

Value Shaping of *Ecological Man*: External Standard and Internal Idea¹

Bo Ma

Ph.D. in Law, Professor, Guangdong University of Petrochemical Technology
(Maoming, China)
E-mail: gdjasonma@gdupt.edu.cn
<https://orcid.org/0000-0003-3121-571X>

Ma, Bo (2020) Value Shaping of *Ecological Man*: External Standard and Internal Idea. *Future Human Image*, Volume 13, 2020: 57-65. <https://doi.org/10.29202/fhi/13/6>

“Ecological man” is an important existing form of the “legal man” mode which generally experiences the rising of the “economic man” and the reflection on the “social man” in terms of its evolution process and Spatio-temporal trajectory, and is now striding toward the “ecological man.” In China, it is necessary to implant the core value that is depended on by the “ecological man” into the legislation for the construction of ecology civilization, so as to give a response to the realistic demand on the practice governed by law. After the outbreak of COVID-19, the Local People’s Congresses of China launches the revision of the laws and regulations in relation to the prohibition of eating wild animals comprehensively and stresses that prohibition of eating wild animals by legislation is a necessary requirement to guarantee the life, the health and the safety, maintain biological security and ecological safety, strengthen the construction of ecological civilization and promote the harmonious coexistence between human and nature.

The Wild Animal Conservation Law that is revised by the Standing Committee of Guangdong Provincial People’s Congress stresses, on the one hand, the necessity of comprehensively prohibiting the eating of terrestrial wildlife according to law, and on the other hand, attaches great importance to the response to the social reality appeal and clarifies to make rational compensations to legal breeders for their actual loss. The local legislation on the wild animal conservation adopted in Shenzhen City and Zhuhai City of Guangdong Province clarifies the scope of application for the prohibition of eating terrestrial wildlife and the “white list” of edible animals, and thus stepping in the forefront for local legislation. It can be said that those local legislations above lay a solid foundation for the revision or the formulation of the legislation in connection to the ecological, environmental protection, and public health and safety at the state level and also builds a pleasant atmosphere for the rule of law. In consideration of the unexpected public health and safety issues, this paper stresses that it is essential to see both the surface problem in inadequate legal system supply and the underlying problem in lacking the “ecological man” value idea in the design of legal systems.

The implication of the “ecological man” value can be teased from two dimensions that are standard (external) and idea (internal). In view of the so-called “standard” dimension, it attaches greater

¹ Fund Project of Guangdong University of Petrochemical Technology: Expectations and Law-shaping of “Ecological Man” (2019BS007).

© Ma, Bo, 2020

importance to the practical value of the “ecological man,” while in view of the so-called “idea” dimension, it highlights much more on the humanity value of the “ecological man.” The practical value of the “ecological man” attaches greater importance to that taking the “common interests of mankind and ecology” as the central value and also as the standard or criteria for the social activities, while the humanistic value of the “ecological man” advocates that the implication of the “ecological man” value lies in a humanistic care. Its value pursuit falls in the legal coordination for multiple interests, to relieve the contradiction and conflict between mankind and nature.

Keywords: COVID-19, wild animal conservation, ecological civilization, legal man mode, ecological man, implication of value, external standard, internal idea

Received: March 29, 2020; accepted: April 18, 2020

Introduction

People model, called “people type” or “people image,” is a rational structure based on theoretical abstraction and logic processing. Originating from but higher than life, it serves as a theoretical tool and research method for scholars’ paradigm analysis. 2020 is definitely an extraordinary year for China and the world. On March 11, 2020, COVID-19 was upgraded as the highest “pandemic” by WHO. Its global popularization and continuous deterioration imposed a great impact on cognition of all countries toward economic development, social governance, emergency management, legal system, and environmental protection. “Legal man” mode has diversified legislation demands, but the relying core value of “ecological man” needs implanting into the legislation in ecological civilization age, to respond to ecological law practice.

