

## Ecocritical Analysis of Legislation in Environmental Protection in Joel Burcat's *Amid Rage*

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### Abstract

The careful evaluation of legislation is vital to prevent the exploitation of environmental resources by unscrupulous individuals and groups, ensuring the protection of ecosystems and sustainable development for future generations. Joel Burcat's writings, particularly in *Amid Rage* (2021), explore the workings of the judicial and legal system, highlighting the pros and cons of legislation. The novel portrays Mike, a government lawyer in the Department of Environmental Protection (DEP), caught between two appeals over a mining permit. As the residents oppose the expansion of mining sites, Mike and his team in DEP seek a balance to protect the environment while fostering economic development. Legal struggles faced by Mike and another character in the book are ecocritically analyzed to comprehend the role of environmental legislation and literature in enhancing global eco-consciousness.

**Keywords:** Courtroom drama; Environmental-crime; Environmental-law; Environmental-thriller; Legal-thriller.

**Funding Acknowledgement:** This work was supported by the *Indian Council of Social Science Research Doctoral Fellowship* under a centrally-administered Grant for Full-Term Doctoral Fellowship.

In the late twentieth century, the theory of Ecocriticism emerged as a literary response to the global environmental crisis. It analyses the man-nature relationship from interdisciplinary perspectives like sociology, anthropology, psychology, and philosophy. Ecocriticism explores the transformation in human perception of nature in the course of history and evaluates the representation of environmental issues in popular culture and modern literature. It critically examines how words represent human and nonhuman life forms to promote the dissemination of environmental awareness

among future generations. It helps people to establish an ethical relationship with nature in the context of globalization, climate change and privatization.

The ecocritical literary depiction of the environment is formulated through materials and designs from the stories that mirror the lives of the common people. The framework for ecological balance is organized from a nature-human perspective, and it is well portrayed in William Rueckert's essay, "Literature and Ecology: An Experiment in Ecocriticism.", where he used the term 'ecocriticism' for the first time in the year 1978. He invokes "the first Law of Ecology: 'Everything is connected to everything else.'... This need to see even the smallest, most remote part in relation to a very large whole is the central intellectual action required by ecology and of an ecological vision" (73). He continues to point out that ecological vision is essential and "The idea that nature should also be protected by human laws, that trees (dolphins and whales, hawks and whooping cranes) should have lawyers to articulate and defend their rights is one of the most marvellous and characteristic parts of the ecological vision" (74). Rueckert enlightens on environmental literacy with educational materials and designs to provide the common citizens with a broad understanding of the nature-human bond. The work also initiates interdisciplinary studies from the fields of science, politics, economics, and art. The human ecologist, Joseph Meeker, coins the term 'Literary ecology' in his pioneering work, *The Comedy of Survival* (1997), where he is of the notion that the biological themes and relationships in literary works were an attempt to discover the role of literature in ecology. Meeker is of the view that nature as a living entity is in need of a space of harmonious existence, as the "...ecosystems are cosmopolitan. Whatever life forms may exist seem to have an equal right to existence, and no individual needs, prejudices, or passions give sufficient cause to threaten the welfare of the ecosystem structure as a whole. (43)"

Joel Burcat's *Amid Rage* is a novel in popular culture fiction that is permeated by law, especially which represents the wearisome procedures of trials with realistic court scenes. It paints an insightful picture of different types of trial lawyers and contains a number of legal scenes which depict the tensions created when the environment occupies the traditional role of the victim, namely represented by an under-valued government lawyer. Mike Jacobs, as the Environmental Lawyer working in the Department of Environmental Protection (DEP), (a governmental agency for environment-related regulations), struggles through life, when he is burdened with flooding legal cases of the department and his moral inclina-

tion towards the safety of the environment and the poor. The novel *Amid Rage* depicts the emergence of an environmental legal case in a courtroom setting where the acute details are presented in detail with facts and explanations that support the study of ecocriticism.

