric

⁴ Prieur, M. et alii (2023). *Droit de l’environnement*, 9thed. Paris, France : Dalloz, p. 78.

approach that goes beyond simply taking account of the interests of living beings.

We would therefore like to suggest that we should not continue to think about these issues in a fragmentary, separate and disjointed way, but that we should instead propose linking environmental rights and the rights of nature so that we do not just take account of one of the three categories of being (human beings/*Anthropos*, living beings/*Bios*, ecosystems/*Oikos*), but of all three categories of being at the same time and in proportions that will always be variable. Our hypothesis is that we have everything to gain by thinking of them as always intertwined in inextricable relationships of interdependence.

The aim of our discussion will therefore be to propose tools for understanding these three categories of beings in complexity, as interconnected. In so doing, we will set aside the simplistic and reductive approaches that advocate a ‘hollow holism and blind reductionism’⁵, in order to understand how these two legal approaches proposed by environmental rights and the rights of nature could be woven together to form a desirable *complexus*.

It should be remembered that environmental rights and the rights of nature are generally presented as opposed, conflicting and difficult to reconcile. But if it is undeniable that they are very different and even antagonistic, we cannot resolve to reduce the difficulty by devaluing one of them in order to make the other triumph.

Dialogics is at the heart of Edgar Morin’s complex thinking. It is a ‘complex unity between two complementary, competing and antagonistic logics, entities or instances that feed off each other, complement each other, but also oppose and fight each other. Dialogics are to be distinguished from Hegelian dialectics. In Hegel’s dialectic, contradictions find their solution, transcending and eliminating each other in a higher unity. In dialogics, antagonisms remain and are constitutive of complex entities or phenomena’⁶. The dialogical principle can also be compared to the principle of contradictory complementarity⁷.

We believe that it is possible, and above all desirable, to think of environmental rights and the rights of nature as interrelated and interdependent elements that are destined to be usefully articulated within a new discipline (that can be considered as a system in itself) that would have a broader scope of application and that we propose to call ‘ecological law’. As it stands, this new law does not exist. We would like to say: not yet! Thus, the organised unity of this new system that could constitute ecological law comprises diverse components that oblige us to link the two opposing legal fields of environmental rights and the rights of nature. ‘The methodological consequence is that it is not enough to study the whole or the parts (which is important and necessary, but not sufficient); we have to study both! We must therefore also study the relationships, interactions and feedback between (the) whole and (the) parts (...)’⁸.

Our discussion will be at a methodological-axiological level. We will not be

⁵ Morin, E. (2000). *Les sept savoirs nécessaires à l'éducation du futur*. Paris, France : Seuil, p. 86.

⁶ Morin, E. (2008). *La connaissance de la connaissance, La méthode*, I, Tome 3, Paris, France: Seuil, p. 1472.

⁷ Lupasco, S. (1941). *Microscopic experience and human thought*. Paris, France: PUF, p. 132.

⁸ Morin, E. (2000). *Les sept savoirs nécessaires à l'éducation du futur*. Paris, France : Seuil, p. 87.

talking specifically about institutional, procedural and substantive tools, as these have not yet been formally defined in French law and are still being developed.

Although they do not formally exist in French law, examples can be found in other legal systems inspired by Romano-Germanic-Canonical family law (Ecuador, Bolivia, Colombia) and the *Common Law* family (New Zealand).

Since we believe that it is useful and desirable to link these two approaches, namely environmental rights and the rights of nature, we will begin by explaining the need for this link (2). Secondly, we will propose a method of linkage in complexity inspired by certain founding values (3).

2. The Foundations of the Need for Connection

What is reliance? Reliance is the noun⁹ of the verb *relier*. And according to Marcel Bolle de Bal, to connect means: ‘to create or recreate links, to establish or re-establish a connection between a person and either a system of which that person is a part, or one of its sub-systems’¹⁰.

Developing an ethic of connection means understanding that we are all linked, connected and interdependent. *Unitas multiplex*: complex unity of the one and the many, the one comprising the many and the many comprising the one. So human unity does not preclude cultural diversity. For Edgar Morin, ‘The ethical mission can be summed up in one word: “to connect”’¹¹. But this does not mean denying forms of delusion, such as the search for solitude and the demand for respect for differences. In short, ‘An ethic of connection cannot do without an ethic of disconnection’¹².