The Decision on *Banning Illegal Wildlife Trade, Abolishing Bad Habit of Eating Wildlife, and Effectively Protecting People’s Lives, Health, and Safety* was approved by the Standing Committee of National People’s Congress of the PRC on February 24, 2020. Regulations of Guangdong Province on Wildlife Protection and Administration were revised and approved by the Standing Committee of Guangdong Provincial People’s Congress on March 31, 2020. Regulations of Shenzhen Special Economic Zone on Completely Banning the Eating of Wildlife, and Regulations of Zhuhai Special Economic Zone on Completely Banning the Eating of Wildlife were approved by the Standing Committee of Shenzhen and Zhuhai Municipal People’s Congress. By April 18, 2020, Guangdong, Shenzhen, Zhuhai, Tianjin, Fujian, Hubei, Qinghai, Gansu, Chongqing, Jiangxi, Hunan, Xian and Shanxi of China have issued or modified local regulations on completely banning the eating of wildlife.

Why should we completely ban the eating of wildlife? Wang Chen — the Vice-chairman of the Standing Committee of NPC, responded, “eating of wildlife requires reform, abandoning and innovation due to no foothold in values and scientific basis.” COVID-19 epidemic presents a great warning to China and the world, so the Standing Committee of NPC has preliminarily deliberated the draft of the Biosecurity Act and is modifying the Law on Protection of Wildlife and Animal Epidemic Prevention Law systematically.

“Ecological man” is a brand-new image of a person that matches the features of the times for ecological civilization and the value of ecological safety in a better way. In the background that all countries around the world are actively responding to the COVID-19, it is more necessary to have a profound discussion on the ecological man at both the theoretical level

and the legal level. Whereas the "Subject-Object Dichotomy" paradigm argued by Descartes received a lot of shocks and criticism, but the interpretation of the value on the basis of the "Subject-Object Dichotomy" paradigm still has its own rationality. Therefore, this paper discusses the implication of the "ecological man" value from the perspective of "Subject-Object Dichotomy."

Semantic Analysis on the Value Implication

The word "value" has a plurality of semantics. It is generally considered as the subjective description of the relationship between subject and object. According to the basic tenets of Marx that "Objective reality decides the subjective consciousness," value represents a kind of state between "Subject-Object substantially." The so-called value refers to whether the existence, the attribute, and the change of object share the consistent or approaching measure with that of the subject. "Value represents the nature and the extent for the object subjection, and shows whether the object meets the subject needs on the basis of the measure of a subject, and whether it has an assertive role for the development of the subject; it is a uniform state between subject and object. The characteristics of value lie in that such a unity must meet the subject need and the inherent measure" (Zefeng Fu, 2018:16). Whereas the "Subject-Object Dichotomy" paradigm argued by Descartes received a lot of shocks and criticism, but there are still some scholars holding even that it is very necessary to replace the Subject-Object Dichotomy with "Subject-Object Integration" paradigm; however, the interpretation of the value core on the basis of the "Subject-Object Dichotomy" paradigm still has its own rationality. Therefore, I will discuss the implication of the "ecological man" value from the perspective of the "Subject-Object Dichotomy." "The relationship that the object meets the subject needs can interpret a lot of value phenomenon in a better way and can also explain reasonably the characteristics that the value of things varies from person to person, so it is widely accepted in the theoretical field in China since its proposal" (Jiufu Lan, 2018: 20). There are different understandings to the value of law at the theory level, but substantially, the value is mostly defined from the perspective that how does the law (object) meet the need of a person (subject), and stresses that the value of law describes the dynamic relationship between object (object) and subject (person). "The value of law refers to the significance of law to persons on the basis of the relationship between law and person, the satisfaction of law to the human needs, and the absolute transcendental direction of person to law. There are three core essences for the value: first, the subject of the value of law is a person; second, the object of the value of law is law, and third, the objective basis for the value of law is the relationship between object (law) and subject (person)" (Zeyuan Zhuo, 2018: 36).

The word "implication" is originally an aesthetic concept. It was firstly proposed by Goethe and further interpreted and defined by Hegel later. The "implication" thus enters into the aesthetic system and the theory structure of ideologists. Goethe said that the top principle of the ancients is the implication, and the supreme achievement for the successful artistic processing is beauty. Hegel said that beauty is the sensuous presentation of the idea. Hegel held that idea can become beauty only after a sumptuous presentation, and the idea is the internal "implication" to make the outer form to obtain the aesthetic characteristics. It can be said that the interpretation of "implication" by both Goethe and Hegel exerted a profound impact on the modern western aesthetics. As a matter of fact, the implication has the considerations in two dimensions that are inner beauty and outer beauty, and both of the inner beauty and outer

