



## Justice

*Algeria*

A humble peasant one day found that the water from the well, from which his entire family drank, reeked of cattle urine. It didn't take long for him to understand that the problem came from a nearby pen of goats, sheep and lambs. A few months before these animals had been driven uphill by a neighbouring landowning farmer.

Still, not knowing for sure from where the groundwater ran, he hired a well-known dowser in order to know where the water that fed his well came from. As he suspected, the current of water flowed under the landowner's pen. So, taking advantage of the fact that the dowser was with him, he decided to visit his neighbour and tell him what had happened, and have the dowser give him his own explanations.

When he found his neighbour, the peasant explained the problem and asked the dowser to confirm that the water in his well came, exactly, from the area of his pen. But the wealthy landowner laughed at him and told him that he had no intention of moving the pen.

'But you have a lot of land!' The humble peasant observed, in annoyance. 'You could set up the pen in a different place where it would not contaminate the waters from which others drink.'

'Are you telling me what to do?' Answered the neighbour arrogantly.

'If so, I will bring the issue to trial before the *qadi!*'



'Do what you want!' answered the farmer haughtily. It will be a complete waste of time ...

And, turning around, he left them there without a worry in the world.

So, the poor peasant sued his rich neighbour and took him to court, and two weeks later they were summoned before the *qadi*, at the Justice Gate, next to the mosque. But the farmer went there, before the appointed time, with a generous gift for the judge. Furthermore, he took advantage of the absence of his humble neighbour to tell the *qadi* his own version of what had happened.

When the poor peasant arrived he was carrying a small pot under his arm, filled with water from his own well. With this he wanted the *qadi* to understand the nature of the disaster caused by the seepage of cattle urine into the flow of water.

'I suppose you are the one who sued this man' said the judge when he saw him arrive.

'Yes, sir,' replied the peasant. 'I have sued him.'

'And what did you sue him for?'

The poor peasant went on to explain what had happened, including the visit of the dowser, and specifying that this pen was the only one for many miles around. He also spoke of his conversation with the farmer and his indifference to the issue. He ended by saying:

'I have brought a sample of the water from my well, so that you can see that it smells of cattle urine. As this man's pen is the only one that could contaminate my well, I ask that you order him to relocate it to a place, where it will not cause harm to anyone.'

And, when the peasant was about to open the pot, so that the judge could verify his words, the *qadi* hastened to say:

'No! You don't have to open your pot. After what the defendant has told me, I am clear about the situation. I understand that your well water isn't completely clean, but I don't think the problem is that bad.'

And, with a self-satisfied smile, he added:



If it were polluted with pig urine, which comes from an impure animal, there would be the possibility of forcible legal action. But, being a pen of goats and sheep, I don't think the damage is so serious. So I order the defendant to give the plaintiff a sack of wheat as compensation for any impurities in the water.'

The rich landowner looked at the peasant with a triumphant smile and after saying farewell to the *qadi*, he set out in the direction of the market with the intention of buying a sack of wheat and sending it to the Justice Gate.

But the peasant did not leave. Frustrated, and with lips pursed, he opened the lid of the pot he carried and poured it all into the large earthenware jar from which everyone in the Justice Gate, including the *qadi*, drank.

The *qadi*, astonished at the peasant's behaviour, shouted at him:

'Have you gone mad?'

And the peasant, gathering all his dignity, answered him as calmly as he could:

'No. But I'm in a bit of a hurry. Since the water is not polluted with pig urine and the problem is, according to you, not so serious, I leave the water of my well here. So keep the sack of wheat that my neighbour is going to bring for me and collect compensation "for any impurities in the water".'

The following day, the *qadi* issued a new sentence, by which he forced the rich landowner to move his pen. □

Adapted by Grian A. Cutanda (2020).

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## Comments

The only version I have found of this Algerian tale, that of Jean Muzi (2006), differs quite a bit from this version. In the first place, it is much



shorter and, on the other hand, the reason for the lawsuit is a whack that the rich farmer gives to the humble peasant during their first argument. At the end of this story, the peasant also whacks the *qadi*, telling him to keep the wheat that the rich farmer planned to bring.

Obviously, to be part of The Earth Stories Collection, our adaptation needed some changes, although trying to keep the original idea of the tale. In the main, we had to eliminate the violent response of the unfairly treated person. But, in addition, our aim was to adjust it to Principle 13d of the Earth Charter (see below), where environmental damage is discussed. So, we have lengthened the story to explain the reason for the dispute between the rich farmer and the peasant, focusing on damage to the environment.

This story, on the other hand, can also perfectly illustrate Principle 10d of the Charter (see below), which concerns the responsibility of large multinational corporations and international financial organisations. This is because there are many situations in which large corporations destroy the environment and do not take any action to rectify it, trusting that the fines or compensations for such damage will always be cheaper than the revised environmentally-friendly programmes they should carry out in order not to destroy precious ecosystems. This story will also serve to illustrate these situations.

## Sources

Muzi, J. (2006). La justicia. En *30 Cuentos del Magreb* (pp. 69-70). Bilbao: Bakeaz.

## Associated text of the Earth Charter

Principle 13d: Institute effective and efficient access to administrative and independent judicial procedures, including remedies and redress for environmental harm and the threat of such harm.



### *Other passages that this story illustrates*

Principle 3b: Promote social and economic justice, enabling all to achieve a secure and meaningful livelihood that is ecologically responsible.

Principle 5e: Manage the use of renewable resources such as water, soil, forest products, and marine life in ways that do not exceed rates of regeneration and that protect the health of ecosystems.

Principle 6b: Place the burden of proof on those who argue that a proposed activity will not cause significant harm, and make the responsible parties liable for environmental harm.

Principle 10d: Require multinational corporations and international financial organizations to act transparently in the public good, and hold them accountable for the consequences of their activities.

Principle 12: Uphold the right of all, without discrimination, to a natural and social environment supportive of human dignity, bodily health, and spiritual well-being, with special attention to the rights of indigenous peoples and minorities.

Principle 13e: Eliminate corruption in all public and private institutions.

