

Multi-dimensional interpretation of the connotation of ecological rule of law

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Abstract. With the continuous Sinicization of Marxist ecological rule of law thought, the idea of ecological rule of law in the new era has emerged, which is full and contains multi-level content. This paper interprets the ecological rule of law in the new era from four dimensions: ecological holism, ecological capital, ecological equity and ecological rule of law. It not only analyzes the concept of ecological rule of law in the new era from the content level, but also thinks about the development path of ecological rule of law in China.

Keywords: Ecological rule of law in the new era; ecological whole; ecological capital; ecological equity; ecological law.

1. Introduction

The idea of rule of law for a new era was put forward at last year's conference on comprehensively governing the rule of law. It is of great significance to conscientiously study and heed the thought of ecological rule of law in the new era, which plays an important leading and normative role in the legal construction of the ecological field in China now and even in the future. From a macro perspective, On the one hand, the ecological rule of law in the new era embodies the characteristics of law and ecology, and highlights the value of law on the other hand. From the micro point of view, the thoughts of ecological rule of law in the new era mainly include ecological holism, ecological capital, ecological equity and ecological rule of law. In order to better understand the ecological rule of law in the new era, this paper will interpret it from four micro levels.

2. Ecological holistic: mountains, rivers, forests, farmland, lakes and grass are a life community of harmonious coexistence between man and nature

In the thought of ecological rule of law in the new era, the theoretical support of the latest ecological rule of law lies in the theory of ecological whole. Its core thought is to realize the harmonious coexistence between man and nature by building the whole of mountains, rivers, forests, farmland, lakes and grass, and this whole, as a new life community, plays a huge role in people's life.

However, the realization of the ambitious goal of "mountains, rivers, forests, farmland, lakes and grass" requires long-term efforts. According to a document issued in 2013, the CPC Central Committee has made a new attempt in a community of human and nature life. In 2017, the 37th meeting was successfully held, in which the content of the idea was further improved, and "grass" was introduced on the original basis, resulting in a more comprehensive community of human and natural life. One of them explicitly mentions the urgency of building a life community: "Mountains, rivers, forests, fields and lakes are actually five different substances, all of which have the lifeblood corresponding to them, namely, fields, water, mountains, soil and trees." Obviously, in the connotation of "mountains, rivers, forests, farmland, lakes and grass", these five elements should be comprehensively managed, and the governance efforts should be continuously improved. Furthermore, the ecological environment should be treated like human's life, so that we can really pay attention to the profound connotation of "mountains, rivers, forests, farmland, lakes, and grass".

First of all, from the perspective of epistemology, "mountains, rivers, forests, fields, lakes and grasses" is a new epistemology, that is, ecological holism. The traditional epistemology of environmental law emphasizes that human beings are the starting point and destination of all

legislative value judgment and system design. The internal relationship between man and nature is ignored, and the subjective role of human beings is to conquer and even control nature. Traditional environmental law is human as the center, and "landscape" is a new epistemology, based on the position of ecological center, emphasize people is "ecological", think human is a part of the community, and other ecosystem elements status, rights, there is no human can control the nature, and connected with each other is a whole. This is true. General Secretary once pointed out that the premise of harmonious coexistence between human beings and nature is that human beings can rationally use and kindly protect nature. However, if human beings fail to rationally develop and utilize it, human beings will be punished for their own behavior, which is an irresistible law.

Secondly, "mountains, rivers, forests, farmland, lakes and grass" profoundly reveals the order value concept of ecological rule of law, which is the due meaning of ecological holism. The "whole" in ecological holistic represents a kind of ecological order. Order is the basic value composition established at the legal level." From the point of view of value theory, legal value is extremely rich, including freedom, fairness and efficiency. Among the values of many laws, legal order is more prominent as the foundation of legal value" Based on the concept of harmonious coexistence between man and nature, "mountains, rivers, forests, farmland, lakes and grass" puts man and nature in an orderly ecological whole, and it is a "lifeline" interdependent relationship between each other. This kind of "lifeline" dependence relationship highlights the value concept of ecological legal order of "mountains, rivers, forests, farmland, lakes and grass".

