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JURISPRUDENTIAL DYNAMICS OF HUMAN WILDLIFE CONFLICT

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Human Wildlife conflict (HWC) has become one of the burning problems of societies today. As human population continues to grow and consequently encroach on the natural human habitat territories, the human-wildlife relationship has been on the rise hence leading to a number of conflicts that affect the lives of human being and survival of animals respectively. This is because such conflicts are at the intersection of the law, ethics and ecology, making them complex and complicated. In efforts to find a solution to HWC, one must not only seek out the pragmatic means but must also adopt a finer approach in the legal systems within which man is relating with the natural world. This is the area that involves jurisprudential orientations whereby there are immeasurable alternatives of resolution of conflicts between divergent philosophies of nature, rights and justice.

The jurisdictional argument on HWC has some focus regions where opinions on how this interplay between man and the surrounding world can be structured are found. The welfare of mankind is the optimum issue in anthropocentric jurisprudence and in most cases the wildlife management and conservation actions have been established on their usefulness in terms of human wellness or prosperity and life. Biocentric jurisprudence however argues that all living organisms including wildlife must manifest their natural value and deserves our own morality and law as well as again not necessarily benefiting humanity. The eco-centric jurisprudence is another philosophy development that is even more recent, extending the moral concern to entire ecosystems, protecting the biodiversity and the integrity of ecological systems and species, as component of a fundamental legal and ethical limitation. Ecological holism pioneered by Aldo Leopold provides a turn to the discussion, and his ecology of conservation was land-based and based on the holistic view of the wildlife and people as one ecological system. Finally, is the Animal Liberationist Theory which advocates the animal rights philosophy per se as a vehicle of the animal rights philosophy, which is largely because of the moral treatment of animals and against cruelty and mistreatment of non-human animals.

ANTHROPOCENTRIC JURISPRUDENCE

The Anthropocentric jurisprudence is in the sense that the natural elements and resources are preserved, maintained or protected on the argument that such elements mean a lot to the survival of the human race. The human needs form the most significant parameter to safeguard the natural resources under the premise that the quality of the resources is maintained to sustain the wellbeing of the human beings. It relates to the classical or modern political thought particularly the works of John Locke and Thomas Hobbes who defended that human beings have authority over nature as an offshoot of their natural rights. The recent review of the declarations provided internationally, such as the Stockholm Declaration of 1972, the Rio Declaration of 1992, the Johannesburg Declaration of 2002 and the Rio Declaration of 2012 have shown that there was a universal concern about human being as the Centre of all that concerns the environment. These utterances emphasize the reality that consumption of natural resource must be applied in a way that would not result in any direct or indirect injury to the human race. The existence of the present plant and animal species is considered important in the human survival. Such anthropocentric approach is highlighted by Rio Declaration on Environment and Sustainable Development that on the one hand the environment is preserved in the best interests of humans only.

Anthropocentrism considers people to be the most relevant and the most important constituent in the universe in which they are more intrinsically valued than other species. Consequently, the species that can be useful to human beings may overly be exploited leading to its likely endangerment of the species concerned. This sight focuses on the human roles among the environment which radiates through its instrumental, educational, scientific, cultural, recreational and aesthetic significance among the human beings. Within this paradigm the environment is not given much attention of protection but it is intended to facilitate the welfare of human being. Several environment theorists assert that the concept of sustainable development carries a connotation of anthropocentrism: not concerned as much about other animal rights, it reflects an anthropocentric issue. Anthropocentrism tends to be biased towards human needs and the non-human objects are assumed to be of value to humans based on the benefits they take. This kind of environmental ethics is based on the human need and protection on overexploitation/destruction of the natural resources. It also allows up to a certain point the exploitation of the natural resources and the pollution since the object of the activity in the given case is not that which will bring forth irreversible losses and damages or the one that will bring about the activities of the Russian Roulette. Anthropocentric process would be befitting

in the environment of human-wild life conflict where the wildlife conservation would be on the basis of human interest such as fulfilling the ecological need such as pollinating, purifying water or benefiting the economic interests such as tourism or agriculture.

