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Breaking The Dichotomy: The Relationship Between Anthropocentrism and Ecocentrism in International Corporate Environmental Law

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**Breaking The Dichotomy: The Relationship Between Anthropocentrism and Ecocentrism
in International Corporate Environmental Law**

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Abstract

In a value-oriented world there is an ongoing debate on how ecocentrism, anthropocentrism and their relationship should be conceptualized. Existing scholarship generally regards their relationship as dichotomous and uses this duality to argue that present laws aimed at holding businesses accountable for environmental harm do not function because they are anthropocentric in nature, necessitating an ecocentric approach. This research, however, disproves the idea of a strict dichotomy, arguing that anthropocentrism and ecocentrism may holistically be reflected within international corporate environmental legal frameworks. It does so by using a critical theory lens to conceptualize both anthropocentrism and ecocentrism, as well as their relationship. The theoretical findings are then put to the test through an analysis of the ecocide proposal. The academic and societal implications of the findings of this research are grounded in the more nuanced and holistic conceptualization of the value structures and their relationship. By questioning the dichotomy this research situates itself in a rich academic debate on how these value structures should be perceived in relation to one another, which ultimately translates to the shaping of public or societal discourse on the topic. Understanding the extent of the dichotomy of the two values is essential to avoid misapplying the theory behind the two when determining effectiveness of legal frameworks.

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1. Introduction

Within the complex realm of value structures, the concepts of anthropocentrism and ecocentrism provide different perspectives on how humans relate to and exist within their environment. Anthropocentrism places humans at the center of the universe, while ecocentrism places humans as a minor component of a broader natural order (Gray et al., 2018; Hayward, 1997). The conceptualization of the relationship between these two value structures has been extensively debated in academic literature, whereby some scholars believe that the values should be perceived as mutually exclusive, while others contest the dichotomy and argue that the two overlap. This research contributes to this debate by situating it in the context of international corporate environmental law.

There is a growing recognition of the need for a robust international legal framework to address environmental misconduct by corporations to safeguard the planet's finite resources for the generations to come (Crasson, 2018). In the current international judicial system, there is an existing loophole that allows corporations to evade accountability for environmental harm caused by their operations. This accountability gap can be attributed to various factors, including the overreliance on national jurisdiction and the limitations of national legal systems in addressing transnational environmental crimes. Consequently, powerful corporations can easily avoid liability by relocating to states with lax climate regulations (Crasson, 2018, p. 34). Both Crasson (2018) and Kyriakis (2007) underscore the need to establish an international norm that addresses the complexities of transnational environmental issues and ensures that multinational corporations are held responsible for environmental impact, even in foreign countries (Crasson, 2018, p. 30; Kyriakis, 2007). They both agree that establishing an international norm to hold corporations accountable for environmental misconduct is feasible within existing institutions in practice, explicitly highlighting the need for corporate liability within the International Criminal Court (ICC) framework (Crasson, 2018; Kyriakis, 2007, p. 117). Sharp (1999) proposes the 'ecocide proposal' as a potential avenue for incorporating corporate liability for environmental harm in the ICC. The suggested definition would cover acts that cause severe and widespread or long-term environmental damage (Stop Ecocide Foundation, 2021).

The existing literature that has explored the presence of ecocentrism and anthropocentrism in the context outlined above does not extensively question the dichotomy between the two value

systems. Instead, it frequently assumes that the dichotomy between the two is fixed, arguing that current legal frameworks are anthropocentric and therefore do not hold corporations liable for environmental harm and that a more ecocentric approach is required for environmental preservation (White, 2013). Consequently, this research contributes to bridging this research gap by answering the research question: *To what extent are ecocentrism and anthropocentrism dichotomous in international corporate environmental law?*

The academic implications of this research are grounded in the debate on the relationship between anthropocentric and ecocentric value systems. This research provides a more comprehensive understanding of how the two value structures may be conceptualized and how their relationship should be understood in the context of international corporate environmental law. This translates into the societal implications of this research, as it can assist in shaping public discourse on concerns related to environmental preservation and justice by challenging established assumptions while creating a more nuanced understanding of the complex ways in which humans see their place in the natural world order.

Furthermore, the research reveals the extent of the dichotomy between ecocentrism and anthropocentrism by firstly, exploring existing research on the topic. This exploration is achieved through a literature review, which outlines the debate on how the relationship between anthropocentrism and ecocentrism has been perceived in the literature thus far. This debate aids in contextualizing and situating this debate in international corporate environmental law. Next, a theoretical framework is presented where critical theory provides a theoretical answer to the research question. This is then followed by an outline of the research design, a critical theory analysis of the ecocide proposal. Finally, the theoretical findings are used to analyze the extent to which the ecocide proposal reflects the dichotomy of ecocentrism and anthropocentrism.

2. Literature Review

2.1. *Anthropocentrism and Ecocentrism*

Anthropocentrism and ecocentrism are two value structures that reflect how individuals situate themselves within the natural world order. Anthropocentrism is a value that places human interest and well-being above all else. It views the natural environment merely as a resource to be mastered and thus determines its worth depending on its utility to humans (Hayward, 1997; Veal et al., 2020). Ecocentrism, on the other hand, emphasizes nature's intrinsic value¹ and prioritizes environmental integrity and the well-being of ecosystems. It recognizes the interdependence and connectivity of all living organisms and ecosystems and advocates for environmental protection, preservation, and restoration. Ecocentrism considers humans as part of a larger ecological community and advocates for the long-term health and vitality of the earth's ecosystems (Gray et al., 2018; Lynch & Stretesky, 2014).