The legal case in the book is regarding an issued permit that is under question. It takes into account three parties- the Rhino Mining Company, the people of Somerset and the DEP. The permit was issued to Rhino Mining Company against the advice of mine inspector Marty Stevens who was concerned about the well-being of the neighboring residents and the high-quality streams in the region. To quench Stevens' concern, the permit held lots of precautionary conditions to ensure the safety of the residents and the natural ecosystem. The rapacious mine operator of Rhino Mining Company, Ernesto Rinati, used all methods at his disposal to manipulate the investigation and appealed to forgo the imposed restrictions when he found that it wouldn't allow him to mine efficiently. A counter-appeal was collectively filed by the residents of Somerset County who wanted the company to change the mining location, away from their homes. Mike Jacobs was assigned the case to defend the Bureau of Mining as they had to protect the permit and retain the conditions applied to it.

Burcat established predicaments in the maintenance of ecological governance in the age of development that inevitably damages the natural vegetation despite the safety measures ascertained by law. Within all three parties lay the natural environment and the question of development. It becomes necessary to re-evaluate the struggles in fighting for nature from multiple perspectives to find a learned solution for contemporary ecological predicaments.

In the novel, the struggle to protect the environment begins within their basic lifestyle. People, for a long time, had resided within their natural ecosystem before the emergence of the cities and urban residential sites. These developments leave nature in the periphery making people forget their assonance with the natural world. In *Amid Rage*, Burcat establishes the vital importance of protecting nature from the very conscious anthropological act to protect residential sites. Burcat brings the vast interconnection between the ecosystems to depict the role of a healthy environment to those who feel they stay away from their natural ecosystem. The oblivion towards ecological degradation is evidently across the globe. It has become the primary reason for the growing environmental degradation as Naomi Klein in the book, *This Changes Everything: Capitalism vs the Climate* (2014) says;

Because, underneath all of this is the real truth we have been avoiding: ...[environmental degradation] to the list of things to worry about, next to health care and taxes. It [environmental degradation] is a civilizational wake-up call. A powerful message—spoken in the language of fires, floods, droughts, and extinctions—telling us that we need an entirely new economic model and a new way of sharing this planet. Telling us that we need to evolve. (n.p)

The residential site of Somerset County for a long time was unaware of their environmental surroundings until they found them getting destroyed by the Rhino Mining Company owned by Rinati. The people are uneducated about the declining environmental quality and Joel Burcat elucidates that the ignorance of the people needs to break free before nature retaliates with massive fatal destruction like the decline in human and animal health. Rob White, in the book, *Crimes Against Nature: Environmental Criminology and ecological justice* (2008), states that the main reason for not recognising the existence of;

... a considerable disjuncture between what is officially labelled environmentally harmful from the point of view of criminal and civil law, and what can be said to constitute the greatest sources of harm from an ecological perspective. For example, there are profound, long-term adverse environmental effects flowing from such historically legitimate practices as using long-lines and drift-nets to catch fish, injecting cyanide and arsenic into the earth to mine precious metals, or destroying nonhuman nature in the course of building freeways. Indeed, many conventional and legal forms of human production and interaction do far worse things to the natural environment than those activities deemed illegal. (11)

Hence, it becomes evident that people need to emerge out of their oblivion to know the legal guidance provided by the government to protect them. Once the oblivion is broken, people in Somerset County pursue legal action, particularly environmental litigation, as a means to safeguard their environment.

The novel begins when a mine operator murders a mining inspector who tries to protect the environment from the harmful effects of mining in the region of Somerset County in Pennsylvania. The Mine Inspector, Mr. Marty Stevens, adamantly opposed mining in the particular place as he felt it to be very close to the houses and the national game lands of Pennsylva-

nia State, where the lands are operated and controlled by the Pennsylvania Game Commission for hunting, trapping, and fishing in the region. The game lands helped to manage and secure wildlife in their bioregion, which on confronted with mining, would be destroyed. Marty Stevens was also concerned that the mining would destroy the headwaters of some high-quality streams that supplied fresh water for the entire region. The Mine Operator, Mr. Rinati, goes to Marty Stevens' house and burns him to death to prevent him from hindering this project. Rinati goes on to lethally threaten anyone who opposed him from mining in the region. Marty Steven's death itself is taken very lethargically as people were less bothered about a man who raised his voice for the protection of nature rather than the human folks. People fail to see the need for nature to be protected for the future of humans and people like Marty are dead because of the lack of support.

