

# H.L.A. Hart on the Rule of Law and Environment

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## Abstract

This paper takes a philosophical look at how H.L.A. Hart's concept of law can be used to integrate the environmental needs with the essential elements of the rule of law and provide the basis for improving environmental governance. Hart recognized the importance of the rule of law in the field of environment in order to reduce violations of environmental law and to achieve sustainable development. Applying Hart's concept of law, this paper seeks to answer the following questions: (1) how can a society achieve environmental justice? (2) who should be responsible in achieving or establishing environmental justice? (3) how can the government and society work in order to promote environmental justice? Within the framework of analytic philosophy, Hart argues that laws are rules made by human beings and that there is no necessary connection between law and morality. Hart, in this sense, is suggesting that environmental justice could be attained through a law enforced by a coercive authority of the state not by absolute ideas of morality or by compliance with moral standards. Law is law even though it is immoral. However, I shall argue that legal requirement and moral requirement is what makes a law true law. Thus, to achieve environmental justice, environmental law must be a combination of what is moral and what is legal.

**Keywords:** H.L.A. Hart, Rule of Law, Environmental Law, Environmental Justice

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