Construction of Environmental Jurisprudence Based on Interpersonal Isomorphism

Yuntang Wang

College of Law, Lanzhou University, Lanzhou 730030, Gansu, China

tangdour_hapi@163.com

Abstract: The construction of jurisprudence of environmental law has always been one of the difficult problems that need to be overcome in order to develop environmental law in depth. The author believes that the interpersonal isomorphism method can better solve the problem of jurisprudence construction of environmental law. However, the construction of environmental law by the method of interpersonal isomorphism may encounter problems such as too ideal, limitations of human beings themselves, and difficulty in linking up with traditional jurisprudence. The author believes that these problems can not be the reason to deny the rationality of the interpersonal isomorphism law, it is feasible and reasonable to complete the construction of jurisprudence. To build an ecological civilization and a beautiful China, it is critical to conduct an in-depth study of the environmental law's jurisprudence construction.

1. Introduction

Nowadays, the environmental crisis has indeed become the primary threat to humanity's safety and development, and various countries' environmental law legislation has triggered a new climax. In China, environmental law has been confronted with a significant theoretical problem, namely the jurisprudence construction of environmental law. What kind of foundation does this environmental law structure require? In this regard, the academic community has sparked a broad debate. Professor Jiang Shan of Tsinghua University's School of Law innovatively advanced the concept of "interpersonal isomorphism method". In this paper, we will explore the legal construction basis based on interpersonal isomorphism law.

2. The Dilemma of Jurisprudence Construction of Environmental Law

2.1 Environmental Law Has Its Own Unique Legal Attributes

To begin, the concept of "law" as we know it is actually limited to law prescribed by people, i.e., the rules and standards formulated by people over thousands of years of reproduction. However, the focus of environmental law development is clearly not on the narrow interests of humans, but on the harmonious coexistence of all nature. As a result, environmental law is not a unique body of law in the human domain, and it is distinct from other branches of law. Second, environmental law is more akin to identification law than to enactment law in the conventional sense. From the perspective of environmental law, establishing and generating environmental law does not require the enactment of clearly defined legislation in a particular form, but rather the solidary of all human beings, who recognise the necessity and importance of environmental law generation and function from the bottom of their hearts, and who develop a relatively unified inner identity in order to promote the effective operation of environmental law. Finally, environmental law is not a rights-based field of law, its value is derived from an ethical standpoint. This type of universal well-being is obviously in direct conflict and contradiction with traditional rights-based law.

2.2 Domestic Exploration on the Construction of Jurisprudence of Environmental Law

In light of the aforementioned issues, domestic academic circles have engaged in a spirited

debate and developed sharply divergent positions. The following are the major points of view. To begin, Professor Jiang Shan advanced the concept of "interpersonal isomorphism" in order to address the issue of environmental law's jurisprudence construction. Second, Professor Cai Shouqiu proposed the concept of "adjustment theory" as a means of resolving this issue. Third, numerous scholars have advanced "environmental rights" as a launching pad and starting point for resolving this issue. In the following article, the author will discuss the jurisprudence construction of the "interpersonal isomorphism method" in China's legal system.

3. The Construction and Deduction of Environmental Jurisprudence Based on Interpersonal Isomorphism Method

Professor Jiangshan believes that interpersonal isomorphism is a rule that "people are isomorphic with him, help one another, and support one another." This is not a demanding rule, nor is it one that disregards humanity's common destiny for self-interest, but one that spontaneously accepts responsibility. The author believes that the following aspects can be used to construct a jurisprudence of interpersonal isomorphism, which can then be used to construct a jurisprudence of environmental law.

3.1 Deduction from the Perspective of Human Development History

Throughout human development, the form of rules evolved from biological law to law within the population, to law concerning gods, and finally to law governed by political rights. So law frequently begins with the protection of rights, self-interest, and exclusion, and it is not difficult to observe that people are becoming increasingly unrestrained in their demand for resources, resulting in irreversible damage to the environment in the process of scientific and technological progress. Interpersonal isomorphism provides a novel solution to this colossal legal flaw. According to the concept of interpersonal isomorphism, each of us should recognise the value of other regions' affairs and shoulder the responsibility of cooperating with the larger ecological environment to support and balance one another. To make this obligation and responsibility concrete and enforceable, we need to regulate them through specific laws and regulations, namely environmental law. Environmental law can establish a foothold along this path.