We shall see that while environmental rights and the rights of nature are different, distinct and competing (2.1), they are at the same time systemically complementary (2.2). This is what emerges from a transdisciplinary analysis when we look, for example, at the key notion of common health, which can usefully be linked to the parallel and increasingly prevalent movement for the right to a healthy environment. The United Nations General Assembly enshrined the right to a clean, healthy and sustainable environment in Resolution 76/300 of 28 July 2022. The European Court of Human Rights took note of this imperative by interpreting the European Convention on Human Rights as implying the human right to a healthy environment in 1994. France recognised this right by enshrining it into law in 1995 and then in the Constitution in 2005, with the Charter of the Environment of 2004. The Charter of the Environment is therefore at the same legal level as the Declaration of 1789 and the Preamble of 1946. Article 1 states: ‘Everyone has the right to live in an environment that is balanced and respectful of health’.

⁹ Morin, E. (2004). *La méthode. VI. Ethics*. Paris, France : Seuil, p. 239.

¹⁰ Bolle de Bal, M. (2003). „Reliance, déliance, liance: émergence de trois notions sociologiques”. *Sociétés*, no 80 (2), 99-131. <https://shs.cairn.info/revue-societes-2003-2-page-99?lang=fr>.

¹¹ Morin, E. (2004). *op. cit.* p. 222.

¹² Bolle de Bal, M. (2003). p. 100.

2.1. Environmental Rights and the Rights of Nature: Distinct Histories and Cosmologies

The concepts of environment (2.1.1) and nature (2.1.2) need to be contextualised.

2.1.1. The Environment in Environmental Law

To date, the environment, an archetypal anthropocentric notion¹³, remains dominated by a logic of patrimonialisation. More specifically, the environment can be qualified in three main ways: either as a civil heritage (private and public), or as a common (heritage) (common heritage of humanity, the European Union and the nation), or as a subject of law with legal personality.

The phenomenon of patrimonialisation, as Meryem Deffairi explains in great detail, is a process aimed at creating or recognising the economic value and circulation of natural resources in the market sphere¹⁴. For example, ‘the creation of greenhouse gas emission allowances and of a market to organise their trading was a revolution’¹⁵ because this mechanism qualifies allowances as tradable and transferable movable assets, whereas Directive 2003/87/EC did not impose this qualification. This market in rights to pollute the environment by regulating greenhouse gas emissions has been subject to terrible abuses. The current proposals to create biodiversity credits therefore give cause for concern.

Although the environment is still dominated today by a logic of patrimonialisation, it is nonetheless confronted with various questions and criticisms that are driving debates in the fields of political ecology¹⁶, decolonial ecology¹⁷ and eco-feminism¹⁸. These include ‘an ethic of decentring, the ideas of limited resources, common (goods), a transgenerational temporality, and a human footprint to be framed and reduced’¹⁹, or the ideas of personifying nature and taking better account of relational dimensions.

¹³ Deffairi, M. (2015). *La patrimonialisation en droit de l'environnement*, preface by Maryse Deguerge, Paris, France: éditions IRJS, collection Bibliothèque André Tunc, p. 78.

¹⁴ Deffairi, M. (2023). „Les droits fondamentaux au-delà de la personne?” In AFDA (ed.), *Le droit administratif et les droits fondamentaux*. Paris, France : Lefebvre-Dalloz, p. 142.

¹⁵ Trébulle, F.-G. (2010). *L'environnement et le droit des biens*. In *Le Droit et l'environnement*, actes des travaux de la journée de travaux de l'association Henri-Capitant (Caen, 6 avril 2006). Paris, France : Dalloz, coll. « Thèmes et commentaire », p. 231.

¹⁶ Tourme-Jouannet, E. (2024). *Un nouveau droit international écologique. Habiter autrement la Terre*, Brussels, Belgium : Bruylant, p. 67.

¹⁷ Ferdinand, M. (2019). *A decolonial ecology. Thinking ecology from the Caribbean world*. Paris, France : Seuil, p. 89.

¹⁸ Merchant, C. (2021). *The Death of Nature. Women, ecology and the scientific revolution*, Marseille, France : Wildproject, p. 63.

¹⁹ Fonbaustier, L. (2023). *Manuel de droit de l'environnement*. Paris, France : PUF, ‘Droit fondamental’ series, p. 35.