beauty are indispensable. “Substance will be terrific rocks or slime with no vitality endowed therein if there is no internal implication, and it may have only the practical value for walling and building sidewalls; while if stressing on the implications unilaterally without taking the image of the aesthetic object into account, the value can be ‘the true’ or ‘the good’, but will never become the beauty. Therefore, when analyzing the conditions for the nature of beauty, the image and the implication are the essential, the key, and the basic determinant factor of beauty” (Chi Yu, 2007:128). In a word, the image presents much more the “external” of things, while the implication focuses much more on the “internal” of things.

From my point of view, the implication of the ecological man value can be teased from two dimensions, they are standard (external) and idea (internal). In light of the so-called “standard” dimension, it emphasizes on the practical value of the ecological man. In contrast, given the so-called “idea” dimension, it stresses much more on the humanity value of the ecological man.

External Standard: Practical Value for the Implication of “Ecological Man” Value

H. L. A. Hart, the representative of the new analytical-positivist Jurisprudence, proposed the *Theory of rules*. It holds that law is the product combining the rule of duty with the rule of right. Rule is combined by the primary rule of duty and the second rule of authorization, but the two rules are not proposed simultaneously; on the contrary, they are proposed by Hart after giving a pointed criticism on the theoretical defect like the indeterminacy, the aplanetism and the ineffectiveness of the “primary rule” during the criticism for *The Normativity of Law* proposed by John Austin. H. L. A. Hart proposed three kinds of “secondary rules,” such as the rule of recognition, the rule of change, and the rule of adjudication, and the rule of recognition is the core theory. In light of the “essential issue” that what’s law, John Austin and H. L. A. Hart have different answers. Austin held that “law is the command of the sovereign,” while Hart stressed that “law is the product combining the rule of duty with the rule of right.” “John Austin tried hard to find the essential elements of law contained in the concept of command, but H. L. A. Hart believed that the combination of rules is the key of jurisprudence; John Austin considered the sovereignty as the basic standard for law inspection, but H. L. A. Hart held that the rule of recognition is the sign to divide law from non-law; John Austin held that compliance with law depends on the people’s habitual obedience to the sovereign, while H. L. A. Hart emphasized on the internal point of view for rules, and took voluntary obedience as a psychosocial basis for legal compliance” (Haocai Luo & Gongde Song, 2009: 107). In the view of Hart, the rule of recognition is a standard for judgment and is rather crucial for the recognition of law and non-law.

The implication of the ecological man value can be discussed with reference to the practical character of the “rule of recognition,” namely regarding it as a standard or a criterion conforming to or not the ecological civilization. “Ecological man” is an “ideal type” on the basis of the ecological contract theory entity assumption and a model of the person setting off the economic man and the social man. In addition to considering the economic benefit concurrently, the ecological man attaches great importance to the ecological interest and the appeal to the ecological rationality of person, and also manifests the updated law study method. Then what’s the specific form of the ecological man? “Rational Eco-Man” can refer to a state at the international level, and governments, enterprises, groups and individuals at the

national level. The ecological man possesses the ecological rationality, which is the basis of humanity to distinguish the ecological man from the economic man, the political man, and the social man and so on (Xianjing Wu, 2010: 98). That is to say that the governments, enterprises, groups, and individuals are the possible specific form of the ecological man. Whether the governments, enterprises, groups and individuals possess the ecological rationality (the awareness of ecological civilization, the ecological wisdom and the ecological character) in the age of ecology, pursuing the coordinated and accord development among the economic benefits, the social benefits and the ecological benefits and taking the "common interests of mankind and ecology" as the central value and the standard or the criterion for social activities are the important position for the implication of the ecological man value at the practical value level.