3.2 Deduction from the Ethical Point of View

The traditional legal concept of goodness, justice, and fairness refers to the equitable distribution of social resources. It is justice if the distribution is fair and orderly; it is injustice if the powerful oppress the weak excessively in the distribution. This perspective now appears to be too limited. Human beings are always self-centered, which is why traditional laws are based on "anthropocentrism." People believe that they have obtained extremely abundant resources and distributed them fairly, implying that they have achieved justice. Professor Jiang Shan referred to it as human beings' "childish mentality" and argued that true justice is not found in equitable distribution, but in "harmony". Interpersonal isomorphism method considers other fields besides human beings, and it investigates rules that adapt to the coexistence of all things in the ecological environment, and environmental law can indeed be founded on this "combination" justice of interpersonal isomorphism method. In order to truly adapt to the changing times, environmental law should be more about the common good, which is a long-cherished wish of humanity's common development. Thus, environmental justice is a form of "harmony" justice, i.e., justice founded on the unity of ecological fate under interpersonal isomorphism law.

3.3 Deduction from a Rational Point of View

The entire human world must come to a unified consensus, establish rationality in the heart, and restrain their own behaviour in aggregate, in order for the ecological environment to function properly, the demand for resources to be restrained, and resources to be used effectively. This constraint is the basis for the interpersonal isomorphism method. What environmental law requires as a theoretical cornerstone is an interpersonal isomorphism method characterised by high

self-discipline, rationality, and restrained desire; and what it requires is a modernist concept, a macro perspective. This self-restraint is all that is required in the development of environmental law. While the rationality of interpersonal isomorphism law is advanced and extremely modern, we must also recognise that environmental law cannot be constructed independently of the rational concept of interpersonal isomorphism law.

3.4 Deduction from the Perspective of Biological Cycle

The uniqueness of the interpersonal isomorphism method is that it does not believe that human beings are superior to other species, that human beings have the right to formulate laws and regulations of nature from God's perspective, but that human beings are also a species and a link in the biological chain, and thus bear responsibility for the biological chain's proper operation, necessitating the need for laws to regulate people. Environmental law is an example of this type of law. This concept of interpersonal isomorphism provides fertile ground for environmental law to grow. As a member of the biological chain, we are legally obligated to maintain ecological balance, orderly development of nature, biodiversity protection, and to minimise harm to the environment and other species caused by our own development.

4. The Possible Problems in the Construction of Interpersonal Isomorphism Method

4.1 The Limitations of Idealization

Interpersonal isomorphism can be considered a paradigm shift in thought and wisdom. Professor Jiangshan broke free from conventional legal thinking, shifted his focus away from human beings, and placed a premium on the entire ecosystem, including humans and nature. However, will this concept be limited to idealisation? Although some scholars believe the interpersonal isomorphism method is overly idealistic, it is merely a framework. However, as a departmental law, environmental law establishes extremely specific and detailed legal requirements. Using interpersonal isomorphism as the jurisprudence foundation for environmental law is impractical and untenable. While its premise is lovely, it is difficult to realise.

4.2 Limitations of People Themselves

If environmental law wishes to find jurisprudence in interpersonal isomorphism law, it must confront a very realistic obstacle: interpersonal isomorphism law requires individuals to assume their own responsibilities and obligations as members of the ecosystem. However, in reality, the majority of people lack a strong sense of environmental protection. Human beings' instinct as a species is to expand the population as much as possible and compete for various resources, which is a natural and understandable biological instinct.

4.3 The Connection between Interpersonal Isomorphism and Traditional Jurisprudence

Interpersonal isomorphism teaches us a completely new way to think. At the same time, it's difficult to ignore the significant divide between it and traditional jurisprudence. Environmental law is also a subset of departmental law, and it is compelled to follow general jurisprudence. Jurisprudence is to law what philosophy is to natural science. The method of interpersonal isomorphism is ethical, and from a macro perspective, its foothold tends toward moral sublimation. Traditional jurisprudence is rights-based, with a primary focus on preserving people's liberty and equality, as well as preventing the infringement of people's personal rights and interests. Environmental law is not only governed by traditional jurisprudence, but also by an interpersonal isomorphism framework. The issue of how to connect the two is debatable.