2.1.2. Nature in the Rights of Nature

The rights of nature movement, for its part, seems to be resurrecting the key issue of determining the moral status of nature some 2000 years after the birth of Christianity. In 1967, Lynn White Jr. questioned the highly anthropocentric nature of Western culture and dated the origin of the ecological crisis that, today, characterises the Anthropocene to the victory of Christianity over paganism²⁰. The monotheistic world gradually won out over the animistic world of ‘Greco-Latin antiquity, where all natural entities had their own tutelary spirit, obliging those who planned to intervene in the course of nature to conciliate the spirit of the place and earn its good graces’²¹. Christianity made human beings its champions, authorising them to exploit a nature that had been abandoned by the spirits and that was henceforth limited to being no more than a sum of means at the service of ends defined by humans alone (this nature then had an instrumental value). Modernity then promoted a mechanical vision of the universe in place of the previously dominant organic vision of the cosmos, thereby rejecting the metaphor of the Earth as a woman, a nurturing mother²².

This view of the world was incorporated into the last Roman-Canonical law, which already considered that anything that could not be described as a person was automatically classified as a thing. It was then partially challenged (during the Ancien Régime) before once again being enshrined as the *summa divisio* structuring the Napoleonic Code from 1804 onwards. And it is still regarded today as necessary and self-evident in laws inspired by the Roman-Canonical-Germanic tradition.

Thus, the progressive affirmation of the rights of nature could correspond to the contemporary desire since the 1960s–1970s to no longer consider nature to be necessarily a simple thing deprived of sentience and without intrinsic value, a thing at the service of humanity which would be placed with the force of evidence at the top of the hierarchy of beings and to which all others would be irrefragable subservient. But it is precisely this simplistic and unnatural assertion that the value of humanity should take precedence over everything else that is challenged by the rights of nature’s movement. Indeed, ‘Once we come to see ourselves as members of a community of life with which we have co-evolved’²³, it is no longer a matter of simply obliging humans to respect nature a thing that has only an instrumental value (which, with a few exceptions, is the mindset of environmental law), but ‘it is about taking into account the non-human environment for itself as worthy of moral consideration in its own right, opposing the reduction of the elements making up the environment to mere and unique resources, and revealing nature as a place of intrinsic values whose existence commands a certain number of moral obligations’²⁴.

²⁰ White L., Jr (1967). „The historical roots of our ecological crisi”s. *Science (New York, N.Y.)*, 155 (3767), 1203-1207. <https://doi.org/10.1126/science.155.3767.1203>.

²¹ Afeissa, H.-S. (2015). *Intrinsic value*. In D. Bourg and A. Papaux (Eds.), *Dictionnaire de la pensée écologique* (pp. 1031-1033). Paris, France : PUF.

²² Merchant, C. (2021). *Op. cit.*, p. 75.

²³ Afeissa, H.-S. (2015), p. 1031.

²⁴ *Ibid.*

While these cosmologies are distinct, they are also complimentary. Let's see how their conjunction can be virtuous.

2.2. Distinct but Complementary Cosmologies: The Virtues of Conjunction

Environmental issues are interconnected and linked to economic activities and social lifestyles. To understand them with nuance, it seems advisable to implement a complex approach that will highlight the issues involved and distinguish them from one another while ensuring that they are articulated in a joint manner (involvement/distinction/conjunction).

By referring to complexity, I'm referring more explicitly to complex thinking, as explained by Edgar Morin, who, in a nutshell, stresses the importance of understanding any issue in a contextualised, multidimensional, global and complex way (*complexus*: that which is woven together).

In a little more detail, complex thinking is a very rich form of thinking, with different interrelated and interdependent dimensions. First of all, it is a way of thinking that incorporates uncertainty and is capable of conceiving organisation. The dogma of universal determinism has collapsed. The universe is not subject to the absolute sovereignty of order; it is the play and the stake of a dialogue (a relationship that is at once antagonistic, competitive and complementary) between order, disorder and organisation.

Complex thinking is also thinking that shows that there are limits to classical logic and that it is necessary not to eliminate but to confront contradictions²⁵.

It is also a way of thinking that is capable of connecting what is separate: thinking that separates needs to be complemented by thinking that connects (this is the etymological meaning of '*complexus*', which means 'that which is woven together'), that takes account of the multidimensionality of things, that endeavours to contextualise and globalise the issues to be addressed so as to stand back and analyse things on different scales.