A wide range of philosophers, scholars, and environmental thinkers have contributed to the formulation and evolution of diverse value systems throughout history. Ecocentrism can be traced back to deep ecology, biocentrism, and ecological philosophy, which created the groundwork for this viewpoint, while anthropocentrism has a long history strongly anchored in Western philosophical and religious traditions (Kopnina, 2012; Lundmak, 2007). Despite their different historical roots, these two concepts are frequently presented together in contemporary settings as opposing principles, with ecocentrism being proposed in opposition to anthropocentrism (Grendstad & Wollebaek, 1998).

However, scholars have offered diverse perspectives on how these two value structures should be presented within the discourse. Some argue that the two are entirely mutually exclusive, while others argue that the strict dichotomy between the two is oversimplified and misleading (Hoffman & Sandelands, 2005, p. 149; Pellow, 2017). Pellow (2017), for instance, argues that the two value structures are dichotomous, as ecocentrism challenges the anthropocentric belief that the natural world may be exploited for human-wellbeing. Consequently, he proposes that

¹ “The concept of intrinsic value reflects the perspective that nature has value in its own right, independent of human uses. Intrinsic value opens us to the possibility that nature has value even if it does not directly or indirectly benefit humans. Intrinsic value is viewed from an ecocentric standpoint” (Rea & Munns, 2017, para. 2).

embracing ecocentric ideals rather than anthropocentric ones may be the solution to anthropocentric environmental degradation. On the other hand, Hoffman and Sandelands (2005) disagree with Pellow (2017) on separating the two value frameworks. They describe the proposed dichotomous perception as an “unstable fatal polarity,” indicating that the dichotomy oversimplifies the existing relationship between ecocentrism and anthropocentrism (p. 149). This academic debate is particularly interesting in the ongoing incorporation of an international legal framework that holds corporations liable for environmental harm. The reason for this is the importance scholars place on the two structures when analyzing the efficacy of the proposed frameworks (i.e., ecocentric legal frameworks are effective, while anthropocentric ones are not).

2.2. The Role of Anthropocentrism and Ecocentrism in International Corporate Environmental Law

As the introduction established, international corporate environmental law exists in the hypothetical and thus can only be explored in the form of proposals (Bodansky, 1990; Stop Ecocide Foundation, 2021). So far, this research has drawn on the example of the ecocide proposal, which, if adopted, would hold actors accountable for environmental harm and constitute the Rome Statute’s fifth international crime (Stop Ecocide Foundation, 2021). According to White (2018), the idea of incorporating proposals like the ecocide proposal would be approached differently by anthropocentric and ecocentric values. He believes that ecocentrism would align with the proposal’s ideologies, while anthropocentrism would approach them hesitantly. This is because the anthropocentric values of prioritizing human well-being above all else are also reflected in its approach to international law. Anthropocentric laws prioritize protecting human interests, such as human rights, sovereignty, and security, over the interests of other non-human entities, such as animals, plants, or ecosystems. While this approach has favorable implications for human welfare and progress, it could have long-term adverse environmental effects (Carter, 2018; Braidotti, 2016).

According to White (2018), dismissing the environment as a major actor might offer companies more leeway, allowing them to avoid severe legal implications for their environmental offenses. For example, corporations that provide jobs, contribute to state income, and do not pose imminent threats to human well-being may prioritize their interests over the environment (Norton,

2007). Accordingly, scholars like White (2018) advocate for a more ecocentric approach to international law to address this issue. An ecocentric legal system, like the ecocide proposal, would take into account the intrinsic value of the environment rather than only anthropocentric or human-centric viewpoints. This opens up the possibility of establishing procedures to hold corporations accountable for the environmental harm, which may safeguard the stability of the natural world order (Argyrou & Hummels, 2019; White, 2013).

Although anthropocentrism and ecocentrism have distinct ideological differences, some similarities challenge the notion that they are entirely opposite. This can mainly be seen in how they may be reflected within international law. Both ecocentrism and anthropocentrism recognize the importance of preserving and protecting the environment. While anthropocentrism may consider the environment primarily for its practical benefits to human well-being, it may still acknowledge the necessity of preserving specific natural resources or ecosystems to ensure their continued availability for human use and benefit (Kopnina et al., 2018, p. 119; De Lucia, 2017, p. 95; Wheale, 1993).

Ecocentrism may seek to protect the same natural resources and ecosystems that anthropocentrism does. However, it does so to protect the intrinsic value of the environment rather than to protect human well-being. These shared environmental conservation and protection concerns result in comparable laws, such as international agreements on biodiversity, or even proposed legal frameworks such as the ecocide proposal (Kopnina et al., 2018; Kotzé, 2014, p. 260). However, the underlying ethical justifications for such legal structures may differ depending on whether one subscribes to ecocentrism or anthropocentrism (White, 2013).

Previous scholars, such as Carter (2018), have attempted to provide answers to questions similar to this paper's research question. He contends that attempting to create a clear conceptual border between anthropocentrism and ecocentrism is a mistake. While ecocentric principles contradict anthropocentrism, certain arguments bridge the gap. He argues that these arguments may be characterized by the recognition of the interconnectedness of humans and nature and that environmental health is critical for long-term human well-being (p. 17). This research further explores the arguments that bridge the gap between anthropocentrism and ecocentrism by looking at critical theory conceptions of the two value structures.

3. Theoretical Framework

This research is engaged in critical political theory. Critical theory is a theoretical framework that rejects positivism, the belief that scientific knowledge of the social world is restricted to what can be observed, as well as the assumption that facts and values can be distinguished (Halperin & Heath, pp. 488, 493). The central argument of critical theory, and thus, this theoretical framework, is that understanding power dynamics is essential to understanding the world's socio-political structure (Devetak, 2005; Kincheloe & McLaren, 2011). Although this may be explored through various sociodemographic characteristics such as race, gender, and ethnicity, this research examines the relationship between humans and nature (Kincheloe & McLaren, 2011, p. 288). This exploration is done by examining the value structures of anthropocentrism and ecocentrism. Understanding the power dynamics that shape anthropocentrism and ecocentrism is essential to this research, as they may reveal an overlap between the value structures. This could indicate the extent to which the two are dichotomous (Moon & Blackman, 2014). The theoretical framework starts with an overview on how critical theory falsifies the dichotomy between ecocentrism and anthropocentrism. This examination is followed by a discussion of how each structure as well as their overlap may be indicated in international corporate environmental legal frameworks.

