

FINANCIAL FORCES AND ENVIRONMENTAL LEGISLATION: AN ECOCRITICAL EXAMINATION OF JOEL BURCAT'S *DRINK TO EVERY BEAST*

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Abstract: Joel Burcat, in the novel Drink to Every Beast (2019), illustrates the intersection of economic power and environmental justice through a legal narrative that explores the illicit disposal of toxic waste in the Appalachian Mountains. The resulting contamination leads to the deaths of two teenagers, sparking an investigation by the Department of Environmental Protection (DEP). The novel reveals how the Bayonne Trucking and Cartage Company manipulates legal processes through financial influence to evade accountability. This paper employs an ecocritical lens to analyse the novel's depiction of the commodification of nature, highlighting the role of economic factors in perpetuating and mitigating ecological degradation. The analysis underscores the significance of environmental litigation in combating these influences and calls for greater awareness of the financial challenges that undermine the pursuit of ecological justice.

I. Introduction

The American legal system, with its unique approach to integrating a diverse population through laws and courts, has had a significant influence on legal systems worldwide. Its system of justice, particularly the practice of jury trials, offers dramatic and compelling narratives that have been widely adopted in legal and crime fiction. The portrayal of criminal acts, investigations, and courtroom dramas has inspired a global fascination with the genre. Legal thrillers, which focus on the intricacies of the legal process, have become a staple of literature, often drawing on the American legal framework. This genre has gained widespread popularity not only in the United States but also internationally, influencing both the writing and depiction of crime, law, and justice in many cultures. The themes of legal battles and moral dilemmas, central to the American model, resonate with audiences worldwide, shaping how the legal system is perceived and depicted in literature and media globally. Terry White, in the bibliographical work *Justice Denoted: The Legal Thriller in American, British, and Continental Courtroom Literature*, defines:

The legal thriller is so rich a subgenre of the traditional, well-made mystery that it goes forward in all directions even while it erases some of its past traces: the Harlequin-romance, the Christian mystery, science fiction, fantasy, hardboiled, novels of manners...legal thriller whether one prefers the locked-room mystery to the noir, whether stabbing with knives or with tongues--all are grist for the courtroom thriller's mill. (Burcat, 2019, p. xxiii)

The legal traditions built on suspense are recognisable in Legal thrillers. It addresses controversial themes of sensational subject matter with an exploration of cases related to class, race, gender, psychology, ecology, and other contradicting issues in a new and provocative manner. The right to the environment is a highly polemic subject, especially in literature. Literature is a field in which environmental challenges are viewed from a panoramic perspective that integrates various fields, such as philosophy, anthropology, sociology, geography, history, science, and technology studies, into a narrative that elicits a cognitive response to the crises.

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Environmental degradation is an essential factor that transcends political territories and legislative jurisdictions; it is intrinsically global. To prevent ecological problems, environmental legislation is needed at both the national and international levels, where ecological laws and protocols are framed with various socio-political considerations that reflect concern for the degrading environment.

The theory of 'Ecocriticism' addresses environmental concerns in literary writings, emphasising ecological governance. It is a literary theory that foregrounds literature and the environment and deals with problems of human-nature interaction. Glotfelty, in his 'Introduction', to "Literary Studies in an Age of Environmental Crisis", defines Ecocriticism as:

Simply put, Ecocriticism studies the relationship between literature and the physical environment. Just as feminist criticism examines language and literature from a gender-conscious perspective, and Marxist criticism brings an awareness of modes of production and economic class to reading texts, Ecocriticism takes an earth-centred approach to literary studies. (Ibid., p. xviii)

Joel Burcat is an American author and practising lawyer specialising in environmental and energy law. Before his career as an author, Burcat served in the Pennsylvania Department of Environmental Protection. He obtained a Juris Doctor (Doctor of Jurisprudence) degree from Vermont Law School in 1980, following his undergraduate studies in Physical Geography at Pennsylvania State University in 1976. Burcat has published several short stories and edited *The Law of Oil and Gas in Pennsylvania* (2015-2016) and seven editions of *Pennsylvania Environmental Law & Practice* (1994-2012). He has also authored numerous professional articles on environmental law. In Burcat's legal thriller, *Drink to Every Beast* (2019), environmental degradation is caused by illegally dumping venomous waste into old coal-mine tunnels near the Susquehanna River in the Appalachian Mountains. The venomous waste caused the death of two teenagers who went swimming in contaminated river water, leading to a legal case under the jurisdiction of the Department of Environmental Protection (DEP) in the USA. Government employees Mike Jacob and his senior officer, Roger Alden, are appointed to handle the litigation. They trace the source of contamination to gallons of untreated waste dumped by the Bayonne Trucking and Cartage Company, which sought to maximise profits by dumping it in forgotten boreholes of old mines. The company uses its financial influence to manipulate the litigation process, government agencies, and environmental activities, raising essential questions about the role of money in environmental protection, particularly in environmental litigation.

