



THE RIGHT TO A HEALTHY ENVIRONMENT: LIGHTS AND SHADOWS OF THE ANTHROPOCENTRIC LEGAL APPROACH AND THE RIGHT OF ECOLOGICAL INTEGRITY

The present article focuses on the theoretical issues around the recognition of the right to a healthy environment, with a particular focus on its anthropocentric character. The article will do so by focusing at first on international and global perspectives, and then on the Italian case study. The article will demonstrate that despite in Italy there is no formal recognition of the right to a healthy environment, this has been de facto realized through the application in the jurisprudence of the conjunction of Articles 2 and 32 of the Constitution. Moreover, the article will present an analysis of the recent amendment of the Italian constitution, discussing the future prospects for the right to a healthy environment in Italy. Finally, the article will analyse the theoretical critical aspects connected to the anthropocentric nature of the right to a healthy environment. It will do so through a critical discussion on the contemporary polarization of the academic debate around the notions of “anthropocentric” and “ecocentric”. The objective of the article is to propose a middle position in such debate, arguing for the need of a new type of environmental human right, the right of ecological integrity. This right would synthesize the dichotomy anthropocentric-ecocentric (or human/nature), promoting a meaningful recognition of a relational ontology in an existential continuum based on the interconnectedness of human beings, animals, and non-living environmental manifestations (such as the atmosphere, rivers, seas, mountains and all the other parts of terrestrial ecosystems).