3.1. Critical Theory: The False Dichotomy of Ecocentrism and Anthropocentrism

There has been a lot of research done on the distinction between ecocentrism and anthropocentrism, which are frequently viewed as mutually exclusive or dichotomous. However, critical theory reveals that this dichotomy may not be entirely true, particularly in the context of international corporate environmental law. Although ecocentrism and anthropocentrism appear to be dichotomous, critical theorists have pointed out that similar practical uses of international corporate environmental law can blur the divide between the two (De Lucia, 2017; Moon & Blackman, 2014).

De Lucia (2017), for example contends that the dichotomy between anthropocentrism and ecocentrism fails to account for how these two value structures are intertwined and shaped by more significant socio-political factors. He contends that anthropocentrism is more than just an individual perspective or characteristic; it is also profoundly ingrained in societal institutions and

cultural practices. This is exemplified through the observation that many legal systems prioritize human interests over those of the environment and other species, reinforcing anthropocentric beliefs and behaviors (Braidotti, 2016). However, critical theory scholars like Kopnina et al. (2018) argue that ecocentrism, which prioritizes safeguarding the environment, can be anthropocentric in practice. Some ecocentrists may claim, for example, that maintaining biodiversity is critical for human well-being or that safeguarding natural resources is necessary for sustainable development. Critical theory academics contend that ecocentrism is still driven by human interests in these instances but in a broader and more inclusive sense (Kopnina et al., 2018, p. 211).

Moreover, other critical theorists like Barry (1996) argue that both anthropocentrism and ecocentrism reflect similar complex power structures. In this case, both positions view nature as having an instrumental value for humans and their well-being. However, anthropocentrism does so by placing human interest above the intrinsic values of nature. In contrast, ecocentrism does so by treating the natural world as an integrated whole, which means that it cannot be regarded as a self-contained entity separate from human influence (Barry, 1996). This human-centered power dynamic may be reflected in how the natural world is governed as well as how its harms are prosecuted.

Furthermore, the significance placed on humans is contested among critical theorists. Some scholars argue that it undermines the root cause of environmental degradation, which is the power structures created by humans for human benefit (Hayward, 1997). Others argue that it is not a significant issue, as it does not hinder acts toward environmental justice (Barry, 1996; Kopnina et al., 2018). To expand on this, critical theory scholars contend that anthropocentrism and ecocentrism ultimately strive to conserve the environment but are driven by distinct motivations. While these values and motivations may influence the degree of environmental protection that is achieved, they do not necessarily have to hinder efforts toward achieving justice for the natural world (Gagnon Thompson & Barton, 1994).

3.2. Critical Theory: Understanding the Overlap

A deeper investigation of the primary indicators associated with each value structure is required to understand the overlap between ecocentrism and anthropocentrism within the context of international corporate environmental laws more thoroughly. Critical theory provides a valuable

framework for critically assessing these indicators to understand the interaction between anthropocentrism and ecocentrism better.

Ecocentrism prioritizes environmental conservation and its intrinsic value (White, 2013). The New South West and Environmental Court, has identified five key indicators of ecocentrism through a detailed analysis of case law pertaining to offenses against non-human environmental entities under Australian jurisdiction. The indicators include the consideration of intrinsic value, ecological perspectives in assessing harm, expertise in environmental matters, the gravity of the offense, and measures for ecological preservation (White, 2018, pp. 248-249). On the other hand, anthropocentric indicators prioritize the well-being and welfare of human populations and examine nature's instrumental value in connection to human demands and advantages. Such indicators include human health and safety, economic concerns, societal repercussions, legal compliance, and environmental justice (Gonzalez, 2015).

By constructing both ecocentric and anthropocentric indicators, this research can move forward to understand the critical conceptual overlap between the two value structures and investigate indicators that can be used to detect this overlap within international corporate environmental legal frameworks. In international corporate environmental law, the three key markers for the overlap between anthropocentrism and ecocentrism are: The interdependence of humans and the environment, balancing human demands and protecting the environment, and ethical issues such as recognizing nature's intrinsic value while meeting human needs (Argyrou & Hummels, 2019; De Lucia, 2017; Mehta & Merz, 2015). These defining indicators of the overlap between anthropocentrism and ecocentrism are illustrated in *Figure 1*, along with specific indicators of each value structure that challenge the overlap.