Thirdly, in terms of discipline quality, the expression of "mountains, rivers, forests, farmland, lakes and grass" has the discipline quality of ecological environmental law, and is the concrete embodiment of the basic principles and laws of ecological environmental law. The requirement of ecological environment law is based on the ecological centrism which emphasizes the harmonious development between man and nature. This is reflected in the adoption of the Ecosystem Method at the Fifth Conference of the Parties to the Convention on Biological Diversity in 2000. In this approach, 12 principles of integrated ecosystem management are proposed. From the perspective of connotation, mountains, rivers, forests, fields, lakes and grass are the object of comprehensive ecosystem management. Therefore, the connotation of "mountains, rivers, forests, farmland, lakes and grass" can become the theoretical basis for the innovation of ecological environment law knowledge system.

In a word, the expression of "mountains, rivers, forests, fields, lakes and grass" means to think that mountains, rivers, forests, fields, lakes and grass are a unified whole and jointly constitute a life community of harmonious coexistence between man and nature. It is a new type of epistemology of the relationship between man and nature. The reason why it is based on the position of ecological centrism, which emphasizes the same status and rights between man and nature, no man can control nature, and between man and nature is an orderly whole. In terms of connotation, the expression of "mountains, rivers, forests, farmland, lakes and grass" conforms to the characteristics of ecological environmental law, and can become the theoretical basis for the innovation of ecological law knowledge system.

3. Ecological Capital: Clear waters and green mountains are gold and silver mountains

From the perspective of ecological environment law philosophy, ecological capital refers to that in the construction of ecological civilization, people should realize that people and ecological environment are together in an ecosystem when pursuing the economic value of ecological environment. Human rational use of ecological environment should take the harmony between man and nature as the starting point and destination, and try to improve the economic and ecological benefits of ecological environment resources through capitalizing the operation of ecological environment, and bring greater capital value. In essence, this deep thought belongs to the category of ecological capital theory, and advocates the fundamental concept of sustainable development on the basis of not destroying the ecological environment to promote the level of economic development. It

believes that should rely on the quality of natural environment guarantee double benefit value, respectively involves the economic and ecological two parts, advocate in the process of building ecological civilization, it is necessary to implement the idea, on the basis of no damage environmental ecology, reasonable allocation of resources, it also occupies the basic state policy in China to be reckoned with.

First of all, "clear waters and green mountains are gold and silver mountains", as a new development concept, which is conducive to the coordination and unity of environmental protection and economic development. This concept is different from the traditional development concept. It is mainly reflected in combining environmental protection and economic development, rather than in opposite ways. It can not only protect natural heritage resources such as land, water, plants and animals, but also realize economic development. The concept of "clear waters and lush mountains are gold and silver mountains" is mainly oriented to two parts, namely "clear waters and lush mountains" and "gold and silver mountains". "The protection of" clear waters and lush mountains "means the emergence of" gold and silver mountains ".Therefore, the President put forward, " driven by the economic factors, should maximize the ecological environment as the fundamental, enhance the level of productivity, improve the ecological environment, achieve sustainable development, also need to clearly realize the green, circulation and low carbon development goals, not by damaging the environment to achieve short-term economic development." Obviously, with environmental protection, we can achieve economic development through several modes, such as green economy, circular economy and low-carbon economy, and walk out of a new path of implementing the concept of sustainable development.

Secondly, "clear waters and green mountains are gold and silver mountains" reflects the unity and sublimation of ecological law values, and is the change of ecological interest view. The famous American jurist Pound pointed out that there is a legal value behind the legal relations and legal actions. As a new concept of Marxism ecological environment protection development of the rule of law, Ecological rule of law in the new era "green water castle peak is the jinshan yinshan" part, hidden the value of the law, through the legal system regulation and arrangement to demand benefit, order, security, equality, fairness and efficiency and a variety of value, mainly the value of ecological benefit and ecological justice. They are all the important values of ecological rule of law demands, but they are also a pair of interdependent and contradictory values. The concept of "clear waters and green mountains are gold and silver mountains" organically combines them to realize the unity of human justice and natural justice, that is, on the one hand, to recognize the economic interests needed for the survival of contemporary people, on the other hand, to recognize the intergenerational value of the ecological environment. The concept of "clear waters and lush mountains are golden mountains and silver mountains" integrates the above two aspects, believing that the capital preservation and appreciation of ecological and environmental protection can bring economic benefits to mankind, and can also maintain and improve ecological interests. This has also changed the development of the concept of ecological interests, no longer simply emphasizing human development or environmental protection itself, but also emphasizing the overall interests of ecology.