The anthropocentric jurisprudence which views human being as the central concern of the environmental issues usually leaves the problem of narrow vision of the concern of human and wild coexistence of life. This model is becoming more prone to the needs of humans and break the rights of animals concentrating on the facet of utility of wildlife to the advantage of the human advantage in the shape of ecosystem services, monetary value or cultural value. Though this is a very successful method of creating huge conservation success, it is sometimes counter-productive as it fails to use the more underlying, moral reasons of coexistence. One can mention how wild animals are perceived as a resource that can be used and exploited to benefit humans that could be why other species who threaten human interests, e.g. destroying crops/livestock, could be exploited or driven out of their habitat. The practice disregards the fact of importance of wildlife and the role they play towards guaranteeing ecological stability. This further implies that a paradigm shifts towards applying anthropocentrism priority to the situation would be required as the actual coexistence would mean having solutions that would integrate the natural rights of the wildlife to life and survival in the natural environments. Through specializing in collaborative and sustainable endeavours such as wildlife corridors community-based conservations and conflict reduction strategies that undermine human and ecological interests can assist in ensuring more community understanding exists between humans and wildlife that both can exist within the confines of the environment without conflicts and to offer conservation conservation goals in the long run.

BIOCENTRIC JURISPRUDENCE

Biocentrism is a philosophical perspective, which has been held by Paul Taylor, Tom Regan and Arne Naess, as a result of understanding of intrinsic worth of all living creatures, including animals, plants and other forms of life. Only through this way are living beings the same inherent worth. Those are the living organisms that are literally an entity and part of the ecosystems where one organism is wholly reliant on the other. This would imply that the values between a tree and a human being are similar according to biocentrism because even though both have greater moral worth relative to inanimate objects such as rocks or water. By this, living things take higher moral sense and our ethical responsibilities are concentrated in order to maintain and protect the act of living in the nature as compared to the living. Biocentric

jurisprudence accentuates on oneness between all types of life. It admits that ecosystems, being made up of an incredibly complicated array of organisms, are dependent on the intricacy of the relations between the species. The wellbeing of one type of species can be closely tied to another one, and destruction of one element can be incorrectly reflected on the whole, affecting the entire ecosystem. This has been interlinked and hence the legal safeguards must not only be set towards protecting a particular species but the ecosystem and the biodiversity on the whole. Biocentric jurisprudence adds a provision of animals and plants having their own rights or protection based on their basic worth without considering the harm or advantage it brings to man. A biocentrically founded legislation may contribute to the conservation of endangered species or processes that damage the eco-systems (hunting, poaching) and does not need to focus on serving the human needs.

According to the ideology that, living creatures, irrespective of their sizes; be it an animal, plant or ecology, possess intrinsic value, the biocentric jurisprudence offers a more moral and comprehensive approach in addressing the human-wildlife conflicts. Nevertheless, unlike anthropocentric methods, where more weight is put on the needs and the benefits of the humans, biocentrism underscores the fact that the wildlife should not only be preserved according to how handy it is to the human being, but also because it has its own value. In this regard, the legislation should provide safeguard of all the species and tendencies to preserve ecosystem and biodiversity, rather than humans dominating wildlife. E.g., when crops are destroyed as human beings and wild animals come into contact, e.g. when pets fall victim to dangerous attacks, biocentrism opposes, destructive measures such as trying to kill and even to provide solutions by taking into account the prerogatives of wild animals and by promoting co-existence. This can comprise policies like creating wildlife campaigns, sustainable farming and conservation by the community. Additionally, biocentric jurisprudence focuses on different interactions among species within an eco-system; it has been observed that effects of interference with a single constituent of an ecosystem may spread far and wide causing a tremendous effect on the entire system. Lastly, biocentrism implies an opportunity to alter the societal attitude to and treatment of wildlife, where legal and ethical policies were more inclined towards offering a more stable and fair balance between human beings and animals.

ECO-CENTRIC JURISPRUDENCE

The eco-centric ethic, which is suggested by Aldo Leopold, makes everyone remember that everything alive, including people, is characterized by a long evolutionary history and that they

have established systems of life in which they are mutually dependent on each other. One of the pillars of this philosophy is the writing of Leopold and his concept of the land ethic that encouraged the administration of the environment in a responsible manner. Ecocentrism emphasizes more on the biotic community holistically in an attempt to conserve structure and functions of the ecosystem. This philosophy is also another major challenge to the eco-centric thought process and so was reflected in the first principle of deep ecology movement that, as earlier formulated by Arne Naess and George Sessions in 1984, criticizes anthropocentrism, the belief that human beings are central and most significant beings in the universe.