I believe that, by taking the system (both formal and informal systems) as the basic guarantee, a set of mechanism combined of incentive and restriction compatible measures and a structural system combined of mandatory and non-mandatory measures can be constructed and used as a series of standards for judgment of rational ecological man. For example, the government can become a special consumer on account of its demands of public governance, public services, and its duty to provide the public products. Article 9 of the *Government Procurement Law of the People's Republic of China* (2002) stipulates: "Government procurements shall be conducted in such a matter as to facilitate achievement of the economic and social development policy goals of the state, including but not limited to environmental protection, assistance to underdeveloped or ethnic minority regions, and promotion of small and medium-sized enterprises." This law also endows the government with the responsibility of green procurement. As a symbol and representative of the country, the government's consumption behavior due to procurement will have a great influence on the whole society. Therefore, since the 1990s, almost all of the developed countries have included green government procurement in the wave of its procurement reform implemented for the purpose of protecting the ecological environment, and have regarded the legal system of green government procurement as an integral part of the environmental resource protection system, to give a full play to the driving and demonstration effects of government consumption, lead the public to change traditional consumption behaviors, and shape the ecological consumption patterns that are conducive to environmental protection and resource conservation.

The government in the age of ecology should also, by considering the ecological man as a standard or criteria, realize its goal to become an ecological man by advocating the low-carbon economy and the circular economy, practicing the green procurement and fulfilling its responsibility on the environment protection; the enterprise in the age of ecology should realize its goal to become an ecological man by realizing the energy-saving and the emission reduction from respects of the production, the circulation, and other links, adopting green technologies, green accounting, and other means, and the social-environmental organizations and individuals in the age of ecology can influence the behaviors of government and enterprise by implementing the restrained consumption, the green consumption, and through public opinion and expression of public will. In addition, social, environmental organizations can also directly participate in the relevant activities related with the ecological legislation in the state and realize its goal to become an ecological man by monitoring whether other subjects comply with the environmental law, bringing the litigation related with the environmental and public interest, providing the education and the training on ecology, supporting the state's ecological identification and through taking other measures.

Internal Idea: Humanistic Value for Implication of “Ecological Man” Value

The ecological man is a model of the person setting off the economic man and the social man. Besides considering the economic benefit, ecological man stresses much on the ecological interest and appeals to ecological rationality of person, manifesting the updated law study method. The implication of ecological man value is discussed from the perspective of law in this paper, emphasizing that the implication of ecological man value advocates the humanistic care and its value pursuit as the legal coordination of multiple interests. In my opinion, each department law should have its own unique spiritual characteristics or humanistic values. For example, administrative law scholars have proposed that the spirit of administrative law is manifested as a kind of value judgment, which is also the soul of administrative law. “The spirit of the administrative law belongs to the category of ideology as a legal idea, and the interesting relationship in the ages ultimately determines it. The spirit or basic idea of administrative law is a kind of value judgment, or moral orientation embodied when the society adjusts the interest relationship by utilizing the administrative law, the soul of administrative law” (Bifeng Ye, 2002:17). The displayed humanistic value is an important condition for the excellent implementation of department laws. And the unique humanistic values are also required to be cultivated naturally for environmental laws. Environmental law scholars have proposed that the humanistic spirit of environmental law belongs to the problem of “value rationality” or the “value judgment.” “The humanistic spirit of environmental law places the existence and the development of humans directly in the harmonious coexistence between humans and nature. It can and should be traced back to the ecological field to realize the conversion to “ecology,” and contains humanistic values such as the freedom, the equality and the fraternity, also should be subject to the ethical requirements of ecological justice” (Jiheng Wang, 2014: 1).

In my opinion, the humanistic value of whether administrative law or environmental law always contains such a kind of essential judgment of value: people-oriented, which means people are regarded as the purpose rather than a kind of means. At the same time, we must adhere to the core values of “a community with a shared future for mankind” and the “harmonious coexistence between human and nature.” The idea of “a community with a shared future for mankind” requires us to respect for life and fear of nature, which is the foundation for the existence and development of mankind. Therefore, it is necessary to interpret why China should ban the consumption of wild animals from the perspective of ecological safety value at a higher level. “Adhering to the drive of ecology and safety is an integration of the value of “ecology” and “safety” in existing legal norms, which not only clarifies the basic factors and highlights the goal of pursuing the construction of the system, but also pays attention to the overall value of ecological safety” (Zhen Zhang & Yiyun Zhang, 2020: 36). Although China has already enacted the *Wild Animal Conservation Law of the People’s Republic of China* (2018 Revision), there are still significant legal-related loopholes in artificial domestication, breeding, trading, protection, commercial utilization of wild animals and in other links in the practice of the law. The public health and safety problems brought about by the illegal consumption of wild animals are increasingly prominent. At present, the source of COVID-19 has not been determined, but without a doubt, the pathogenic risk generated from wild animals always threatens the safety and the health of human beings. Therefore, the revision of the *Wild Animal Conservation Law of the People’s Republic of China* should be commenced with an eye to not only meet the demands of legislation on the surface level, but also to rectify the

deficiency of the value idea of “ecological man” in the design of the legal system on the deeper level.