Finally, it is a way of thinking that is capable of recognising, at the same time, the singular and the plural, the abstract and the concrete, unity and diversity.

In short, complex thinking is not the opposite of simplifying thinking; it incorporates the latter, which still exists and is a weakness that must be taken into account. 'While environmental law has gradually developed and taken shape, the rights of nature remained unheard of for a long time, at least until the year 2000. Since then, there has also been a certain convergence of concerns between environmental law and the rights of nature. Thus, for example, environmental law has opened up to concerns that were not initially part of its purpose[in particular since Law 2016-1087 of 8 August 2016 for the reconquest of biodiversity, nature and landscapes]by admitting the possibility of seeking compensation for ecological damage'²⁶ as provided for in Article

²⁵ Morin, E. (2007). Les objets les plus importants ne peuvent être interrogés que de manière pluri- et transdisciplinaire : un entretien avec Christophe Miqueu. *Klesis — revue philosophique : philosophie et sociologie*. <https://www.revue-klesis.org/pdf/Klesis-Morin.pdf>, p. 107.

²⁶ Pessina, S. (2025). *History of the rights of nature*. In S. Bourgeois-Gironde, M.-S. de Clipelle,

1247 of the Civil Code: ‘Ecological harm consisting of non-negligible damage to the elements or functions of ecosystems or to the collective benefits derived by man from the environment may be compensated under the conditions laid down in this title.’

The rights of nature movement is particularly interesting because it reveals the fundamental flaw in the cosmology of those who think of themselves as ‘modern’: their inability to articulate, ‘their representations of nature and their moral rules in a *kosmos* [an order perceived as positive in the things that make up the world]. We moderns have lost this ability, since, for us, things have become morally neutral *objects*, ontologically distinct from the moral *subjects* that we are’²⁷. This dualistic logic has led to what Heidegger denounced as a loss of the world. Augustin Berque prefers to speak of ‘decosmisation’, i.e. the loss of the *kosmos* as the order linking the being of things and our own. Linking, in particular, the representation we have of our existence, and the representation we have of the foundation that makes it possible: the Earth, or nature’²⁸.

The logic of the rights of nature is to postulate that nature is not simply a thing that would be an object of rights, i.e. an object seized by subjective rights held by legal persons who could only be humans, but rather a subject of the Law and a subject of specific rights, non-human rights that are nevertheless qualified as subjective rights because they are attached to the quality of the subject that could be attributed to Nature and its dismemberments that are natural entities. Making nature a potential subject of law means recognising its potential subjectivity, in the words of Augustin Berque, i.e. its capacity to be a subject. The major change in perspective associated with the development of the rights of nature is potentially disturbing and the source of various controversies. Beyond these controversies, should we not be moving from a humanised nature to a re-naturalised humanity?

An international movement known as *Earth Jurisprudence*, or *Philosophy and Governance of the Earth*, to which the present work belongs, argues in this direction²⁹.

To do this, we need to think about a method of linking complexity and the values that could underpin it.

3. A Method of Connecting Complexity Inspired by Certain Founding Values

We propose to use a certain method (3.1) and to draw inspiration from certain values (3.2) in order to achieve a goal: common health serving the right to a healthy environment.

D. Misonne (eds.), *Dictionnaire des droits de la nature*. Paris, France : PUF.

²⁷ Berque, A. (2004). „Ce qui fonde l’éthique environnementale”. *Diogenès*, 207 (3), 3-14, <https://shs.cairn.info/revue-diogene-2004-3-page-3?lang=fr&tab=texte-integral>, p. 9.

²⁸ Ibid, p, 10.

²⁹ Pelizzon, A. (2025). *Ecological Jurisprudence, The Law of Nature and the Nature of Law*, Springer, Contemporary Environmental Law and Policy, <https://doi.org/10.1007/978-981-96-0173-8>, p. 125; add, Cullinan, C. (2011). *Wild law: A manifesto for earth justice* (2nd ed.). Green Book, p. 73; Cullinan, C. (2023). *Earth Jurisprudence*. In: Wallenhorst, N., Wulf, C. (eds) *Handbook of the Anthropocene*. Springer, Cham., pp. 563–568, https://doi.org/10.1007/978-3-031-25910-4_89.