II. The Role of Money in Environmental Degradation

Money plays a central role in environmental degradation, often driving activities that harm the planet in the pursuit of economic growth and profit. Wealth generation frequently leads to overconsumption, increased waste, and industrial practices that damage natural resources through pollution, deforestation, and climate change. Industrialisation, driven by economic growth, exacerbates these issues by extracting raw materials such as oil and minerals, further degrading the environment. Stijn Neuteleers and Bart Engelen, in the article "Talking money: How market-based valuation can undermine environmental protection" (Neuteleers & Engelen, 2015), elucidate on the role of money and write:

...environmental problems are caused by the absence of markets for environmental goods, such as clean air, water quality and biodiversity. Both Pigovian and Coasean solutions to market failures in providing or sustaining public goods consist of incorporating externalities into the pricing mechanism (e.g. by having the polluter pay) and thus incentivising people to take the costs and benefits of these goods into account... In short, 'the market is not perfect, but it is the best solution to our ecological problems' ... (Ibid., p. 253)

Industry's attempts to placate the greed of the rich are constantly increasing, and they have made more money at the expense of natural resources. In the novel *Drink to Every Beast*, Joel Burcat has pointed to the hazards of low-cost Industrial endeavours that pollute the environment. Burcat, in the novel, states the difficulties in addressing this pollution as follows: "Well, the chemicals are hard to trace. Hundreds, maybe thousands, of businesses in the Northeast use phenol. It's used in plastics, plywood, nylon, epoxy, medicine, you name it. Heck, it's even in scotch. Could be from almost anywhere..." (Burcat, 2019, p. 29).

The pursuit of profits has led to lax regulation and enforcement, resulting in environmental damage and harm to human health. Often, political decisions are taken at the expense of the environment. The novel portrays how some individuals and businesses prioritise their economic interests over environmental regulations, leading to non-compliance and ecological degradation. Burcat details the effects of untreated waste disposal and writes:

The stinking mess of water in the tunnel contained brown shit water, used condoms, ground wastes from garbage disposals, bloody waters from doctors' offices and medical facilities, overflows from leaking sewers, coal residue that converted into sulfuric acid, oil and crud from hundreds of French drains in garages and basements where the workers and homeowners did not think twice about disposing their used oil, industrial cleaning wastes, direct discharges from hundreds of houses whose residents were grateful to have never paid for sewer service, and now 4,500 gallons of highly toxic waste from the small industrial operation in North Jersey whose owner had paid Bayonne Trucking and Cartage Company the cut-rate price of \$75 per gallon to dispose of his contaminated swill, no questions asked. Bayonne Trucking threw in the phony state and federal paperwork gratis. The flow was enhanced by naturally occurring groundwater that slightly diluted the toxic brew but also carried it along as it gathered some volume from other mine shafts, boreholes, and broken sewer pipes. (Ibid., p. 56)

As Burcat puts it, the surface dwellers are unaware that the mine shafts and workings in Pennsylvania's Wyoming Valley, due to early, incompetent, or unlawful mining practices, have interlinked almost the entire anthracite region in northeastern Pennsylvania, which eventually combine River Styx to resurface unfiltered into the Susquehanna River. Dumpers have relied on the billions of gallons of relatively clean river water to dilute the toxic waste, even though the water passes through picturesque gaps in the Appalachian Mountains that keep people in the dark about the harmful effects of environmental degradation. Joel Burcat, in the novel, has portrayed the pursuit of wealth and profits as the driving force behind many of the environmentally destructive practices that need reassessment.

III. The Impact of Financial Interests on Environmental Policy

Environmental legislation is vital for addressing ecological degradation by protecting natural resources and mitigating human impacts. Effective legislation requires financial resources for research, data collection, and enforcement. Government agencies, often underfunded and understaffed, need full help implementing and enforcing these laws. In *Drink to Every Beast*, characters like Mike and Zelinsky face significant challenges in securing funding and political support for conservation efforts. The DEP, responsible for enforcing regulations, is hindered by limited resources and political interference, which complicate its efforts to uphold environmental laws. Wealthy individuals and corporations exacerbate these challenges by using their resources to influence political decisions. The novel highlights this issue: "The governor wants his administration to get all of the credit for solving this" (Ibid., p. 29), illustrating how political motives can overshadow genuine environmental concerns.