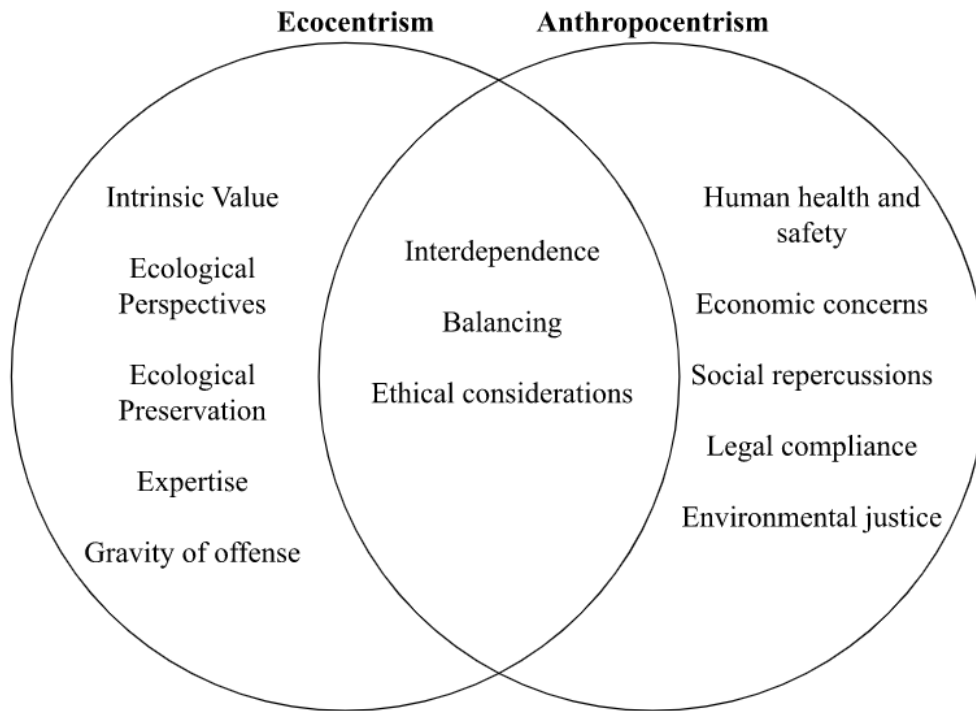


Figure 1: Mapping the Indicators of Ecocentrism, Anthropocentrism, and their Overlap in International Corporate Environmental Law

Figure 1 depicts not only the indicators used to detect anthropocentrism, ecocentrism and their overlap in international corporate environmental law, but also the theoretical answer to the research question, demonstrating the extent to which anthropocentrism and ecocentrism are dichotomous in international corporate environmental law. These theoretical findings are further explored in this research's preliminary answer.

3.3. Preliminary Answer

The preliminary answer to the research question, *to what extent are ecocentrism and anthropocentrism dichotomous in international corporate environmental law?* suggests that the

strict dichotomy between ecocentrism and anthropocentrism may not be entirely true in the context of international corporate environmental law. Despite their differences, both ecocentrism and anthropocentrism acknowledge the environment's instrumental value for humans and therefore recognize the necessity of environmental preservation but for different ethical reasons. While anthropocentrism is recognized for favoring human interests, ecocentrism, given the relationship it emphasizes between humans and environment, can also share the similar belief of protecting human well-being. Therefore, in practice, these two value systems can overlap and blur boundaries. Consequently, the overlap between anthropocentrism and ecocentrism in international corporate environmental law can be found in their common environmental preservation and conservation objectives, as expressed in for example proposed legal frameworks like the ecocide proposal. However, more research is required to understand the indicators and characteristics of this overlap within international corporate environmental legal frameworks.

4. Research Design

This research aims to assess the degree of dichotomy between ecocentrism and anthropocentrism in the realm of international corporate environmental law. In this query, this research adopts a critical theory approach to examine the underlying power dynamics and social structures of anthropocentrism and ecocentrism. It then uses the critical theory conceptions of the two value structures to analyze an international corporate environmental legal framework. The primary goal of this research's analysis is to establish to what extent indicators of ecocentrism, anthropocentrism, or their overlap are present in a legal framework. The analysis ultimately reveals the extent of the dichotomy of ecocentrism and anthropocentrism within international corporate environmental law. It is worth noting that while the subject matter is legal in nature, the approach taken is grounded in critical theory.

4.1. The Choice of Critical Theory as the Methodological Lens

As established in the theoretical framework, critical theorists posit that anthropocentrism and ecocentrism are not intrinsically opposing, but rather have the capacity to interact and overlap in the context of international corporate environmental law (Petersmann, 2018). This idea of a potential overlap motivates this research's use of critical theory, since it directly challenges the notion that these two value structures are mutually exclusive or dichotomous.

Furthermore, critical theory offers a robust framework to identify and analyze the inconsistencies and conflicts in international corporate environmental laws. This research's use of the critical theory framework provides a thorough and nuanced examination of the link between ecocentrism and anthropocentrism in international corporate environmental laws, which better explains how these value systems interact and can be seen in legal frameworks.

The use of critical theory as a methodological lens is the most appropriate theoretical approach for this research. This method successfully tackles the topic at hand and gives specific indications for detecting the intersection of the two value structures within the context of a legal framework analysis. Alternative theories that do not prioritize the investigation of this intersection may not have offered such an apparent indication of what to look for to uncover an oversimplified dichotomy between ecocentrism and anthropocentrism.

4.2. Using the Ecocide Proposal as the object of analysis

The construction of legal frameworks is a key basis for controlling individuals' conduct and responsibilities within a particular society (Kitchener, 1984). Examining how these legal frameworks represent ecocentric or anthropocentric principles might help to clarify how the two may overlap. Furthermore, legal systems can effectively balance environmental concerns with human needs, promoting sustainable practices and indicating an overlap between anthropocentrism and ecocentrism (Kopnina et al., 2018). This research can gain valuable insights into the challenges of bridging the gap between ecocentrism and anthropocentrism by analyzing legal frameworks, which is particularly significant in this research.

This research's object of analysis is the ecocide proposal. The justification for analyzing this proposal, as opposed to an existing legal framework, is grounded in the absence of an effective framework that holds corporations accountable for environmental harm on an international scale. Thus, it can be argued that effective international corporate environmental law remains in the realm of the hypothetical.

According to the literature review, the ecocide proposal contributes to closing a loophole in international corporate environmental law that allows corporations to avoid environmental responsibility. Although it is not yet operational, it is being developed as a model framework for holding corporations liable for environmental harm, making it ideal for this analysis. The advantage of analyzing the ecocide proposal is that it is already established in academic discourse on the topic of the interplay between anthropocentrism and ecocentrism, thereby making it the most suitable subject matter to commence with.