5. The Solution Path

5.1 Over-Idealized Problem Solving

To begin, Interpersonal isomorphism can effectively resolve difficult issues in the construction of

environmental law jurisprudence. Also, interpersonal isomorphism is more consistent with the distinctive characteristics of environmental law and is more contemporary. Second, in order to address the issue of over-idealization, we must consider the context in which "idealisation" occurs. Human life occupies such a vast territory that there are significant differences in economic development levels and ideas between regions. In areas with a high level of economic development and a high level of education, the concept of interpersonal isomorphism can help solve a variety of environmental problems and is completely compatible with reality. For example, in a country like Japan, where garbage recycling is the highest in the world, conserving resources has become a citizen's obligation and habit. This concern for environmental protection and the most efficient use of resources has been ingrained in the people's hearts, and thus the interpersonal isomorphism method is not a product of idealism, and environmental law can also be firmly established on the basis of the interpersonal isomorphism method.

Chinese people's current aspiration is for a higher quality of life and a higher standard of living. Under these circumstances, environmental law based on interpersonal isomorphism will be more reasonable, far-sighted, persuasive, and national in spirit in our country.

5.2 Human Limitations Problem Solving

The author believes that in the process of developing environmental law on the basis of interpersonal isomorphism, it is unavoidable to encounter human limitations. But we must make it clear that collective interests must take precedence over individual interests if the human species is to continue multiplying on the earth from generation to generation. It is not difficult to observe that the emergence of law is fundamentally consistent with the law of supply and demand. But we should be aware that in many cases, environmental and resource depletion are irreversible. Although the law of interpersonal isomorphism is a pioneering concept for advancing the doctrine of the mean, harmony, and integration of all things by bringing natural resources, animals, and plants into the scope of our thinking and protection, it is also a forward-looking assumption that conforms to the development of the times which is critical for the development of environmental law.

5.3 Interpersonal Isomorphism Method and the Solution of the Problem of Convergence of Traditional Jurisprudence

Interpersonal isomorphism and traditional jurisprudence have identical spiritual cores, and both are components of natural law. According to some scholars, natural law in its broadest sense is actually "the unceasing pursuit of human justice rules," which entails studying and admiring natural order rationally. That is, natural law has a spiritual core, which is to continuously seek the happiness of all mankind, to make continuous efforts to realise fairness and justice, and to formulate corresponding rules through the use of rationality. Whether it is traditional or interpersonal isomorphism law, they are, in fact, constantly exploring and striving for the realisation of goodness and justice. Thus, both are natural laws; their spiritual core and starting point of living freely for the sake of human happiness are identical. Thus, environmental law can echo traditional jurisprudence and be unified through the interpersonal isomorphism method during the construction process.

6. Conclusion

While it may appear difficult to construct environmental law using the interpersonal isomorphism method, upon closer examination, the interpersonal isomorphism method can be regarded as a viable solution for environmental law jurisprudence construction. The author has always believed that we cannot disregard the rationality of a novel concept simply because it is complex and only a few people understand it. Environmental law's general direction is the general direction in which human beings will strive in the future. Perhaps such efforts will take dozens, if not hundreds, of generations, but the road ahead is bright, and new attempts always inspire new hope.

References

[1] Liu Hongyan, Yang Haizhou. From human contract to natural contract: Evidence and function expansion of the legal principle of ecological damage compensation [J]. Journal of Jishou University (Social Sciences edition), vol. 43, no. 01, pp. 1-16, 2022.

[2] He Yuejun, Chen Linleen. Man and Nature are the -- academic seminar on "jurisprudence in Environmental Law" and the thirteenth regular meeting of "Legal Research Action Plan" of the Life Community [J]. Legal system and Social Development, vol. 26, no. 02, pp. 197-215, 2020.

[3] Qian Jilei. Exploration of environmental law category system in the era of jurisprudence [J]. Hebei Law, vol. 38, no. 02, pp. 135-150, 2020.

[4] Let Jacques Rousseau, King Tiantian. The Social Contract Theory [M]. 03, China Renmin University Press: World Master Original Canon Library, 2013, pp. 234.

[5] Chen Yue. Legal connotation and legal expression of the concept of earth life Community: taking biodiversity protection as the object [J]. Academic Exploration, no. 08, PP. 113-123, 2021.