The lack of resources and political will to enforce environmental laws leads to severe environmental degradation. Further compliance with ecological legislation involves implementing costly measures to reduce pollution or other environmental impacts. Companies may need to invest in equipment upgrades, process changes, or other initiatives to meet

ecological standards. The cost factor leads individuals and corporations to view environmental regulations as hindrances to profits. They need to comply with the legislative measures and pursue other cost-effective measures. The small industrial operations in North Jersey mentioned in the novel reflect the plight of companies that cannot afford a safe, scientifically enhanced piece of equipment for waste management. They pay to relocate the released waste, which is considerably cheaper and takes less space. The antagonist in the novel, Big Bill, is a wealthy Trucking company owner who disregards environmental regulations and uses his wealth to manipulate the regulatory system, influence the politicians, and undermine conservation efforts.

Joel Burcat further points to governmental measures for implementing warnings or danger signs, which are crucial for preventing environmental hazards daily. Burcat emphasises the cemented sign board “DANGER! MINE TUNNEL STAY BACK” located on the river banks of the Susquehanna River, which fails to register acknowledgement to the teenagers, consequently causing their deaths. Adequate funding is essential to creating effective warning signs that convey important information to people in the area. The cost of materials, labour, research and development, and maintenance and replacement are all factors that require funding. With adequate funding, warning signs can be created using high-quality materials and skilled labour, ensuring they are practical and durable. Regular maintenance and replacement can also be carried out to ensure that the signs remain effective over time. The lack of adequate funding for danger signs has failed to prevent environmental hazards and keep people safe.

Similarly, measures to prevent environmental degradation also need more funding, as regulations are rarely sustained in the long term. The high cost of labour, economic profits, and machinery prevents governments from taking appropriate environmental measures. In the novel, the mine tunnel has once killed a bunch of miners and is now a closed structure that is ignored by governmental bodies. The miles of underground tunnels attract exploiters, and government agencies need more resources to prevent them. The tunnels overflow with rancid, pungent waste, prompting Burcat to call them “the grey tunnels” (Burcat, 2019, p. 8).

The lack of technical support and medical help in environmental legislation also results from economic barriers. Government agencies must have technical assistance to recognise and tackle environmental problems. People cannot afford essential medications or treatments, leading to health problems. People living in poverty or low-income households may have difficulty affording medical care, including doctor’s visits, medications, and medical procedures. Similarly, they may not have access to the latest technology, equipment, or software required for technical support, like in the case of the medical practitioner, Seth Guberman, who, despite ordering a full scan of the two affected teenagers, is forced to treat them with no research knowledge. The medicines fail, and the teenagers miss their treatment time. Similarly, the lack of technical support is also portrayed by Burcat, who points to the paper as “some of the massive amounts of paperwork that had piled up” (Ibid., p. 59), which is time-consuming and requires ample labour to sort and address.

Effective environmental legislation is undermined by money and the people who wield it. While money poses challenges to effective environmental legislation, they are not the only factor at play. It is essential to remain vigilant and proactive in seeking policies that protect the environment and prioritise the health and well-being of current and future generations.

IV. Economic Forces Behind the Enforcement of Environmental Policies

Implementing and enforcing environmental laws requires significant financial resources. Government agencies need funding to monitor compliance, investigate violations, and take legal action against violators. Government agencies such as the DEP need money to hire lawyers, researchers, and other staff to conduct investigations and take legal action against violators of environmental laws. With sufficient resources, detecting and preventing ecological violations can be more feasible, thereby reducing the high economic and social

costs they entail. Therefore, it is essential to ensure that government agencies responsible for enforcing environmental regulations have adequate funding to carry out their duties effectively and protect the environment and public health.

Government agencies may need a range of tools and techniques to monitor compliance, including inspections, testing, and data analysis. These activities require specialised staff and equipment, as well as ongoing training and education to keep up with technological advances and regulatory requirements. Mike, as an environmental lawyer, along with people in his department (with multifaceted jobs) and other activists, like Zelinsky, tries to enforce environmental regulations to protect the environment from pollution and destruction caused by industrial and commercial activities, “Zelinsky...got drummed out of DEP for passing confidential information to an environmental NGO in Harrisburg when he was angry at the Secretary’s decision not to prosecute a company.” (Ibid., p. 11)

The novel also exposes regulatory capture, in which government agencies enforcing environmental regulations may be swayed by the industries they regulate, leading to weak enforcement and exacerbated ecological harm. This issue complicates litigation against harmful practices and undermines the response to the deaths of the two teenagers in the novel. Media coverage shifts focus, with political agendas influencing the narrative. As noted, ruling parties boast about penalties and company shutdowns, while opposition parties criticise these measures (94). This global trend underscores the importance of public engagement. The novel emphasises that active citizen involvement in politics is crucial for holding policymakers accountable and ensuring that environmental and public health issues are addressed urgently.

