Piloting The Spirit Of The Law Test
Quantifying Ecocide Law Codification in Post-Brexit Environmental Law

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ECOCIDE LAW COUNTRIES
Armenia, Belarus, Bolivia, Ecuador, France, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Panama, Russia, Tajikistan, Ukraine, and Vietnam

KEY TERMS USED IN THIS STUDY
Ecocide - Destruction of an ecosystem so that peaceful enjoyment by the inhabitants of that territory has been or will be severely diminished (Higgins, 2012 p.3)
Rights of nature - The rights of ecosystems to exist, persist, maintain their natural cycles and to regenerate (Morales Ayma in Higgins, 2012 p.8)
Model ecocide law - Draft legislation that serves as a template for lawmakers to protect ecosystems (Higgins, 2012 p.157)
Codified ecocide law - National laws recognising ecocide as a crime, rights of nature or both

INTRODUCTION
Britain is the world’s most nature depleted country (Hayhow et al. 2019) and its legal system is ecologically illiterate (Capra and Mattei 2015).
Since Brexit, has the Government passed laws to better protect ecosystems and criminalise their destruction?
As no test exists to quantify ecocide in English law, research to design a novel test to measure the spirit of the law was needed.

OBJECTIVES
- To design a corpus linguistic method to quantify the extent to which principles of law are codified in post-Brexit law
- To calibrate the method to principles (or the spirit) of ecocide law and pilot it on the UK Environment Act 2021
- To deepen understanding of key legal texts in the PhD project and support doctoral training on how to build robust corpora for analysis

TEST METHOD
1. Select reference corpus to calibrate spirit of the law
2. Select sample corpus of unknown body of law
3. Select control corpus of language type for error identification
4. Build corpora in #LancsBox (Brezina et al. 2020)
5. Compare corpora in Sketch Engine (Kilgarriff et al. 2014)
6. Qualitatively interpret chart of pairwise similarity scores

DISCUSSION
A keyword search of the Environment Act 2021 quickly reveals the omission of ecosystems and ecocide but it does not quantify the extent to which principles (or the spirit) of ecocide law are codified within it. To do this, a novel corpus linguistics method was designed and piloted.
Two ecocide law corpora (MEL & CEL) were expected to be somewhat similar yet they scored red. Deeper analysis of Higgins’ draft Ecocide Act (MEL) found that, unlike ecosystem protection law elsewhere in the world, the draft Act does not include rights of nature. This helps explain the low similarity/high difference MEL to CEL score (+9.7) and the CEL to BOL score (+9.2)
Interestingly, the BOL to EEEC comparison had the lowest score (+6.2) suggesting that it is the corpus most similar to the Environment Act 2021. However, Sketch Engine turned the pairwise comparison score red indicating that these two corpora are very different.

REFERENCES
Brezina V., Weill-Tessler, P. and McEnery, A. (2020) #LancsBox v.x.x. [software]. Available at: http://corpora.lancs.ac.uk/lancsbox

The SOTL Test is a screening tool that provides an easy-to-read measure of the extent to which legal principles are codified in law. In-depth corpus analysis is required to qualitatively interpret the numerical results.
Piloting the SOTL Test on post-Brexit environmental law found that the inclusion of rights of nature increases legal similarity to ecocide law in other countries.
More research is required to understand if current law reforms will better protect British nature from further depletion.