The fear is inherent and instilled repeatedly as the client (in environmental litigation) is the inanimate natural surroundings that cannot support or protect the people who represent them from the powerful opposition from people with wealth and organized corporate support. The people of Somerset, their lawyer Miranda Clymer, Marty Stevens, Mike and others in the DEP, are facing a lethal enemy like Rinati, his dangerous subordinates and the big-law firm with resources that can hurt the powerless, like Marty Stevens and the common resident in Somerset, who becomes the victim of such environmental crimes.

The people who try to fight for nature don't find any positive assurance in protecting the environment as it remains the same even after they might have protected it from bad people. Some people, on the other hand, are "biophobia," in nature as they are disconnected from nature, which indeed reduces the collective will among the mass population to preserve the species and habitats (Simaika and Samways 903-906). Biophobia becomes a driving force of fear that makes people oppose the protective measures attributed by government agencies and triggers the devastation of the natural environment. Rinati, in the novel, works within the natural surroundings but doesn't feel any connection with them. He cares for his dog, Butch, but other inanimate things disgust him, which leads to his accumulation of resources to make the wild into a simple terrain for human ventures.

The need to protect the natural environment is morally unidentified and, for years, can remain undetected, but the fear is immediate and effective. It causes people to restrain themselves from environmental protection or

environmental litigation altogether. People who are disconnected from the wild nature surrounding them find it hard to understand the interdependency of organisms in the universe and fear to confront things in their wildest form.

The legal procedures, in general, include the cost factors related to the preparation of a case before and along the way during a trial. A legal case often involves many expenses that are mostly time-consuming and require material input for investigation. As a result, the cost of legal procedure or litigation is a necessary factor for consideration. Each party involved in most cases are responsible for their own litigation costs, like for the representative attorneys or the law firms, but cost efficiency matters when it involves an economically weaker party in the case, especially one like the natural environment, which is economically non-contributive to the people. The forest, game-land and the head-waters in the novel, *Amid Rage* are left in the hands of the humans to defend them in the court. In May 2008, the Sullivan Report 8 concluded that:

Our overall view is that the key issue limiting access to environmental justice ... is that of costs and the potential exposure of costs. What is notable about the problem is that, by and large, it flows from the application of ordinary costs principles of private law to judicial review, and within that, or ordinary principles of judicial review to environmental judicial review. We consider that the first of those does not take proper account of the particular features of public law. (n.p)

The main issue at the exposition is the cost borne by society and the natural world for lacking an effective and efficient justice system. In *Amid Rage*, Norman Post, a resident, tries to save his property from the Rhino mining expeditions and with the help of his neighbours, approaches the court for a collective solution. Rinati approached Norman, and his struggle to survive began. Initially, Rinati offers to buy out Norman's land, and when he refuses, Rinati, sends some goons to threaten him, which leads to a heart attack that kills Norman. The family of Norman Post then sold the land to Rinati as they failed to understand the ecological viewpoints of their actions. They were more concerned towards material gain than retaining the serene beauty of their ancestral land. Rinati used this method again and again to the extent of land larceny. The local residents had to withstand the temptation of money, the adversities of next-door mining and the fatal threats sent by Rinati. While larceny, as defined by criminal law, involves trespassing and theft, it becomes ineffective when faced with influential

figures like Rinati, who manipulate and exploit both their victims and the legal system to serve their own agendas. Historically, the property subjected to larceny are tangible personal goods believed only to affect the victim but it is essential for modern legislation to expand the scope of the offence committed against the environment to help the individuals preserve the existing environment.