Overall, the significance of international law in distinguishing between ecocentrism and anthropocentrism cannot be overstated. It includes a wide range of legal systems from throughout the world, offering a comprehensive understanding of how these principles interact on an international scale (Martinez, 2003).

4.3. *The Analytical Approach*

The forthcoming analysis is conducted based on the ecocide proposal presented by an independent panel of experts, which was commissioned by the Stop Ecocide Foundation. This proposal aims to amend the Preamble Paragraph and two articles of the Rome Statute, namely *Articles 5 and 8* (Stop Ecocide Foundation, 2021).

To ensure clarity, the analysis is divided into five sections. These sections align with the ecocide proposal commentary, which is divided into; proposed amendments, thresholds for prohibited conduct, definitions of key terms, the application of *Mens Rea*, and endangerment (Stop Ecocide Foundation, 2021). The analysis uses the indicators outlined in the theoretical framework to determine the extent to which anthropocentrism, ecocentrism, or a combination of both is present (see *Fig. 1* for presentation of indicators). If the indicators of both value structures are equally reflected, or if the indicators of overlap are, we may conclude that the dichotomy between the two is false. However, if the framework reflects mainly ecocentric or anthropocentric indicators, the dichotomy will be affirmed as true. It is important to note that if the framework primarily reflects ecocentric values but has some anthropocentric indicators, the dichotomy may still be true, but only to a limited degree.

5. Analysis: The Ecocide Proposal

Environmentalists have praised the ecocide proposal as its underlying concept of protecting the intrinsic value of the environment aligns with ecocentric values. However, they have also raised concerns regarding whether its enforcement may be anthropocentric in practice (Rizk, 2021).

To further elaborate, a limitation to the effectiveness of the ecocide proposal within the ICC jurisdiction is that the ICC only has jurisdiction over crimes committed within states that have signed the Rome Statute or by criminals who hold the nationality of member states. The fact that significant polluters like the United States, China, and India are not members of the ICC shows how the anthropocentric characteristics of the court are reflected in the laws it can enforce. The self-interest of states is prioritized over the protection of the environment, which is a prime example of anthropocentrism in action. The failure to hold major polluters liable for environmental damage is a significant obstacle to implementing the ecocide proposal and limits its potential success. While recognizing ecocide as an international crime would hold corporations and governments accountable for environmental damage, the lengthy process of debating and approving the definition could take years, if not decades, reflecting the slow progress towards an ecocentric approach (Rizk, 2021).

While the limitation of implementation of the ecocide proposal may reveal some sort of an interplay between ecocentrism and anthropocentrism, it is not efficient to determine the extent of the dichotomy between the two values. Consequently, this analysis will now move on to analyzing the Panel's commentary of the ecocide proposal in more detail.

5.1. *The Analysis of Proposed Amendments*

The proposal calls for three significant amendments to the Rome Statute: Preambular paragraph 2 *bis*, Article 5(1)(e), and Article 8ter. This section of the analysis will analyze these three amendments in the same order as presented.

The proposal calls for the addition of a new clause to the Rome Statute's preambular paragraph labeled 2 *bis*. According to the Stop Ecocide Foundation, 2 *bis* acknowledges worry about the daily threat to the environment posed by extreme destruction and deterioration which

threatens both natural and human systems around the world. The change to the preambular paragraph thus aims to include a preamble section that addresses environmental degradation and its impact on natural and human systems. In addition, the proposed language establishes a normative context for the crime of ecocide, emphasizing the gravity of the offense and the necessity for accountability (Stop Ecocide Foundation, 2021, p. 6).

Furthermore, the proposed amendment to the preambular paragraph introduces a crucial aspect of extreme environmental destruction that underscores the urgent need for environmental preservation. By explicitly recognizing the extent of this devastation, the amendment draws attention to the alarming state of the natural world, emphasizing the critical importance of taking action to prevent further harm. The proposed amendment goes beyond acknowledging the environmental crisis and the need for environmental preservation. It also emphasizes the gravity of the offense committed against the natural world and thus tries to establish a sense of accountability for environmental deterioration. When viewed through the lens of critical theory, the proposed amendment aligns with ecocentric values. The alignment with ecocentric values can be detected through the presence of both environmental preservation and the gravity of offense, which are key indicators of ecocentrism.

Despite the apparent presence of observable ecocentric indicators and the absence of corresponding anthropocentric ones within the proposed amendment, it is critical to avoid prematurely concluding that ecocentrism and anthropocentrism are mutually exclusive. Instead, the amendment's inclusion of the notion of interdependence challenges the strict dichotomy that is usually thought to exist between these two value structures. To further elaborate, the proposed amendment to the preambular paragraph highlights the interdependence of human and nature by underscoring their shared threat of changing ecosystems.

The Independent Panel recommends revising the Rome Statute's *Article 5(1)* opening article. They propose a new clause, *Article 5(1)(e) The crime of ecocide* (Stop Ecocide Foundation, 2021, p. 6). This amendment aims to recognize the addition of ecocide as a new crime. It is difficult to assess whether introducing a new section for ecocide in the Rome Statute's *Article 5(1)(e)* should be considered ecocentric or anthropocentric. While the proposed amendment is frequently understood as having an ecocentric orientation due to its goal of safeguarding the natural world, this research's theoretical framework demonstrates that anthropocentrism can also embrace international corporate environmental legal frameworks. Consequently, *Article 5(1)(e)* does not

contribute to answering the research question because it does not explicitly reflect anthropocentric or ecocentric indicators, neither proving nor disproving the dichotomy of the two values.