3.1. A Method of Connecting in Complexity Guided by a Sense of Measurement

The aim of this method is to adapt common health care to local realities in their interdependence with the global (3.1.1). If local issues cannot be thought of and managed in a totally autonomous way, since it is important always to take account of wider global realities, it is because it is important never to forget or neglect various limits, as Albert Camus' 'midday thinking' invites us to do (3.1.2).

3.1.1. A Method for Adapting Common Health Care to Local Realities in Their Interdependence with the Global

Our most important aim is to ensure that a multitude of competing yet eminently complementary needs are articulated: those of the Oikos (the home, in other words, the Earth in the broadest sense and, in a more restricted sense, the place or places where we live), the Bios (living beings in all their diversity) and the Anthropos (human beings without distinction of origin).

How can such a challenge be met? We propose to reason from a logical point of view in a mesocentric way by adopting an approach at the crossroads of all the needs targeted by the major currents of environmental ethics, whose stakeholders all depend on the health of the natural environment³⁰.

This approach is well illustrated by the concept of 'shared health', well explained in the *Manifesto for Shared Health*³¹. According to this concept, human health depends on the health of societies, which, in turn, depends on the health of the natural environment. It is important at this stage to differentiate common health from other concepts, as it is not the same as *Global Health*, *One Health* or *Planetary Health*.

According to the *Manifesto for Joint Health*, joint health is not simply a complement to the multitude of global initiatives (from the sustainable development goals of the 1987 Brundtland Report to the 2015 Paris climate agreements).

Firstly, it is not the same as 'global health', which focuses on human, physical and mental health for all the world's populations, in a global context, without taking into account social health or the health of ecosystems.

Secondly, common health is not to be confused with the idea of a single approach to health for humans and animals (*One Health*), avoiding certain broader interdependencies with social health and the health of the natural environment. Finally, it distinguishes itself from *Planetary Health*, which is the health of human civilisation in relation to the state of the natural systems on which it depends, by assuming its territorial roots.

This meso-centric approach, which attaches fundamental importance to the

³⁰ Pessina, S. (2024). *Le mésocentrisme, une éthique nodale au carrefour des droits humains et des droits de la nature*, in Jochen Sohne and Christophe Bouriau (eds.), *Éthique environnementale pour juristes*, Paris, France : Mare & Martin.

³¹ Collart-Dutilleul, F., Hamant O., Negrutu I., Riem F. (2023). *Manifeste pour une santé commune*. Paris, France : Utopia, p. 17.

health of natural environments, should be implemented on the basis of the tool presented in the *Manifesto for Shared Health*, in order to create as far as possible conditions conducive to shared health.

As François Collart-Dutilleul, Olivier Hamant, Ioan Negrutiu and Fabrice Riem so aptly put it in their *Manifesto for shared health*: ‘Shared health, a pyramid with the health of the natural environment (water-soil-biomass) as the foundation for social and human health, becomes a profound paradigm shift when its interdependence is accepted. It is the project, which has undergone several cycles of joint health testing, that is building a new economic model that is both sustainable and in situ. Shared health is an instruction manual for living on Earth – and in its territory. Nature and culture are prerequisites; the economic model is no longer a dogmatic input constraint, but an output product rooted in our links to the world’³².

Furthermore, the rights of nature could be a catalyst for the awareness that should be generated by a systemic analysis of local and global realities from an ontological point of view, taking care to preserve the dynamic balances of living environments. Indeed, while it is undeniable that we all live in specific places on Earth, the latter is a complex system whose parts interact, whether we are aware of it or not. However, we feel it is important to emphasise that the rights of nature encourage us to broaden our horizons by gradually promoting this awareness. By thinking of them in terms of a mesocentric approach, i.e. at the crossroads, it becomes clearer to take into account, in the same movement, the multiple needs of the Anthopos, the Bios and the Oikos. The latest IPCC and IPBES reports show that it is no longer possible to consider human needs alone.

3.1.2. At the Heart of the Method: Midday Thinking as Thinking About Limits

As Thierry Fabre writes, ‘After the fall of Nazism and then Communism, our post-1989 world had seen the emergence of a new empire of excess, masquerading as the camp of freedom and the false joys of “happy globalisation”: capitalism. It now rules our world, organises its system of values and even defines the pace at which we must live, because “time is money”...’³³.