Thirdly, "clear waters and green mountains are gold and silver mountains" means that the legal system innovation and development will occur, and it is not only limited to the legal system of environmental resources protection, but also involves the legal system of all property protection. The green principle stipulated in Article 9 of the Civil Code requires people's protection of the ecological environment in the field of civil law, which is a good evidence. Therefore, "green water castle peak is the jinshan yinshan" concept is put forward, it can be concluded that the current and future involves associated with the ecological environment protection property rights, property rights, etc, will advocate green development concept, follow the "green principle" legislative principle, build such as green accounting legal system, green tax legal system and carbon accounting law system normative standards.

Through the above analysis, it can be seen that this concept belongs to the category of ecological capital theory, which reflects the unity and sublimation of ecological law values, is the transformation

of ecological interest concept, and will be the innovation and development of the legal system of environmental resource protection and property protection. It not only emphasizes the realization of economic benefits, but also does not ignore the protection of ecological benefits, further, is a change of the concept of development, the core of which is to emphasize the concept of green development. The concept of green development will have a profound impact on China's future environmental resources protection legal system and the construction of the legal system involving all property protection.

4. Ecological fairness theory: A good ecological environment is the fairest public good

Fairness is the ancient value proposition of law. Fairness and justice are the same, showing a Proteus-like face at different times, showing different characteristics and connotations. The fair "Proteus-like face" in the field of ecological environment means that citizens have the right to obtain a clean and healthy ecological environment in front of nature. At the same time, if the natural environment is destroyed, they should bear nature's revenge against human beings. Ecological rule of law in the new era, the expression "a good ecological environment is the fairest public good" is a new concept of fairness, demonstrating that human beings enjoy ecological fairness and can maximize equal access to good natural elements such as climate, air, water, plants and animals. Therefore, fully understanding the connotation plays an important role in the current and future legal construction of ecological civilization in China.

First of all, this new view of fairness implies a kind of ecological environment value position, namely the position of ecological centrism. The position of ecological centrism requires the relationship between man and nature as mutual objects and nature as the object of human survival and development. It is believed that a good ecological environment composed of major natural elements such as climate, water, plants and animals is a public good that can maximize fairness. This is the theoretical innovation of ecological rule of law in the new era, Marx's 1844 economics philosophy manuscript once the nature of the animals and plants, stone and air elements as a part of human consciousness, stressed that they can through human processing into human spiritual food, and people only rely on natural products is likely to survive. However, as some scholars pointed out, few scholars in the history of Marxism discussed the construction of ecological civilization from fairness as the entry point. Similarly, even if nature is regarded as the object of human survival and development, and the relationship between man and nature as the mutual object, However, the ecological rule of law thought in the new era is also a rare part of Marxist ecological rule of law thought that takes fairness as the starting point to elaborate the relationship between man and nature.

Secondly, this view of fairness contains the profound connotation of building a community with a shared future for mankind, seeking common regional development, and assuming the responsibility for reasonable protection of natural resources. Objectively speaking, ecological equity is not the content of modern society to become the social equity system, but after the change of the relationship between human and nature in the practice of the modern industrial revolution. In other words, the progress of science and technology and the development of economic globalization make ecological equity become a new issue of social equity. This new problem is how to achieve all-round development between man and nature, how ecological fairness possible, how like western Marxist scholars Marcuse from the relationship between man and nature to understand the nature, human fate in the ecological generation fair, ecological intergenerational fairness and ecological species fair how to achieve, and so on.