Community participation in legislation is vital. However, they may need more financial resources to participate in environmental decision-making. Providing funding and other resources to support community involvement can be critical for ensuring that these communities have a voice in environmental policy and that their concerns are considered. In the article “In it for the money, the environment, or the community? Motives for being involved in community energy initiatives” (2019), Daniel Sloot, Lise Jans, and Linda Steg write:

...communal motives (i.e., being involved in one’s local community) may be related to initiative involvement, as community energy initiatives not only aim to promote sustainable energy behaviour but also enable people to be involved in their community...targeting communal motives may be an additional way to enhance involvement in community energy initiatives and foster sustainable behaviour among people, who may not otherwise be interested in environmental protection. (Sloot et al, 2019, p. 57)

In conclusion, incorporating economic factors into environmental policy can effectively incentivise environmentally friendly practices and ensure cost-effective solutions. Conversely, balancing financial considerations with ecological concerns is crucial to ensure that solutions are sustainable and effective in the long run. Adequate funding, legal advocacy, and public participation are critical components of practical environmental protection efforts. Philip K. Lehman and E. Scott Geller, in the article “Behavior Analysis and Environmental Protection: Accomplishments and Potential for More” (2004), write that “A feedback strategy involves providing information to participants about their environment-relevant behaviours. Such data make the consequences of behaviour (e.g., money spent, environmental degradation or protection) more salient, and increase the likelihood of behaviour change corresponding with the consequences.” (Lehman & Geller, 2004, p. 21) The authors emphasise that feedback strategies involve providing participants with information about their behaviour and its consequences, thereby increasing the salience of these consequences and promoting behaviour change. The consequences of behaviour, such as money spent or environmental degradation or protection, become more apparent through feedback strategies. By making these consequences more salient, individuals are more likely to change their behaviour in response.

V. The Role of Money in Environmental Litigation

Environmental law enforcement often hinges on litigation, which requires significant financial resources for legal representation, court fees, and related expenses. Joel Burcat's *Drink to Every Beast* underscores the vital role of litigation in protecting the environment despite its complexity and costs. The novel's legal case illustrates how verdicts can profoundly affect ecosystems, underscoring the need to hold polluters accountable. Litigation involves identifying violations, gathering evidence, and navigating legal options—a process demanding extensive resources, including expert witnesses and legal documentation.

Government agencies are crucial for investigating environmental violations, but doing so requires substantial staff time and resources. Building a case involves detailed evidence collection, legal strategy formulation, and courtroom presentation. Despite these challenges, enforcing environmental laws is essential to ensuring responsible, sustainable practices. The novel emphasises the difficulties faced by environmental activists and regulators, particularly when legal loopholes are exploited to avoid compliance. Through the protagonist, Mike, a lawyer, Burcat illustrates the need for a robust regulatory system to prevent environmental destruction. *Drink to Every Beast* portrays the complexities of ecological activism, underscoring the importance of sustained advocacy and robust legal frameworks for protecting the environment.

The novel also highlights the personal, political, and social challenges as the legal battle unfolds. The book also explores the personal and emotional toll such litigation can have on the parties involved. Mike's dedication to the cause and his struggles with balancing his personal life and professional responsibilities are depicted throughout the story. Mike and his allies face a legal system often biased towards business interests, and they must navigate a web of regulations and bureaucracy to achieve their goals. They also face opposition from powerful corporate interests and politicians willing to compromise the environment for economic gain. Through the characters of Mike and Roger, the novel highlights the importance of strong and effective enforcement of environmental laws. It underscores the need for regulators and law enforcement agencies to have the necessary resources, authority, and independence to fulfill their duties.

Additionally, the novel highlights how corporations and their lawyers can use their resources and influence to avoid legal consequences for their actions. Powerful corporations or individuals with deep pockets may be able to hire top-tier legal teams to help them avoid accountability for their actions, even when those actions have a significant impact on the environment and public health. The defendants, often corporations or wealthy individuals, can afford to hire high-powered lawyers and lobbyists, like Big Bill, to influence the legal and political systems in their favour. This makes it challenging for the plaintiffs, often environmental groups or individuals with limited resources, to obtain a fair outcome in court.

