

Protecting our Earth

It all started with punching my art teacher. That's the day that defined my life. Of course it took me over 20 years to see the bigger picture – and to view it as a good thing. Back then, a child punching a teacher had no defence; the only route forward was removal to another school. At the time it felt as if what I had done was the worst thing in the world. Public disapproval was visceral.

So why did I do it? Because I cared – I cared about the fact that a boy one-third the size of the teacher was up against a wall and hadn't a fighting chance in hell of escaping the fury that was about to be unleashed. So I intervened. I punched the teacher.

You could say that was a critical choice point. My actions determined a very different fate and trajectory. Out of the rarefied environment of a Jesuit school run by control and fear, I discovered a very different pedagogy. One where violence did not exist; one where children were protected, seen and heard. The contrast could not have been greater.

It is said that critical choice points come maybe six or seven times in our lives. There have been a few for me so far, but this one – more than any other – brought great insights. One: a system that treats violence inflicted by adults upon children as normal is deeply unjust. Another: when violence is a norm, a disruptive force is often ejected rather than embraced. I had felt driven to intervene, to protect a small boy who was vulnerable in the face of an overwhelming violence. My headmaster, hearing only the version presented by the art teacher, removed me. In a way, what I experienced that day is an analogy, at the micro-level, of a global process. Let me explain.

The norm today is thus: that huge transnational corporations cause ecocide.

This is a violence perpetrated against the Earth. However, such corporate ecocide is legal – more than that, it is state-sanctioned. Laws exist that confer upon business absolution from modern-day sins: a reckless disregard for making a killing – ecologically speaking. The criminal is not accepted to be the corporation that perpetrates serious harm against the biosphere; instead, it is the conscientious protector attempting to prevent ecological disaster who is the criminal. The state is complicit; business is given a free pass to continue.

I say this informedly. As a lawyer I have experienced both sides. As a junior barrister the world of criminal courts was my bread and butter. Mainly it was the stuff of everyday news, but ever so occasionally a case would come along where it was clear that an injustice had occurred. A mother in court because she did not take her child to school; an acquittal that really was not merited; a conviction due to lack of adequate representation. Civil law had its own raft of injustices: a client's insurance cover removed at appeal, leaving him vulnerable to losing everything; a company not caring about the employee who whistle-blew on an enormous malpractice, and caring only that there be no pay-out.

I entered into law because of the injustice I saw. I believed, and still do, in justice. The cycle playing out today at a global level is a cycle of injustice very similar to the one I saw play out at school. It goes like this: corporation causes harm, state permits it, and vulnerable community suffers. Anyone who dares to intervene in this cycle is treated as a criminal and removed.

There is one critical difference, however – the art teacher *intended* to cause harm to

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the small boy. For corporations, however, harm is secondary; the real driver of their actions is *profit*. The ecological damage, if acknowledged, is considered to be collateral, an externality. It is the law to put the interests of shareholders first, and all too often that means that profit-led industry is the norm. Some of the largest profits today come at the expense of our Earth by what are collectively known as the Carbon Majors – the global corporations causing the most significant destruction from excessive carbon emissions and dangerous industrial activity (Greenpeace, 2016). This is violence on an enormous scale.

And yet, we have no crime on our statute books to remedy such gross violation – an atrocity that has long-term, significant adverse impacts for the Earth. The checks and balances that are in place are woefully inadequate. Climate change driven by

state-sanctioned industrial immunity is anthropogenic climate change; and the perpetrators are the ones turning a blind eye. This we know.

Which is why I seek to remedy this. I didn't know it then, but when I acted in defence of another child, it was the beginning of the end of a norm that could not last. Physical violence in schools was soon to be outlawed in Scotland – it took a court case brought by two mothers who cared. The law was changed and it became a crime to hit a child in school. Today, corporate harm of the Earth is the norm, but soon it too shall be a crime. ■

References

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