Thierry Fabre also reminds us of the extent to which the midday thought of Albert Camus can help us to counter such excess. For the author of *L’homme révolté*, ‘la pensée de midi, c’est un appel à ne pas subir la démesure et à rechercher sans cesse la mesure’³⁴. La pensée de midi, as a way of thinking about limits, can inspire a new way of life that is more respectful of the balance of nature, the landscape and human beings (...) A way of thinking about limits that, in the face of genetic tinkering or human artifice, considers

³² Ibid, p. 17.

³³ Fabre, T. (2010). „Camus et la pensée de midi”. *La pensée de midi*, 31 (2), 113-116. <https://doi.org/10.3917/lpm.031.0113>, p. 116.

³⁴ Sève, R. (2024). „Le sens de la mesure”. *Archives de philosophie du droit*, Tome 65 (1), VII-XXIII. <https://doi-org.ezproxy.normandie-univ.fr/10.3917/apd.651.0000b>.

that not everything that is scientifically possible necessarily has to be achieved³⁵.

In this way, midday thinking encourages us to act ethically and prudently, respecting both the principles of prevention and precaution. There are countless risks to our common health. Given that the health of humans depends on the health of societies, which, in turn, depends on the health of the natural environment, it is clear that each type of health depends on the others, and that in order to work well together, it is essential not to overlook the limits and needs of precarious, dynamic, fluctuating balances.

Every day we are reminded of the extent to which progress in environmental law is fragile and under threat. Take, for example, the bill tabled by Senator Duplomb of Haute-Loire aimed at lifting constraints on farming³⁶, which was adopted by the Senate on 27 January 2025 and will be debated by the National Assembly at the end of May 2025, ultimately limiting the restrictions and prohibitions imposed on farmers.

At first glance, this draft law seems to represent an unprecedented environmental regression. It seems to pose a serious threat to our agriculture and biodiversity. The bill is presented as aiming to appease the agricultural protest that began at the end of 2023 (motivated above all by the extreme difficulty most farmers in France have in making a decent living). However, in an attempt to calm farmers' anger, it adopts a series of demands made by the majority agricultural unions, which are detrimental to the environment and therefore to the common health objective in particular: facilitating the marketing and spraying of plant protection products by drones, the main culprits in the collapse of biodiversity in rural areas; reintroducing two neonicotinoids (acetamiprid and flupyradifurone), insecticides banned in France since 2018 because of their proven toxicity to natural ecosystems; relaxing procedures for the establishment of megabasins to allow intensive farming to monopolise water resources; weakening the public operators responsible for protecting our environment, such as the French Biodiversity Office (*Office français de la biodiversité*) and the National Agency for Food, Environmental and Occupational Health Safety (Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail, ANSES); revising the definition of wetlands in order to circumvent international commitments to preserve these sensitive natural areas.

3.2. Shared Values

After briefly outlining the method for adapting common health care to local realities in their interdependence with the global, we need to reflect on the place and importance of the values we wish to share if we hope to rediscover meaning (a cosmological foundation) and provide the best possible framework for competing and, at the same time, complementary needs. In other words, we need to highlight a plurality of human values guided by a sense of proportion and at the service of profound ecological awareness.

³⁵ Fabre, T. (2010). *op. cit.*, p. 116.

³⁶ <https://www.senat.fr/dossier-legislatif/ppl24-108.html>, accessed on May 10, 2025.

On the one hand, a sense of proportion calls for us to ‘question a fundamental “law” of the economy: that of the market, which reduces natural resources to mere “offers” and vital needs to ordinary “demands”’. Acknowledging the finiteness of the world, we must inevitably subject the market to the law of life, that of *needs* and *resources*’, as wisely advocated in the *Manifesto for Common Health*³⁷.