Another problem the novel highlights is the difficulty of proving environmental harm and the causal link between the liability and the defendant's actions. The burden of proof falls on the plaintiffs, who must provide sufficient evidence to establish that the defendant's actions caused harm to the environment. This requires expert witnesses, scientific data, and other technical evidence, which can be costly and time-consuming to obtain. Burcat, in the novel, explains the problem in simple terms: "...the chemicals are hard to trace. There are hundreds, maybe thousands, of businesses in the Northeast that use phenol. It's used in plastics, plywood, nylon, epoxy, medicine, you name it. Heck, it's even in scotch. Could be from almost anywhere." (Burcat, 2019, p. 28)

Further, the characters of Big Bill and his lawyers are the best examples of highly paid agents of the law who manipulate the legal system through their vast knowledge of legal loopholes and legislation. Burcat justifies the representation of the prominent law firm lawyers, stating:

I couldn't get work—not from those asshole enviros who said I was toxic, and not from any corporations who hated my guts for what I'd done to them. One day, I got a call from some boys in New Jersey who said they needed a lawyer. A man has got to eat, right? Everyone deserves to be represented, even midnight dumpers. You learned that in law school too, right? Anyway, they paid pretty well and after doing some basic corporate legal work for them for a couple of months, they asked me if I wanted to make some real money...Don't judge me. In a couple of years, you'll be working for some big law firm, and even if you don't let the bastards dump down some borehole, you'll still be doing the same thing I'm doing. (Ibid., 256)

Their knowledge and financial power help evade responsibility for the environmental damage caused by the dumping projects and continue the lethal actions. This is why government agencies like DEP and ecological advocacy groups must remain vigilant in monitoring compliance with environmental laws and holding violators accountable for their actions. It is essential to ensure that the health and well-being of communities and the environment are protected for future generations, even when that requires more public funds.

Financial compensation for environmental degradation is a way to hold individuals or organisations responsible for the ecological harm they have caused. It is a form of punishment or restitution that aims to provide some accountability measure for actions that have negatively impacted the environment. Financial compensation for environmental degradation takes many forms. For example, it may involve paying for cleanup costs associated with a pollution incident, funding the restoration and remediation of damaged ecosystems, or compensating affected communities for economic losses resulting from environmental harm.

In some cases, financial compensation may also be used to fund environmental research or conservation projects aimed at preventing future environmental damage. In the novel, discussions of monetary compensation are undermined by political agendas, but it is essential to consider the parties involved in environmental degradation. Burcat has shed light on the multifaceted flow of profit from environmentally harmful activities. He has linked grassroots workers who dump waste to people in higher positions, such as governors and presidents, who are indirectly involved in environmental crime. Big Bill also feels discrimination in compensation, as he is the one who has to take on all the dangerous responsibilities, while influential people and officials often hide behind their wealth. When the DA's wife, Maureen, is implicated in litigation, the range of environmental degradation is unperceived. However, it's worth noting that financial compensation alone may not be sufficient to address the full extent of the environmental harm. Ecological damage can have long-term, far-reaching impacts that may not be fully remediated by financial compensation alone. Therefore, prevention of ecological injury through sustainable practices and conservation efforts is critical to ensuring our planet's long-term health and well-being.

VI. Conclusion

Effective environmental protection policies require carefully balancing economic factors and ecological concerns. Joel Burcat's novel *Drink to Every Beast* highlights the challenges of enforcing environmental laws, emphasising the need for stronger political will and resources to combat ecological degradation. Economic mechanisms such as carbon pricing and emissions trading incentivise emissions reduction, while subsidies for renewable energy encourage their adoption. However, more than these market-based strategies are needed to address all environmental issues, particularly those without precise economic costs, like biodiversity loss. Incorporating economic considerations into environmental policy ensures cost-effective, efficient regulations, essential given limited resources. A holistic approach to economic and ecological impacts is vital for long-term sustainability. The novel underscores the importance of public participation and robust legal frameworks in achieving environmental protection. Kenneth A. Gould, in his article "The Sweet Smell of Money: Economic Dependency and Local Environmental Political Mobilization" (2008), notes that

while economic decline initially increases local resistance to environmental protection, a sustained economic downturn can reduce industrial control and increase local receptivity to changes in industrial processes and policies. Numerous legal frameworks contribute to environmental protection, such as the Clean Air Act, Clean Water Act, and Endangered Species Act in the United States, effectively reducing pollution and protecting endangered species. International agreements like the Montreal Protocol and the Paris Agreement have been crucial in addressing global environmental issues. Belief in humanity's ability to strengthen legal frameworks and promote compliance, as illustrated in literature like *Drink to Every Beast*, can help create a more sustainable future and protect our planet and its inhabitants.

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