To construct a systematic public health and safety legislative system, we should not only rely on the *Wild Animal Conservation Law of the People’s Republic of China*, but should also combine this law with laws on emergency management, health and epidemic prevention, and others to achieve the purpose of maintaining ecological safety in a comprehensive way. A systematic public health and safety legislative system should include a three-level hierarchical responsibility system from the source, midstream, and downstream, which realizes the regulations in the whole process. “We can determine the source responsibilities as specified in the *Wild Animal Conservation Law of the People’s Republic of China*, and the mid-stream responsibilities as specified in the *Emergency Response Law of the People’s Republic of China*, the *Prevention and Treatment of Infectious Diseases of the People’s Republic of China* and the *Regulations on Preparedness for and Response to Emergent Public Health Hazards*, as well as the downstream responsibilities as specified in the *Criminal Law of the People’s Republic of China* and other laws and regulations for the purpose of implementing the comprehensive regulations in the whole process” (Zhen Zhang & Yiyun Zhang, 2020).

In the construction of new public health and safety legislation systems, China should put a priority on the ecological safety and complete the evaluation of the potential risks generated by adhering to the principle of prevention and caution, so as to construct an effective pedigree of ecological legal system. To meet the demands for ecological safety value, we need to learn from the lessons on insufficiency of economic man and social man exposed in the constructing of the risk society, establish an adaptive environmental regulation system, and pay attention to the attributes of ecological safety value of the emerging ecological man model. The idea of “a community with a shared future for mankind” requires us to respect for life and fear of nature, and this is the foundation for the existence and development of mankind. As a part of nature, human beings form a community together with other creatures in nature. Any part of this community can promote and support the development of the others so as to maintain the balance of nature and promote the sustainable development of the human society in this way” (Hui Zhang & Meiji Lin, 2010: 10). In a sense, the humanistic value of ecological man value implies the expression of the core value idea of “harmonious coexistence between human and nature” of environmental laws.

The ecological man is an important image of humans existed in the field of environmental law, and the shaping of ecological man is embodied by the value of tracing environmental law field back to the ecological “field” to realize the conversion to “ecology.” “The purpose of promoting the humanistic spirit as an element of environmental law is to define and display a new world outlook embodied by humanism in the environmental law to be established from the perspective of philosophy and system based on the interpretation of environmental law from the view of humanism, so as to provide a guidance for the legal operation in the overall coordination of the relation between human and nature and for the human beings to live in a dignified manner along with the nature” (Jiheng Wang, 2014: 2). As a department law, environmental law is different from other department laws in that it pays attention to the relation between humans and nature, highlighting its important humanistic value. “The purpose of environmental law is to coordinate the relationship between humans and nature by adjusting the utilization mode of them in a certain field. Therefore, the relation on the balance and the coordination between human and nature in the ecosystem must be taken as the basis for establishing the behavior pattern. We should re-evaluate the traditional understanding of

the relation between human and environment under the guidance of environmental values and apply environmental standards, technical specifications, operating procedures, and technological requirements for the pollution control into the construction of environmental legislation system directly” (Jin Wang, 2014: 27). Some scholars also call it the “ecological practice rationality,” which also pays attention to the internal relation between human and ecological environment. The ecological practice rationality has the epoch significance of revealing the essence of human beings is that how do human beings live in a valuable and dignified manner. There is no doubt that both the ecological man which concerns deeply about the relation between human and nature and the ecological practice rationality which expresses the people-oriented judgment of value reveal the implication of ecological man value, which requires the careful reflection, the continuous discussion and the coordination of the dialectical relation between the “value scale of human beings” and the “objective nature.” The implication of the ecological man value advocates humanistic spirit and its value pursuit as coordination of multiple interests. Humanistic care should be practiced not only for “individuals” but also for “a community of human and nature,” and this is an issue that requires to be addressed.