This philosophy pays attention to the innate conception of all that goes naturally and believes that the conservation and saving of the same is crucial in maintenance of other forms of life on the planet. Conservation of the plant and animal species is not merely beneficial to the species, but also the long-term survival of human beings. This is one of the reasons why such an approach was taken. Moreover, the legislative and administrative instruments needed to protect the natural resources in the general sense have been camaraderie, but have failed to ensure the survival of the endangered or extinct species. As a result, one feels more interested in listening to and investing on the conservation of specific species of plants and animals which are about to extinction. In other cases, certain species may have minimal or no direct usefulness to the man, but the usefulness of the species as a part of nature. It is even great as thousands of plant and animal species have ended up being killed by human beings either unintentionally or after developmental activities through developmental activities. It is not possible to achieve environmental justice but only through a transformation of anthropocentric worldview to the eco-centric approach. We have anthropocentric guiding principles such as sustainable development, the polluter-pays concept as well as the intergenerational equity. Anthropocentric theory lends more importance and priority to human needs and gain which are further categorized and their responsibilities to non-human are also defined in terms of their benefits to human beings. Ecocentrism in its turn is nature centred, the opinion recognizes that man is part of a greater ecosystem and non-human life too is intrinsically important. With this perception, it is not necessarily true that human interests are prioritized but that there are ethical requirements of humans to the non-humans regardless of their direct contact to the well-being of the man. The ecocentrism is hence life centered whereby nature is designed to entail human life and the non-human life.

Eco-centric environmental approach emphasizes on ethical need to focus on inherent worth,

interdependence and wholeness of all life. Ecocentrism suggests preservation of all items of life and not only those that are directly interested to the human beings or those that fulfill human needs. It points to the reality that human beings are not superior to the other life forms on earth as they constitute a segment of it. This perspective is founded on ancient Indian ethics on the environment, which has since been explicated in the Isa Upanishad (an ancient Hindu text of over 4,000 years old), declaring that the universe and all animals are an aspect of the divine. According to it, no one creature is superior to another and human beings are not expected to be superior to nature. The scripture teaches that a particular species must not violate the rights and privileges of other species. This green thinking has found its way in various global agreements such as the Convention to the Conservation of the Antarctic living resources (1980), Convention to the Antarctic treaty on environmental protection (1998), the Berne Convention on the conservation of European wild life and natural habitats (1982). Similarly, the Convention on Biological Diversity (CBD, 1992) and CITES (Convention on International trade in endangered species -wild fauna and flora) also propagate eco-centricism since it emphasizes the fact that there should be a reasonable and respectful relations between humans and the natural community.

Eco-centric based jurisprudence which considers that all living being (including humans) are connected to one another and have intrinsic value as constituents of the nature has come to offer a revolution in the solution of the conflict between humans and other living beings. It is founded on the philosophy that was enlightened by the Land Ethic and the tenets of deep ecology which criticize the anthropocentric idea that prevents taking into account any other living entity as long as the human needs are prioritized. Being a human-wildlife conflict, ecocentrism offers a notion that wildlife is not to be conserved as a tool to the benefit of the human, but also because they are valuable entities in themselves as these ecosystems. The HWC solutions, in this perspective would be founded on the equilibrium of human livelihoods and the ethical obligation to maintain the wildlife through the promotion of the solutions of wildlife corridors, sustainable agriculture and repurposing of habitats. Eco-centric jurisprudence suggests legal systems which recognize animal rights and eco-system rights in the perspective of preserving the biodiversity and the causal circumstances of the conflict such as destruction of habitat and global warming. This approach rather lays stress on the interdependence of all life forms and this results to a more holistic, ethical and sustainable solution to human-wildlife conflict, ensuring the wellbeing of both human and non-human life.

LEOPOLD'S ECOLOGICAL HOLISM

The Land Ethic theory by Aldo Leopold is defined limited to several philosophical assumptions, which can be summarized into three dimensions namely, the first is a theory of value which is grounded on the philosophy of value; the second is the critique of anthropocentrism; and the third one is the ecological perspective based on the foundations of Christianity¹.