On the other hand, we need to develop or redevelop a deep ecological consciousness. On this subject, Freya Matthews notes that ‘a culture deprived of any symbolic representation of the universe and of its own relationship with it will be a culture of bewildered and demotivated individuals, inescapably settled in a world that makes no sense to them and which, as a result, disrupts their ability to act. What should they do in this world to which they feel they don’t belong? There are no natural guidelines to guide them properly. Self-interest is the only rational motive. Any other value is arbitrary. Without a vocation, these individuals can only sink into apathy and alienation, or into the mind-numbing, joyless pursuit of material ends. Unable to link their identity to an accepted cosmological foundation, they invent precarious images, stories about themselves and images of the ego, but their ability to understand their identity is very fragile. Metaphysically adrift, these individuals experience insecurity’³⁸. ‘The development (or redevelopment) of a deep ecological consciousness seems to be the central demand of a healthier human relationship with the cosmos’, whatever the scale at which we understand it. It is a question of understanding, ‘as Matthew Fox writes, that “our true home[our Oikos]is the universe itself”’³⁹.

So, we need to agree on ethical values that can serve a deep ecological conscience (3.2.1) and consider how the cardinal value of the political economy, robustness, can serve the common good (3.2.2).

3.2.1. Ethical Values at the Service of a Deep Ecological Conscience

Three ethical values are clearly set out in the Manifesto of the French Committee of the IUCN entitled *The Future of Life, Our Values for Action*, drawn up by the ‘Ethics in Action’ group and published in 2021: the value of existence, the value of memory and the value for the future.

‘The French Committee of the IUCN sees other species as “evolutionary companions of humankind, and each of the individuals that make up these species as active players in the biosphere, just like every human being. Taking note of this reality, it attributes to every living being a value of existence, because, by existing, this being participates in the interdependencies that generate the ecological functioning of the biosphere from one step to the next. It also attributes a value of memory, because this being the result of an uninterrupted series of reproductions and modifications over the course of the history of life, holds in its genetic material a “written trace of this history, our history, which is expressed in its morphological and functional characteristics.

³⁷ Collart-Dutilleul, F., Hamant O., Negrutiu I., Riem F. (2023). *op. cit.* p. 17.

³⁸ Mathews, F. (1991). *The ecological self*, Routledge, p. 13.

³⁹ Fox, M. (1994). *The reinvention of work: A new vision for livelihood in our time*. Harper Collins, p. 67.

Lastly, it attributes to it a value for the future, insofar as, if this being reproduces, it transmits to its descendants genetic information that may contribute to their ability to adapt to changing ecological contexts⁴⁰.

It may be useful to link the value of existence with consideration and tolerance. In particular, consideration allows us to take into account the sentience of all living things, and can also be characterised as a form of attention to living things⁴¹. In this way, it can be at the service of connection in the sense that it enables us to better experience the links that unite us with other living beings. Corine Pelluchon defines it as transcendence, which refers to a movement of self-deepening that enables the subject to experience the link uniting him or her with other living beings (and, I would add, with everything that IS on Earth and in the universe) and to transform awareness of belonging to the common world into lived knowledge and commitment⁴².

Tolerance must be understood in the light of the paradox concerning its own limits, as Karl Popper has clearly explained: everything can be tolerated... except intolerance⁴³. Put another way, according to Popper, we should claim the right to prohibit an intolerant action if, and only if, it jeopardises the conditions under which tolerance is possible. Tolerance makes it possible to create conditions conducive to the expression and coexistence of a wide diversity of needs and opinions, knowledge of which can enrich public debate and which are, as such, legitimate as long as they do not end up advocating intolerance. In a society that claims to be democratic, a critical pluralism must be put into dialogue in order to bring together the diversity of opinions and needs with the aim of promoting peace.

Until now, modern Western law, and environmental law in particular have focused primarily on human needs. The rights of nature also call for the needs of other species to be taken into account. These are humanity's companions in evolution, and each of the individuals that make up these species is an active player in the biosphere.

3.2.2. Robustness in the Service of Common Health: A Cardinal Value of the Political Economy

According to Olivier Hamant, borrowing the words of François Collart Dutilleul, 'robustness is "vocabulary" and common health is "grammar". In a text, vocabulary only makes sense if it follows the right grammar'.

An organisation is only truly robust if it serves the health of the natural environment, social health and human health, all three interdependently, and without exception. It is therefore in the inversion of the economic pyramid that robustness can be deployed: care for the natural environment feeds social health, which in turn serves

⁴⁰ Ethics in Action' Group, IUCN France (2021). *The future of life, our values for action*. Montreuil, France: IUCN <https://uicn.fr/wp-content/uploads/2021/08/manifeste-ethique-vf-web.pdf>, French Committee.

