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Therapeutic Jurisprudence and Environmental Law – One Missing Link

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Therapeutic Jurisprudence and Environmental Law – One Missing Link

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Guest blogger Professor Emeritus of Law, Michael Perlin, writes:

One of my puzzlements is why we in the therapeutic jurisprudence (TJ) community have made so few inroads in the areas of environmental law and protection.

There have been a handful of articles over the years – see especially, Gregory Baker, *Rediscovering Therapeutic Jurisprudence in Overlooked Areas of the Law: How Exposing Its Presence in the Environmental Justice Movement Can Legitimize the Paradigm and Make the Case for Its Inclusion into All Aspects of Legal Education and the Practice of Law*, 9 Fla. Coastal L. Rev. 215 (2008), and Carrie C. Boyd, [Expanding the Arsenal for Sentencing Environmental Crimes: Would Therapeutic Jurisprudence and Restorative Justice Work?](#), 32 Wm. & Mary Env'tl. L. & Pol'y Rev. 483 (2008) – but no unified movement.

When we talk about a “TJ social science group,” it includes psychologists, social workers, sociologists, criminologists – but we never think of environmental scientists.

Readers who know me at all know that I am a birder; my wife (Linda) and I have logged thousands of miles on trips to Central and South America to do rain forest birding in remote places, and whenever I travel to Australia or New Zealand or the Pacific Rim (or the UK) for work, I always build in some birding. I am, as some of you know, on the Board of Directors of the local Audubon Society. But there is no true connection between TJ and the plethora of environmental issues we should be thinking and writing about, a curious absence made more pressing by the predatory policies endorsed and supported by the current inhabitant of the White House.

This blog has been spurred on in my mind by something entirely different. For three years, Linda and I have gone to Pico Bonito Lodge in remote Honduras and have birded and hiked there, with local guides, all under the watchful eyes of the naturalist-in-residence James Adams. James has created a spectacular Lodge to which people regularly came from around the world to inhale the beauty – the pristine beauty – and the astounding number of bird species, mammals, butterflies, and so much more.

And recently it came to an end. The American partner in the company that created the Lodge – the one who was the main support behind the eco-tourism banner it waved – died last year, and the remaining partners were simply not interested in running the business any more. So, the lodge has closed. James had his last day there and the local guides and the local people who ran the bar and restaurant and did upkeep on the cabins and the spacious grounds (including a butterfly farm and a reptile house) are also out of work.

And the environment will suffer irreplaceable and immeasurable blows. Only through the work that James and his team have done has there been a safe place for endangered, rare and threatened birds, for multiple “big cats” (jaguars, ocelots, like that, which we only see via “trail cams”; they never came

near the hiking trails). We fear that poachers will decimate the mammal population, that the forest will be overgrown in ways that will make it uninhabitable by so much of the fauna that currently calls it home. And once done, it can never be reversed.

I know almost nothing about environmental law. (I did one case once when I was in practice, in which we relied upon the presence of a threatened NJ amphibian (the bog turtle) as a vehicle to stop a nuclear power plant), and since I am a lawyer, I do offer some “law thoughts” to the rest of the local Audubon board). But that is the extent of it, and thus, this is not something I can do.

But there must be someone, somewhere, who can look at these issues from a TJ perspective and, at the least, write about them, so that, the next time this happens elsewhere, some advocate will have something else in his/her hip pocket to try to forestall it.

That’s my wish.