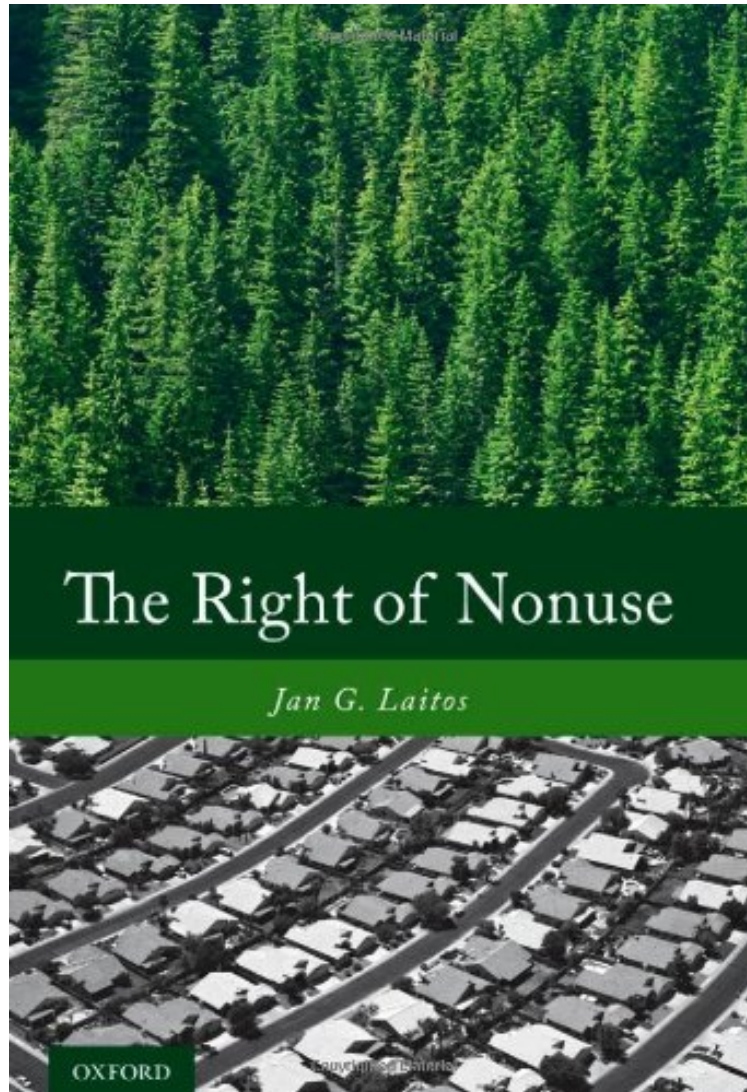


The Right of Nonuse

Jan G. Laitos

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Jan G. Laitos : The Right of Nonuse before purchasing it in order to gage whether or not it would be worth my time, and all praised The Right of Nonuse:

0 of 0 people found the following review helpful. Natural Resources? By Phillip Taylor MBENATURAL RESOURCES? LEAVE `EM ALONE! AND GRANT THEM THE LEGAL RIGHT OF NONUSE An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers This important book from the Oxford University Press offers a new perspective on the law and policy of nature and the conservation of resources. It could well be destined to become a classic in environmental law. What humans need to do to protect the environment, as the

publishers explain, is to grant natural resources the legal right to be left alone - a law of nonuse. The observation here is that environmental law generally, has been only partially effective in protecting the environment and preventing catastrophic environmental damage. Why? Because it is fundamentally anthropocentric, rather than eco-centric: created for the benefit of humans first, in other words, rather than the environment upon which humans depend for their existence. Author Jan Laitos, an expert and theorist in environmental law from the University of Denver, argues that instead of giving humans the right to clean up the environment with a view to resource conservation, the resource itself should have the "right of nonuse"; in other words, the right to be left alone - a right that should ultimately be legitimated in the courts. If all this sounds a bit New Age, Utopian and rather American West Coast, it's not necessarily a new idea. The thought does occur that it derives partly from the thinking that inspired the creation of national parks, a concept that originated in the United States of America in the nineteenth century. Yellowstone and Yosemite and their like would not have existed without the strenuous efforts of conservationists such as John Muir, to conserve vast tracts of magnificent wilderness by leaving them alone - with minimal supervision and protected by law, for the benefit of future generations. It can be no accident that from these beginnings, there gradually emerged the concept of "standings for non-human plaintiffs", first expounded, according to the author, in Professor Stone's now well-known 1972 California Law Review article: "Should Trees Have Standing - Toward Legal Rights for Natural Objects." So should trees have rights? Yes, says Stone, having pointed out that there are lots of inanimate rights holders: trusts, corporations, municipalities, ships, even nation states to name a few, which have been given legal standing in courts. The environment, asserts Laitos, `should (similarly) be given standing in its own right in the courts... against the effects of human resource activity... and represented in court by a guardian similar to a guardian ad litem. This is only one example -- gleaned from this eminently readable and fascinating book - of Laitos's talent for building a case for new departures in environmental law. Backed up by extensive and impressive research, his various arguments and insights are by turns startling, persuasive and ultimately convincing, as he challenges much current thinking in ecological management. A boon to researchers, the book is extensively footnoted and contains at least six pages of relevant cases. Environmental lawyers should certainly read this book, as should all environmentalists looking for innovative and original perspectives in this often controversial field.

The Right of Nonuse provides a fresh and remarkably different perspective on the real causes of the ills plaguing the world's resources and environment. It re-examines the very nature of nature, and from this new perspective, argues that what is needed is for humans to grant to natural resources a legal right to be left alone - a right of nonuse. In the process, it explores the following questions: Why do natural resources continue to be depleted and removed at an alarming rate? Why are species becoming extinct at a pace that may be unprecedented? Why does the environment continue to be polluted? Why do the weather and climate seem to be changing? Perhaps most important, why have laws, legal institutions and governments been unable to address and correct these problems? Jan Laitos reviews the history of our relationship with the natural environment and develops new ways of thinking about nature and its protection. Instead of proceeding with human-based goals, Laitos argues that we should protect environmental resources for their own intrinsic value. Instead of giving humans more and more rights to clean up the environment, and to halt resources depletion, a right of nonuse held by the resource itself should be created. Natural resources have always possessed this parallel nonuse function, and society should recognize and legitimize it.