⁴¹ Pelizzon, A. (2025). *Ecological Jurisprudence, The Law of Nature and the Nature of Law*, Springer, Contemporary Environmental Law and Policy, <https://doi.org/10.1007/978-981-96-0173-8>, p. 381.

⁴² Pelluchon, C. (2018), *Ethique de la considération*, Paris, France : Seuil, p. 84.

⁴³ Popper, K. (1979). *La société ouverte et ses ennemis*, T.I : L'ascendant de Platon (The Open Society and Its Enemies, London, Routledge, 1945), Paris, France : Seuil, p. 64.

the physical and mental health of individuals, ‘who can then become involved in ethically responsible economic activities, serving the common good, the general interest, individual needs and peace between peoples’. In the robust world, the economic model is not the input constraint, it is the output product.

The proposal to build a sustainable economic model by making common health a transformative paradigm based on the ‘law’ of needs and resources, by combining the natural contract and the intimate necessity of the organic link to the Earth, seems to us to be highly relevant⁴⁴.

On the contrary, we need to return to the WHO’s original definition of health as ‘a state of complete physical, mental and social well-being’. Nor is it a question of greening health, but rather of weaving transversal and interdependent links between (i) human health (defined by the WHO in 1946 as ‘a state of complete physical, mental and social well-being’), (ii) the health of societies (in particular through universal protection guaranteeing shared rights and equitable access to resources, as defined by the ILO in 2014), (iii) the health of natural environments (in particular the right to a healthy environment, enabled by the integrity of ecosystems over the long term, as defined by the UN as early as 1948). This triptych can become operational if its hierarchical ontology is accepted: the health of natural environments shapes social health, which in turn shapes human health. The three healths are indivisible, unalterable and intertwined. However, common health care would remain an orphan if it were merely declarative. To be transformative, it must guide economic trajectories in an operational way.

To achieve this, [François Collart-Dutilleul, Olivier Hamant, Ioan Negrutiu and Fabrice Riem have]developed a tool for assessing a project at the local level – whether a company, an association or a local authority – in terms of its impact on the health of the community. The aim is (i) to identify and validate its structuring impacts on the three health areas (human, social and natural), without exception (ii) to guarantee sustainable spin-offs for the three pillars of the natural environment (water, soil and biomass), without exception and without forgetting the marine environment, and (iii) to confirm its validity over a fluctuating long-term using a robustness test (failing countries, at war or excessively fluctuating socio-economic context). If only two of the three health parameters are positively impacted, or if the robustness test is unsatisfactory, then we have to go back to the drawing board⁴⁵.

4. Conclusion

The aim is to promote a common health system that serves the health of the natural environment, social health and human health, all three interdependently and without exception.

The way in which we hope to help achieve this objective is by mutually reinforcing environmental law and the rights of nature in order to enrich the field of

⁴⁴ Collart-Dutilleul, F., Hamant O., Negrutiu I., Riem F. (2023), *op. cit.*, p. 14.

⁴⁵ Collart-Dutilleul, F., Hamant O., Negrutiu I., Riem F. (2023). p. 15.

while continuing to believe that it would be enough just to protect human health first and foremost (and not other forms of health, the health of living organisms *in the broadest sense of the term*, the health of society and, even more broadly, the health of ecosystems)?

When it comes to human health alone, there are strong opposing winds: we are trying to fight cancer (<https://basta.media/pesticides-sdhi-graves-effets-sur-sante-entretien-Laurence-Huc>), but at the same time we are authorising the use of numerous ultra-hazardous pesticides officially recognised as carcinogenic (work by Laurence Huc, for example, <https://holimitox.fr/>) or some members of parliament want to re-authorise banned pesticides (Duplomb's bill to reintroduce two neonicotinoids – acetamiprid and flupyradifurone –, insecticides banned in France in 2018 because of their proven toxicity to natural ecosystems: <https://www.senat.fr/dossier-legislatif/ppl24-108.html>).

So even today, perhaps even more than ever, how can we continue to maintain that economic health and the best possible functioning of markets should not be overshadowed if this is at the expense of human health, social health and the health of the natural environment?

With François Collart-Dutilleul, Olivier Hamant, Ioan Negrutiu and Fabrice Riem, we believe that we need a profound inversion of values as advocated by the principles of common health. And we believe that the rights of nature, by usefully complementing environmental rights, could enable such a reversal of values.

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