The resident citizens of Somerset County become aware of the degradation in their environment and opt for economically cheaper means to utilize the legal system. When the legislation has made the law equal for everyone, the legal system is governed by the wealth that helps people to hire better agents of the law, the lawyers and attorneys, who aid in persuading the cases in their favor. The poor residents were only able to afford a lawyer named, Miranda Clymer, who is not adequately trained to deal with an environmental case. Miranda is oblivious to the workings of the ecosystem and is unable to identify and quote the relevant scientific and technical pieces of evidence to support her case. The citizens' economic instability restricts them from supporting their cases with the required investigations and is unable to stop the big companies from venturing into their livelihood. The citizens with Miranda have to face Rinati's highly trained lawyers from a big firm which has an adequate research team that collects evidences, legal loopholes and other necessary details needed to win the case.

When it comes to the government agency, the DEP, a department dedicated to ensuring the careful, calculative and safe use of natural resources, the economic constraints tie the resources for the department from an effective investigation. The department remains underfunded for most of the time to the extent that the lawyers in the department are bribed to relinquish the cases when they reach court. Roger Adelman, the senior litigator and Mike's boss instructs him to babysit the case as he is worried about the time, energy and economic resources the case might consume if Mike gets deeply involved. Later when Mike has to travel and stay in Somerset for the investigation, he is not provided with decent accommodation as the department cannot afford to pay for one. Government employees frequently face loyalty tests when confronted with compromising situations, such as Mike, who must decide whether to accept high-paying opportunities that could advance his career and life or remain loyal to his principles and obligations.

The issue of indirect bribes is also portrayed in the novel, where the new mine inspector, Lyle Ransom, is influenced by his past working rela-

tionship with Rinati and finds it hard to look at the negative side of the unethical mining. Ransom even fails to acknowledge the facts related to environmental concerns as he is blinded by the economic needs of the department.

Initially, the origin of the problem itself emerged from economic development. Even before that, the permits are issued with improper analysis of the consequential actions as it evidently provides wealth and developmental properties. The permit in question in *Amid Rage* is issued against all the opposition from the mine inspector and other members working in the department because of the overruling power given to one person who finds the mining to have economic interests for everyone. Even when there is no direct bribe involved, the economic value withheld by the natural resources makes it vulnerable and the reason for its destruction. The resource becomes the target of the anthropocentric society even when they know the cost is the future of the human race. The department is also under pressure to satisfy the needs of the people, and economically allowing the mining with few conditions makes it happen. The author, Joel Burcat, makes a statement regarding the economic constraint in the protection of the environment to understand thoroughly the basic reasons behind the actions of people and the stands of the legal system.

The limitation in attaining information regarding an issue is highly dangerous and economically costly. Even in this age of information boom, focus points and scientific apprehensions are deemed to be vast and take multiple directions that can protect and endanger the ecosystem. American marine biologist Rachel Carson questioned the manipulation of science that was used by government agencies to support the toxicological safety of pesticides. Her works launched the beginning of the environmental movement in the United States that spread across the globe. It was the time that the pieces of information on environmental hazards revolutionized the collective consciousness and created some basic awareness of environmental problems.

Science provides a good rationale towards the degradation process and helps with the restoration of the natural ecosystem. It became the mode to provide the public confidence in the role of governmental ventures and reasons for the factors in the environmental law. Science played an important role in enacting, implementing, and enforcing environmental law.

In the novel, *Amid Rage*, the scientific factors of the mining are geographically and systematically analyzed by the mine inspectors, engineers and

other specialized personnel. It is in the interest of the legal case that the scientific factors are presented to the mass population, as they play a crucial role in understanding the environmental, social, and economic impacts of mining activities.