Thirdly, this view of fairness captures the relationship between human nature and ecological environment. The object of the "most fair public good" is the people, so it is at least fair in the region within and within the generation. In addition, the allocation and possession, protection and responsibility of ecological resources should also be fair. Therefore, as a new type of ecological fairness theory, "a good ecological environment is the fairest public good" requires not only based on

the status quo of ecological fairness within the generation, but also pay attention to the long-term development of intergenerational ecological equity, adhere to ecological morality, and realize the comprehensive development of man and nature.

In short, this kind of fairness from the perspective of fairness to study the relationship between man and nature, gives the social fairness system in human and natural comprehensive development, seek regional common development and build human destiny community and new content, thus seize the relationship between human nature and ecological environment, requires human build human destiny community, emphasizes that everyone in front of the natural environment are closely related and equal.

5. Ecological rule of law: Use the strictest system to protect the ecological environment

The rule of law is the most critical institutional guarantee for ecological civilization. Without a sound legal guarantee, it will be impossible to achieve a reverence for the law and create a good ecological environment. Therefore, General Secretary has proposed to "protect the ecological environment with the strictest system and the strictest rule of law", aiming to ensure our better living environment through the rule of law.

First of all, the expression "the strictest system and the strictest rule of law to protect the ecological environment" is an ecological holistic view of environmental rule of law. The concept of ecological holism cannot be separated from the concept of sustainable development, ecological fairness and extensive public participation. Therefore, on the construction and improvement of the system, The thought of ecological rule of law in the new era hopes that the ecological environment system should be guided by the idea of ecological holism, in respect between nature and protection between nature and nature ecological law, on the basis of building and perfect not only not completely negative economy, and can fully consider generation, intergenerational and species from the earth ecological environment resources get fairness and conform to the law of nature.

Secondly, the "strictest system" implies that China should have a relatively perfect ecological environment legal system. The vitality of ecological rule of law lies in its implementation and a perfect system for ecological civilization construction. The system of ecological civilization construction is a legal code of conduct on ecological and environmental protection that the whole society needs to abide by and respect. The central committee of the communist party of China on promoting the rule of law several major issues decision (hereinafter referred to as the "decision") points out that the ecological civilization law construction needs based on the system level constantly consolidate various levels of legal foundation, especially involves the ecological, natural environment, ecological compensation and land development, etc., the ecological legal system including "three development", mainly for green, low carbon and circulation, and build legal responsibility system, improve the producer environmental protection consciousness from the legal level. The decision also believes that it is necessary to improve the management mechanism, comprehensively supervise the discharge of pollutants, ensure the implementation of environmental supervision in place, balance the land and sea, ensure the implementation of the ecosystem restoration mechanism in place, prevent the ecological environment pollution, build a regional linkage mechanism, and give full play to the effectiveness of the mechanism. The above two requirements put forward relatively strict standards for the ecological environment legal system. However, for the system of ecological civilization construction, the decision is more standardized, and even considers all the legal departments of ecological resources. At the same time, China has issued more than 20 party regulations and policy documents, including the Overall Plan for reforming the Ecological Civilization System. The above laws, All are the embodiment of this new thought as the key point of ecological rule of law in the new era.

Again, "with the strictest system under the rule of law to protect the ecological environment" the connotation of the current ecological resources law, party laws and policy documents and innovation,

and required to join the ecological environment governance of public international law, for example, our country should abide by the convention on biological diversity, biodiversity meeting in Kunming, Yunnan, is our country to join the ecological environment governance of public international law. General Secretary has proposed building a community with a shared future for mankind. Behind a community with a shared future for mankind, the ecological field also contains the international law on ecological and environmental governance that China has joined.

In a word, the expression of "the strictest system and the strictest rule of law to protect the ecological environment" is an ecological holistic view of environmental rule of law. At the same time, on the one hand, contains the our country has a relatively perfect ecological environment legal system, on the other hand, intended to require the current ecological resources law, party laws and regulations and policy documents to perfect innovation, obey the ecological environment governance of international law, not only for the establishment and perfect ecological environment legal system, and for the implementation of ecological environment legal system should be strict, so as to realize the ecological rule of law thought.

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