Conclusions

In September 2018, the United States released the *National Biodefense Strategy*, the US’s first systematic strategy to address the biosafety threats, which is drafted jointly by the Department of Defense, Department of Agriculture, and other departments of the United States. Since January 2020, the COVID-19 epidemic gave China and the world high warnings. To ensure the national biosafety, China should accelerate the legislative process of this field, which, especially after the outbreak of COVID-19, has become the broadest consensus. In October 2019, the Standing Committee of NPC had preliminarily deliberated the draft of the Biosecurity Act. However, the existing legal system for public health and safety still faces the insufficient legislation and inadaptation to major public health emergencies. Therefore, President Xi Jinping stressed that we should focus on the legislation, and “put forward the issuance of biosafety laws as soon as possible, so as to accelerate the construction of the biosafety legal system of the state and institutional guarantee system.” Besides, Wang Chen also stressed that “We should comprehensively strengthen the construction of relevant laws and regulations in the field of public health, modify the *Wild Animal Conservation Law of the People’s Republic of China* and the *Animal Epidemic Prevention Law of the People’s Republic of China* in a planned and step-by-step manner, so as to lay a foundation for the issuance of biosafety laws.” The biosafety legislation is a response to the demands of the construction of laws and regulations in the field of public health. It is also an important guarantee to realize the value of the ecological safety for being the ecological man.

Therefore, this paper discusses the implication of ecological man value from the perspective of “Subject-Object Dichotomy.” The implication of ecological man value can be teased from two dimensions: the external standard and the internal idea. The so-called “standard” dimension emphasizes on the practical value of the ecological man, and the so-called “idea” stresses the human value of the ecological man. Its practical value emphasizes on regarding the values centered on the “common interests of mankind and ecology” as the criteria of social activities, and its humanistic value advocates the humanistic care.

I have raised the necessity of discussing the issue of ecological man through the enactment of wildlife protection legislation of the state and regions for the time being in China. And I think

the ecological man is a brand-new image of a person that better matches the characteristics of the ecological civilization era and the value of ecological safety. In the background that countries around the world are actively responding to COVID-19, it is more necessary to have a profound discussion on the ecological man theoretically and legally. Today, the public health and safety crisis is changing the understanding of each country on the national safety and the global governance. The issues of biosafety and ecological safety are no longer just the internal affairs of each country, but the major issues facing all mankind. Discussion on the values contained in “ecological man” is practically significant for abolishing the bad habit of eating wildlife, maintaining the ecological safety value, and promoting the ecological civilization construction and harmonious coexistence of mankind and the nature in China and other countries of the world.

References

- Zefeng Fu (2018) The philosophical connotation of the concept of “value” in core Chinese Values. *Social Science News*, Vol.1,15-19.
- Jiufu Lan (2018) Can you define the concept of value. *China: Research on Contemporary Chinese Values* Vol. 4, 20-32.
- Haocai Luo and Gongde Song (2009) *Soft law is also law: public governance calls for soft law*. China: Law Publisher.
- Jiheng Wang (2014) *An Outline of the Humanistic Spirit of Environmental Law*. China Social Sciences Press.
- Jin Wang (2014) *Environmental Law*. China: Peking University Press.
- Xianjing Wu (2010) The Theoretical Implication of Ecological Man and Its Significance to Environmental Law. China: *Jurisprudence Review*, Vol. 4, 97-103.
- Bifeng Ye (2005) *The humanistic spirit of administrative law*. China: Peking University Press.
- Chi Yu (2007) A New Explanation of the Old Question of Aesthetic Essence: Aesthetic “Implication” Theory. China: *Theoretical circles*. Vol.12, 128-129.
- Hui Zhang and Meiji Lin (2018) The Value Implication of “Community of Human Destiny” Based on Global Ecological Governance. China: *Journal of Qiqihar University* Vol.11, 8-11.
- Zhen Zhang and Yiyun Zhang (2020) On the Construction of Ecological Security Rule of Law Guarantee System from the Perspective of Ecological Civilization in Constitution. China: *Qiushi Academic Journal*, Vol. 42, 36.
- Zeyuan Zhuo (2001) *General Introduction to the Value of Law*. China: People’s Publishing House.