Joel Burcat brings out the case on mining and represents various dimensions of the legal system that supports it despite its harmful effects only because the knowledge as of date is not feasible to find an alternative source. The information truly never reaches authorities because of its significance in the long run. Despite the lack of information, the available warnings were acknowledged in the form of environmental governance but are in dire need of revision. Mike is a lawyer for one such governmental institution, and he gathers information and experts in the field required for the case to support his claim. Lewandowski, the Director of the Bureau of Mining and Reclamation, and George Peterson, the Dean of the College of Earth and Mineral Sciences, in the novel are 'expert witnesses' (a person with specialized knowledge or skills) in the field of mining and resource extraction. Burcat shares the qualification through education and experiences in mining to educate the mass population about the value of their opinions. Their role in the court was of particular interest and informative, with an authenticity that reflected in the process of judgment (Wahlberg and Dahlman). Despite their experiences, Burcat, with the experts in the novel, believes that within the vast amount of information still to be discovered by humanity, there exists a potential source of energy that is environmentally friendly.

Environmental law consists of a wide variety of legislation, enactments, and provisions that are chiefly concerned with the regulation of human activity concerning our natural environment and its various interconnected ecosystems. While everything that is encompassed in environmental law may not directly intersect with each other, they all act as safeguards in preventing environmental damage and ensuring effective management of the environment and its multiple ecosystems.

The effectiveness of environmental governance and the efficiency of environmental law need to be questioned to understand the struggles in fighting for the environment. In the novel, the government worker, Marty Stevens, is threatened and killed in the text because of inadequate governance. The government fails to back him up with protection, adequate support, training and equipment to protect himself from goons like Rinati. He is threatened but is unable to reach out to the cops as he knows that his concerns would not be validated without proof. Even after his death,

the government is lethargic and tries to bury his case before it becomes a political issue. A similar situation occurs with Norman Post, an ordinary citizen whose death goes unnoticed by law enforcement. Likewise, Mike and his friend Nicky Kane face threats to their lives in a comparable manner, but the police arrive too late to intervene. Apart from failing to protect the people from threats, the ineffectiveness of the government is found in the issuing of the permit, enforcement of the laws, investigation of the case and being responsive when mistakes are committed.

Environmental litigations mentioned in the novel *Amid Rage* point to various ineffectiveness of environmental governance but also re-instate the possible amendments required from the citizens' part to overcome the ineffectiveness. People like Mike, despite the loopholes in the legal system, try to stand by the law and are effective in protecting the environment. The people of Somerset believe in the legal system and environmental legislation to protect themselves and their surroundings from powerful bad guys. Even when a powerful person like Rinati overpowers the basic safety measures, the environmental governance makes him abide by the law and help with the reclamation procedures. Hence environmental governance gives legitimacy to stand against the lethal forces and help the poor environment and the disempowered people.

Protection of nature raises difficult and complex issues with problems beyond individual control. It is a challenge that requires combined efforts from different fields, especially in governmental and judicial processes. The changing scenario makes it necessary to establish behavioural regulations and social transactions with new schemes and laws designed specifically to suit the evolving conditions and values. The emergence of environmental laws helps in the conservation of natural resources for better use in the present and future. Many environmental maladies put forth the need for judicial remedies through a deep examination of the legal activism that allows courts to break orthodox barriers in judicial review. Adaptive legal procedures intervene with administrative decisions across the globe to welcome environmental cases that are otherwise ignored.

Author Joel Burcat in *Amid Rage* has used 'ecocriticism' effectively as the medium to contextually ecological themes in literature and assisted man to rethink the mortifying effects of environmental degradation caused by conscious and oblivious human action. *Amid Rage* enables an ecologically oriented panoramic study of the catastrophic events in human history and helps to rekindle the role of legislation in environmental protection.

The ignorance, the fear factors, the economic and ineffectiveness of environmental governance are the barriers that are inherent and will always exist in the world, but Burcat contends that it is possible for people to become aware of the pressing environmental predicaments and join forces to overcome these barriers. It is necessary that people recognize the struggles of those who are already fighting for the protection of nature and defend them from people and factors that could threaten the cause. Also the legal backup for environmental protection must be faster and more ecological for the welfare of all. The author is of the notion that the existing environmental laws could be effectively implemented if it was assisted with additional support that can help to overcome the struggles in protecting the environment.

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