Furthermore, the panel finally proposes adding a new crime of ecocide, *Article 8ter*, to the Rome Statute. The proposed definition of this offense is structured similarly to the definition of Crimes Against Humanity in *Article 7* of the Rome Statute, with the first paragraph explaining the crime and the second specifying its main features. In addition, the suggested definition is inspired by the existing *Article 8(2)(b)(iv)* of the Rome Statute, which deals with natural environmental harm, including the use of terms like ‘widespread’, ‘long-term’, and ‘severe’ to describe the prohibited damage, a proportionality test, and the use of endangerment liability rather than a harm requirement. Despite drawing from familiar language presently utilized in international law agreements, the proposed crime of ecocide would extend international criminal law’s protection of the environment beyond times of armed conflict to times of peace, which is a significant advancement (Stop Ecocide Foundation, 2021, pp. 6-7).

The proposed crime recognizes that protecting the natural environment is essential for its own sake, not merely for its influence on humans, reflecting the ecocentric indicator of intrinsic value. However, when it comes to defining and prohibiting environmental harm through the proposed crime of ecocide, the criteria used indicate anthropocentric values that prioritizes human interests. For example, the use of phrases like widespread, long-term, and severe to characterize criminal damage suggests that the harm must be significant enough to touch humans in a concrete sense, reflecting the anthropocentric indicator of legal compliance. This means that environmental damage without immediate or evident impact on human interests may not be termed ecocide under this suggested legal definition. While *Article 8ter* does not explicitly reflect the indicators of the overlap between anthropocentrism and ecocentrism, its entire substance calls into question the dichotomy between these two value structures. The inclusion of both anthropocentric and ecocentric elements in the law reflects an acknowledgment of their cohabitation, as well as some degree of balance between their ideologies. In other words, the amendment demonstrates a complex perspective that includes both human values and the intrinsic value of the environment, demonstrating that both viewpoints are not mutually exclusive.

5.2. The Analysis of The Thresholds for Prohibited Conduct

The ecocide proposal specifies two criteria for prohibited behavior. First, there must be a significant likelihood that the activity, whether action or inaction, will cause widespread or long-term environmental damage. However, the Panel recognizes that relying entirely on this standard may result in an excessively broad inclusion. Certain actions, even if legal, socially desirable, and responsibly carried out to minimize repercussions, may still cause or have the potential to cause major and widespread environmental damage. To overcome this, the Panel believes it is necessary to add a second threshold (Stop Ecocide Foundation, 2021, p. 7).

The second threshold requires evidence that the conduct in question is either illegal or wanton. This extra criterion is based on environmental criminal law principles that strive to balance societal and economic gains with environmental disadvantages through the idea of sustainable development. By merging these two thresholds, any prosecution would be required to demonstrate a considerable likelihood of creating serious and either widespread or long-term environmental damage through unlawful or wanton acts or omissions (Stop Ecocide Foundation, 2021, p. 7).

The thresholds reflect both ecocentric and anthropocentric indicators. The first criterion demands a substantial likelihood of creating severe, widespread, or long-term environmental damage as a result of an act of negligence. While this criterion supports ecocentric values by emphasizing the need of environmental preservation, it also acknowledges that certain actions, even if legal and socially desirable, can cause severe environmental damage. This acknowledgment calls into question the notion of a clear distinction between anthropocentrism and ecocentrism by noting the possibility of environmental harm even in socially beneficial actions.

To address this, the proposal incorporates a second barrier requiring evidence of either unlawful or wanton conduct. This extra criterion is based on legal principles that, through the notion of sustainable development, integrate anthropocentric principles that prioritize society and economic issues by considering the legality and intentionality of the activity. The ecocide proposal's two thresholds represent the intersection between anthropocentrism and ecocentrism in international corporate environmental legal frameworks. They recognize the significance of

environmental preservation (an ecocentric value) while also considering sociological and economic factors (anthropocentric values) in achieving sustainable development. The ecocide approach establishes a balance between environmental protection and human needs within the framework of corporate activity by including both ecocentric and anthropocentric indicators. The element of balancing indicates an overlap between the two value structures

5.3. The Analysis of Definitions of Key Terms

The expression “severe and either widespread or long-term” is frequently used to describe the severity and extent of environmental damage in various legal agreements, such as the Rome Statute, the 1977 First Additional Protocol to the Geneva Conventions (API), and ENMOD (Stop Ecocide Foundation, 2021, p. 8). The ecocide proposal takes inspiration from all three when defining its use of the criteria. The inspiration taken from ENMOD has significant implications for this study, as ENMOD is a framework used for this research’s indicators for ecocentrism. However, this should not hinder the analysis of these definitions as it is only one of the inspiring factors. Furthermore, while taking inspiration from existing legal agreements, the ecocide proposal provides a new definition of the expression “severe and either widespread or long-term” by incorporating independent elements from the international agreements mentioned above (p. 8). In the ecocide proposal the term ‘severe’ refers to major environmental damage, which includes effects on human life, natural resources, cultural heritage, and economic assets. Damage that is ‘widespread’ extends beyond a certain geographic region and may harm entire ecosystems or a large number of individuals. Finally, ‘long-term’ harm is either irreparable or cannot be repaired in a reasonable time frame (pp. 8-9).

The implementation of the definition of “severe and either widespread or long-term” in the ecocide proposal challenges the dichotomy between ecocentrism and anthropocentrism, due to the clear presence of indicators for the values overlap (Stop Ecocide Foundation, 2021, p. 8). Firstly, the proposed definition recognizes the interdependence between humanity and the environment by acknowledging that environmental harm may have far-reaching consequences on human life, natural resources, cultural practices, and economic assets. By balancing human-wellbeing with the

wellbeing of the natural world, the proposed definition reflects the interconnectedness of these two systems.