Value Theory of Philosophy

Two main ideas are the core ones, and they are founded on the perceptions of Leopold concerning the value theory. The former consists in the creation of his eco-holism, ecosystems in a whole. Using the example to protect a mountain, Leonard Leopold brings together all these components of the mountain, animals, plants, and even rocks in a complicated system in which the wholeness of the overall ecosystem is significant. Leopold criticizes the utilitarianism conservation approach involving some breed of animals like the mountain animals being conserved in isolation in most occasions without considering the ecological scope. According to him, such a strategy fails to appreciate the role of all the species as compared to the predators like wolves that form the ecological stability. Speaking about what appears to make the safeguarding of some wildlife species irrelevant, its proponent, Leopold, also underlines the necessity of the comprehensive understanding of nature since instead of being self-sufficient, each of the elements of an ecosystem requires the other.

The other influencing factor that affected Aldo Leopold, Land Ethic is the concept of appreciation of the value of the wilderness as articulated by philosopher, John Muir, who became popularly known as the father of the American National Park. Muir contributed by giving an example of the impossibility of highlighting the importance of wilderness and the necessity of national parks. He advocated the philosophy that all contents of nature must be respected, and also came up with the ideas that nature has natural rights, the right was present in all living things in nature, and it would not affect the rights of other persons. Muir states that nothing can be gained by humans in terms of infringing and using other lifeforms as the source of the human right. Human being must not kill or destroy plants and animals as long as an organism is alive and has the right to living. Similarly, in the same argument, Muir assumed that wilderness is not a bare and dry environment, but rather a full ecosystem habitat, providing

¹ Yonggang Zhao, *An Analysis of Aldo Leopold's Land Ethics*, 3 *IJHSSE* 21,22-23 (2016)

all the required environment to various species, and thus assisting them to survive and thrive. The idea of Leopold was fed by the thoughts of Muir who thought in the encryption of the wildlife and significance of the wilderness, which also saw the creation of his land ethic.

Secondly, the Land Ethic of Leopold is built on the anthropocentric view of the world that advocates the concept that the natural world can be associated solely with the central object of humans and the natural environment can be seen as a dependent entity that does not belong to the human but rather an object. It has taken many centuries when the human concerns process took over without thoughts about the natural environment and ecological protection. The general attitude which has gained rooting according to this perception is that humans have the right to dominate and control nature without any kind of restriction. The resultant attitude has therefore resulted in overexploitation of the resources, environmental destruction and imbalance in the ecological state. Leopold bitterly criticized the anthropocentrism and encouraged more responsible and sustainable utilization of the natural resources but at the same time firmly believed that the preservation of the natural resources is essential. This is a tremendous challenge to the anthropocentric thinking. His land ethic is oriented towards the perception transformation, where the human species must perceive themselves as consumers of the natural and not the conquerors. The model proposed by Leopold enables viewing the non-human life as a component of the moral community and implies that human beings bear the obligation of being the responsible components of the larger system founded on biology and that the health and balance of the entire ecosystem.

And, third, Christianity ecological principles influence the ecological and environmental ethic of land by Leopold. Religion has never been treated lightly as the indissoluble component of the human civilization and, in its turn, the Christian faith had a powerful impact on the social life and ideological aspects. The ideas about the environment have played a central role in establishing the environmental values among human beings. Christianity has insisted that there must be balance between humanity and nature which is the most infamous in green movement. As a result, the contribution of Christianity in environmental protection became more evident and had a significant impact on further researchers. One of such examples is Lynn White Jr., who argued that moral community should have no boundaries and Juergen Moltmann developed the theology of creation, making the ecological dimension used. Trying to investigate the issues of ecology, Leopold studied these concepts critically and they were critical in the development of philosophy of eco-holism. Therefore, one of the theoretical

influences of the Land Ethic suggested by Leopold is the ecological doctrine of Christianity².

ANIMAL LIBERATION THEORY

In both “The Case of Animal Rights” and “The Animal Liberation Movement”, Tom Regan and Peter Singer argue on behalf of the rights of animals and the equality, and they both are against the cruelty and suffering that animals endure in the modern world. Nevertheless, despite the fact that both are geared towards fighting and reforming the inhuman way of treating animals, the tools used to achieve the same differ vastly. Singer argument is founded on utilitarianism that emphasizes on the general happiness and de-emphasizing suffering. Regan, however, has a more Kantian ground as it is more concerned with the inalienable rights of the animal species and the fact that they too have a right to be treated with respect irrespective of their utility to the humans.

First of all, Singer intentionally prefers the term liberation over such notions as rights which illustrates the fact that his argument is about the equality of consideration of interests, and not about the equality of rights. According to Singer, animal advocacy in the view of equality is not to give the animals the same rights as the human but to ensure that they have the same chance of receiving moral attention. He bases his argument on utilitarianism and that is why the most ethical action is the type of actions that generates the greatest happiness to the greatest number of beings. Animals may suffer hence Singer says they must be incorporated in this utilitarian calculus and the reason is to decrease suffering and to encourage the wellbeing of animals.

Singer critic of speciesism, that is the other incarnation of discrimination based on the membership of species, is, according to him, is morally on par with the other discrimination sources, such as racism or sexism. According to him, there should be equal treatment of all creatures to administer justice that would be apologetic to all creatures who suffer. In his view, there is no difference between people discarding the interest of animals because they are part of the other species and discriminating against people of different race just because they belong to the human species. He also gives the reason that in most instances the mentally disabled lack high cognitive ability as compared to some animals but they are treated as having moral cognizance. On the same note, animals have been revealed to be as intelligent as the children

² *id*

of humans. Thus, no person or the species can be determined whether the process of moral consideration is applied to them or not by using intelligence. Instead, the capacity to suffer should be the significant instrument of providing moral rights and interest.

Nevertheless, Tom Regan adopts a Kantian stance and asserts that any living being is valuable and must be treated like ends and not means. Regan claims that the animals should not be regarded as animals that only serve as a means of the happiness of the human beings, but we are supposed to see them as those creatures who are free to come up to their happiness. Regan would describe this as an inherent value that brings out the necessity of equality of both the human and non-human beings who should be treated as one.

Regan is against such a way, which is pursued by Peter Singer, the person who adheres to utilitarian approach, to animal equality. He maintains that the right of people-to-people equations of equality cannot be utilized in the utilitarianism philosophical approach since it does not value equality inherently amongst people. The purpose of a utilitarian setup is to have as many interests fulfilled as possible so as not to consider the value of human beings as inherent. This is because the satisfaction or frustration of the interests of an individual is more vital to the utilitarians than the value of the individual. Therefore, the notion of animal rights can never have utilitarian approach since this approach does not give a thought on the innate dignity and value of animals as personalities.

The Kantian approach employed by Tom Regan to human-wildlife co-existence and the utilitarianism adopted by Peter Singer present varying, yet complementary arguments on the co-existence of human beings and wildlife. Singer utilitarianism is directed at the realization of maximum satisfaction and minimization of the suffering that all the creatures such as wildlife receive by considering their concerns in the process of making an ethical decision. One of the approaches encourages applied, harm-averse strategies, such as wildlife fences or non-lethal hounds, to efficiently address the conflict, and both human and animal welfare are retained. That said, it can be limited to the graver morality concerns when it comes to defining the basic value of animals. Alternatively, the Regan rights-based model places emphasis on animal natural value and animal protection is pegged on the natural rights of animals irrespective of their utility to the human beings. The practice would promote stricter laws on the wildlife and challenge actions like hunting or destroying their habitat. In spite of the fact that philosophy of the Regan is more idealistic and is hard to implement, it is a good moral basis, in which the

coexistence can be established in the long term. The interplay between the two modes of thinking allows resolving the conflicts in a more expensive and immediate surrounding by utilitarianism, but the ethical duty of animals and their dignity, establishing a more stable and human approach towards wild animals.

CONCLUSION

Collectively, these orientations of jurisprudence demonstrate the need for the HWC not to be addressed by any one theory in isolation. Anthropocentric theories can provide the practical grounding for policy-making, biocentric theories can provide the moral inclusivity, ecocentrism can provide the necessary sustainability, ecological holism can provide the necessary interlinkages, and animal liberation can provide the necessary ethical strength. It is evident that the solution to the HWC can only be found by taking the best of all theories and moving towards an integrated approach.

In conclusion, the HWC can only be addressed by creating a paradigm shift in the manner in which the law addresses the issue. This can only be done by moving away from the current model of domination and exploitation towards one of coexistence, responsibility, and shared ecological citizenship. It is only by creating an integrated change in the manner in which the law addresses the issue, taking into account the need for ecological sustainability, ethical diversity, and community participation, that the HWC can be addressed effectively.

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