Secondly, the proposed definition implicitly addresses the need to balance human demands and environmental protection. This can specifically be seen in the definition of the term ‘severe’, where damage takes into account the effects on both human life and their economic assets, as well as the need for environmental preservation. The acknowledgement of the importance of the balance between human needs and environmental preservation aligns with the indicator of balancing, which is essential to the overlap of ecocentrism and anthropocentrism.

The second definition presented by the ecocide proposal refers to the performance of “unlawful or wanton acts” that endanger the environment (Stop Ecocide Foundation, 2021, p. 10). This indicates the development of a different guideline for situations of criminal environmental harm. It is critical to recognize that according to this definition not all corporate operations are harmful to the environment, and that a certain amount of growth may be desirable. ‘Unlawful’ refers to conduct that is against the law, whereas ‘wanton’ refers to a disregard for the potential repercussions (p. 10). Furthermore, the concept considers the necessity to balance environmental harm with social and economic gains. The term ‘acts’ refers to both individual and collective activities (p. 10). That being said, the explicit mention of the importance of overlap, indicates that the definition of “unlawful or wanton acts” reflects the overlap between anthropocentrism and ecocentrism (p. 10). Furthermore, the definition is clearly built to balance ecocentric values of protecting the intrinsic value of the natural world with anthropocentric values of protecting human-wellbeing. This clear balance may also reflect the indicator of ethical considerations as the definition does not place humans above the environment and vice-versa.

Lastly, the ecocide proposal defines the ‘environment’ as “the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space” (Stop Ecocide Foundation, 2021, p. 10). The term ‘environment’ has been difficult to define in international law, so there is no generally recognized definition. The panel opted to use an approach that would offer a clarification for criminal law and its use in criminal law. The phrase was defined to include the earth’s biosphere, cryosphere, lithosphere, hydrosphere, atmosphere, and outer space. This concept represents scientific understanding of the environment’s many interactions (p. 10).

The ecocide proposal’s definition of ‘environment’ encompasses the earth's various components and interactions, such as the biosphere, cryosphere, lithosphere, hydrosphere,

atmosphere, and outer space, which aligns with the indicator of the overlap between ecocentrism and anthropocentrism, interdependence, exemplifying the interconnectedness of human and ecological systems. The presence of outer space also implies an understanding of the bigger picture whereby environmental challenges might originate.

5.4. Analysis of the Implementation of Mens Rea

Article 30 of the Rome Statute establishes the default *mens rea* for crimes. This default *mens rea*, suggests that the individual committing the crime intends to cause the consequence of their action. However, the Panel deems this default *mens rea* to be too limited for the high thresholds necessary for the ecocide proposal. The Panel thus proposes a *mens rea* of *dolus eventualis*, which encompasses intention, knowledge, or awareness of the wrongfulness of one's actions. The *mens rea* under *dolus eventualis* would thus capture activity that has a substantial potential of causing severe and extensive long-term environmental damage. This stricter *mens rea* assures that only those with sufficient guilt for serious environmental harm will be held accountable (Stop Ecocide Foundation, 2021, p. 11).

The proposed *mens rea* correlates with the indication of interdependence by requiring awareness of a high possibility of severe and widespread or long-term environmental damage. It recognizes that human actions can have substantial environmental impacts and highlights the need to prevent or mitigate such damage. Furthermore, the suggested *mens rea* addresses the challenge of balancing human wants with environmental preservation by holding persons liable only if they have considerable guilt for grave environmental harm. It ensures that individuals who are aware of the potential harm but choose to engage in activities that might cause serious damage bear responsibility for ecocide. While the implementation *mens rea* does not disprove the dichotomy between ecocentrism and anthropocentrism, it does question the overlap of the two values.

5.5. Analysis of the Implementation of Endangerment

The ecocide proposal is classed as a crime of endangering the environment. A crime of endangerment usually entails behaviors that risk the well-being of the general public without requiring any damage to occur. Endangerment is thus a crime that focuses on the potential harm

or risk caused by the conduct rather than the actual harm delivered. It is frequently connected with crimes defined by careless or purposeful behavior that disregards the safety and wellbeing of others. It is fitting that the ecocide proposal is a crime of endangerment, as corporate environmental misuse often poses threats to ecosystems, based on their actions. Furthermore, it emphasizes that any action that poses a considerable danger or harm to the environment constitutes ecocide, regardless of the exact damage or result that has occurred (Stop Ecocide Foundation, 2021, p. 12). This categorization is consistent with the indicators of overlap between anthropocentrism and ecocentrism in that it recognizes the interconnectedness of humans and the natural world, balances human demands and environmental preservation and considers nature's inherent worth while addressing human needs.

5.6. Main Findings

This analysis contributes to the academic debate regarding the extent to which anthropocentrism and ecocentrism are dichotomous, by situating the debate in the context of international corporate environmental law. The analysis of the ecocide proposal indicated that when situated in this specific context the dichotomy between ecocentrism and anthropocentrism is oversimplified and misleading, which aligns with Pellow's (2017) disagreement with posing these values as mutually exclusive. This finding was supported by a thorough examination of the entire commentary on the ecocide proposal, which revealed greater complexities than anticipated.

All sections of the ecocide proposal revealed some sort of overlap between ecocentrism and anthropocentrism, thus disproving the absolute dichotomy between the two values. Some sections reflected the theoretical framework's indicators of overlap between the two values, while others equally reflected ecocentric and anthropocentric indicators implying a reliance and balance of the two. This further affirmed the potential overlap between these two values.

For instance, the ecocide's proposed amendments to the Rome Statute included language that reflected the indicator of interdependence. This indicator acknowledges that humans and the natural world rely on one another, highlighting their shared threat of changing ecosystems. This recognition highlights the overlap between the two values and thus challenges the assumption that they are mutually exclusive. This can similarly be seen in the sections of *mens rea* and endangerment. Furthermore, the definition section similarly reflects the indicator of

interdependence, but also combines an element of balance and ethical consideration, which also suggests that the two value structures are not mutually exclusive. The analysis of the prohibited conduct thresholds, on the other hand, reflected both ecocentric and anthropocentric indicators independently. It did so in such a manner that it suggested a value balance, which challenged the dichotomy between the values once more.

Overall, these findings challenge the oversimplification of the relationship between ecocentrism and anthropocentrism, by contradicting the assumption that the two value structures are mutually exclusive.

6. Conclusion

This thesis delves into the academic debate on the relationship between ecocentrism and anthropocentrism. As stated in the literature review, some scholars believe that the two value structures are mutually exclusive, whereas others believe that they overlap in some ways, calling the assumption of their dichotomy into question. On this note this research aims to explore the extent to which anthropocentrism and ecocentrism are dichotomous by situating itself in the context of international corporate environmental law. By employing this approach, the research closes a contentious research gap that is questioning the similarities between anthropocentrism and ecocentrism in international corporate environmental legal frameworks. While existing literature has covered the grounds on how the two value structures may be reflected in international corporate environmental law, it does not adequately cover the ways in which they might do so similarly. Scholars usually argue that the reason why international laws cannot hold corporations liable for environmental harm is due to their anthropocentric nature. They thus call for an ecocentric legal framework, often naming the ecocide proposal as an example (White, 2013). This research, however, dismantles this idea as its findings reveal that the presented dichotomy between the two value structures is oversimplified and misleading.

The research comes to its findings by engaging in critical theory, which theoretically revealed that the relationship between the two findings is sometimes misunderstood. It arrives at the conclusion, by presenting power dynamics that influence the two theories. In essence critical theory reveals that the two value structures may mutually exist within legal frameworks, ultimately disproving their dichotomy (De Lucia, 2017). This theoretical conclusion was tested in a real-life example of an international corporate environmental legal framework, namely the ecocide proposal. The theoretical findings and the main findings of the analysis aligned, which means that the analysis of the ecocide proposal, proved the critical theory assumption of the relationship between the two values to be right.

The findings provided a more nuanced understanding of the two value structures, demonstrating how they may interact with one another, while also acknowledging their differences. They provoke critical questions as to the extent of human understanding of the natural world. This questioning, in turn, may be translated into human efforts to protect and preserve it. Overall, the false dichotomy between anthropocentrism and ecocentrism reveals the

oversimplification of the complex nature of environmental ethics. Before, it was clear that if one aligned with ecocentric values one would prioritize the ecosystem, while aligning with anthropocentric values would prioritize human interest (White, 2013; Pellow, 2017). While this may be true to a certain degree, the breaking of the dichotomy has now blurred the lines between the two values structures.

7. Discussion and Suggestions for further research

The central objective to this research is to examine the extent to which anthropocentrism and ecocentrism are dichotomous. By analyzing the principles that have been framed as the governing value structures of international corporate environmental laws this research aims to aid a better understanding of existing conceptualizations of ecocentrism and anthropocentrism. By critically analyzing elements of both value structures the conceptualization of the relationship becomes clear to which it ultimately disproves the widespread belief that the two are in conflict.

This paper underscores the critical necessity for not only a reliable but also a comprehensive international legal framework that can hold corporations liable for environmental damage caused by their activities. The necessity of such a framework is stressed in hopes that it would ultimately conserve the planet's limited resources for future generations to come. Furthermore, this research also highlights how the relationship between ecocentrism, and anthropocentrism may be misconstrued in the discourse around the difficulties of implementing a framework, which holds corporations liable for environmental harm. This misconception entails scholarly debate presented by for example Pellow (2017) or White et al. (2018), who argue that existing laws are ineffective at holding corporations liable for environmental harm because they are anthropocentric and not ecocentric. Instead, this paper proposes that the two value structures should be viewed more holistically.

In consequence, the findings of this research have substantial societal implications, particularly in how societies approach environmental laws. It stresses how ecocentric and anthropocentric values may be used to comprehensively inform legal frameworks for environmental protection frameworks, as proven by the ecocide proposal, which shows that the two can coexist while being successful. Furthermore, by questioning established assumptions and creating a more nuanced understanding of the complicated relationship between humans and nature, this study can help shape the public dialogue on environmental concerns.

The research's academic implications are rooted in the ongoing debate over perceptions of the relationship between ecocentrism and anthropocentrism. By reflecting this narrative in the context of international corporate environmental law and analyzing the ecocide proposal, this research contributes to one side of the debate that argues that the two value systems overlap and

are thus not dichotomous. This contributes to closing the research gap on how the discussion might play out in this context.

While the research question gives important insights into international corporate environmental laws and the ecocide proposal, it is essential to acknowledge that certain limitations must be considered. In particular this research may not be generalizable to other legal frameworks. For example, the conclusions may not apply to local environmental legislation or international accords unrelated to the corporate sector. It is crucial to keep these limits in mind to avoid forming broad conclusions based on the findings.

Furthermore, the result of the research is based on a small sample size, which limits the generalizability of its findings. Because the paper only examined the ecocide proposal, the findings may not represent the full range of international corporate environmental laws. As a result, additional research from a larger range of sources may be needed to get a more definitive conclusion. Furthermore, the investigation's theoretical framework contains several shortcomings. The critical theory lens, for example, is merely one method for comprehending the value systems of anthropocentrism and ecocentrism. In the context of international corporate environmental law, several theoretical frameworks may create alternative interpretations of the interaction between these value structures.

Finally, it is crucial to recognize that the findings of the research reflect the existing situation of corporate environmental laws across the world. As legal frameworks evolve and respond to increasing environmental concerns and socio-political norms, the link between anthropocentrism, ecocentrism, and international corporate environmental law may vary. As a result, it is vital to continue exploring and assessing this link as it emerges.

8. References

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