

Course Outline

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<b>COURSE:</b>	<b>LAWS 4800 A - Environment and Social Justice</b>
<b>PREREQUISITES:</b>	<b>Fourth-year Honours standing</b>
<b>TERM:</b>	<b>Fall 2012</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursday, 2:30 – 5:30pm</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Professor Peter Swan</b>
<b>CONTACT:</b>	<b>Office: LA D489 (Loeb Bldg)</b>
	<b>Office Hrs: Tuesday 12:00pm – 2:00pm</b>
	<b>Telephone: 520-2600 x. 8212</b>
	<b>Email: <a href="mailto:pswan@connect.carleton.ca">pswan@connect.carleton.ca</a></b>

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You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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*While in North America and Europe, there appears to be a wide spread agreement on the value of 'nature' as one of our most important collective goods, there is little consensus on what constitutes a fair distribution of nature's resources. Similarly there is little agreement on who should make the decisions with respect to this distribution. Such disagreements have fundamental repercussions for the justness of the legal regulation of the environment. Despite a recognition of limitations in the existing regime of environmental law, a significant part of the environmental movement continues to insist on the need to mobilize existing legal resources and to push for legal reforms to provide both a more effective form of environmental protection and for wider participation in decisions about the environment as a collective good. In this seminar course, we will examine the potential of environmental law to protect the environment and to promote an equalization of opportunities for an informed participation in environmental decision-making. In addition, we will explore a number of specific issues of justice that are raised by the contemporary legal regulation of the environment.*

**MARKING SCHEME**

**Research Proposal & Annotated Bibliography (5-6 pages) 20 % of Final Mark**

Due: November 1, 2012

**Research Paper (15 - 20 pages) 50 % of Final Mark**

Due: December 3, 2012

**Class Participation 30 % of Final Mark**

15% for group participation

15% for attendance and individual participation

The participation mark will be based on attendance, contribution to classroom discussion, quality of presentation of the material by both individuals and the group as a whole, group peer evaluations and evidence of reading course material and engagement (thinking about it) with that material.

**TEXTBOOK**

*LAWS 4800A Coursepack Available at the Carleton University Bookstore.*

*Selected Course Readings: in Course Pack also on Reserve at MacOdrum Library .*

*Speaking for Ourselves: Environmental Justice in Canada*, ed. By Julian Agyeman, et al. UBC Press, 2009 Available at the Carleton University Bookstore.

*Winning Back the Words: Confronting Experts in an Environmental Public Hearing*, Mary Richardson, Joan Sherman and Michael Gismondi, Garamond Press, Toronto, 1993, Available at the Carleton University Bookstore

**CLASS SCHEDULE**

1. September 6 Introduction
  2. September 13 Thematic Introduction: Meanings of justice in environmental regulation?
  3. September 20 The Environmental Justice Frame and the Relationship Between Environmental Problems and Social Justice
  4. September 27 Environmental Justice as Distribution of Risk [Group Presentation,]
  5. October 4 Issues in Environmental Justice: Eco-feminism [Group Presentation]
  6. October 11 Issues in Environmental Justice: Environmental Racism [Group Presentation]
  7. October 18 Issues in Environmental Justice: Environmental Justice and Aboriginal Peoples in Canada [Group Presentation]
  8. October 25 Legal Mobilization and the Struggle for Environmental Justice and Rights [Group Presentation]
  9. November 1 Struggles for recognition in the Context of Environmental Justice [Group Presentation]
  10. November 8 Contesting Scientific and Technical Claims in Environmental Hearings: Part 1 [Group Presentation]
  11. November 15 Contesting Claims in Environmental Hearings: Part 2 [Group Presentation]
  12. November 22 Environmental Justice in Practice: Justice in the Siting of Hazardous Waste Facilities in Canada and the United States
  13. November 29 TBA
- December 3 Final essay to be handed in my office or at C 473 Loeb (By 4:30 pm.)

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**SYLLABUS**

**2. Thematic Introduction: Two Models of Social Justice in the Context of the Environmental Regulation**

Patrick . Monahan, "Social Equity and Waste Management" in A. Greenbaum et al., *Social Conflict and Environmental Law* , Vol. 1, pp. 135-141

Iris Marion Young, "Justice and Hazardous Waste", Michael Bradie et al. eds., *The Applied Turn in Contemporary Philosophy*, Vol. 5, 1983, 171-183

**3. The Environmental Justice Frame & the Relationship Between Environmental Problems and Social Justice**

Stella Čapek, "The Environmental Justice Frame" (1992) *Social Problems*

Leith Deacon & Jamie , "Framing Environmental Inequity in Canada" in *Speaking for Ourselves: Environmental Justice in Canada* (UBC Press: Vancouver, 2009) pp. 181-202

Supplementary Reading

Giavanna Di Chiro, "Nature as Community: The Convergence of Environment and Social Justice" in William Cronon, ed., *Uncommon Ground: Rethinking the Human Place in Nature* (1995)

**4. Environmental Justice as Distribution of Risk**

S. Harris Ali, "The Political Economy of Environmental Inequality: The Social distribution of Environmental Injustice" in *Speaking for Ourselves: Environmental Justice in Canada* (UBC Press: Vancouver, 2009) pp. 97-110.

Roger Keil, Melissa Ollevier & Erica Tsang, "Why There is No Environmental Justice In Toronto? Or is There?" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 42- 63.

**5. Issues in Environmental Justice: Eco-feminism**

Robert R. M. Verchick, "In a Greener Voice: Feminist Theory and Environmental Justice" (1996) 19 *Harvard Women's Law Journal* 23

Barbra Rahder, "Invisible Sisters and Environmental Justice in Canada" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 81-96.

Supplementary Reading

Elaine Hughes, "Fish Wives and Other Tails: Ecofeminism and Environmental Law" In (1995) 8 *Canadian Journal of Women and the Law* 502

**6. Issues in Environmental Justice: Environmental Racism**

Howard McCurdy, "Africville: Environmental Racism" in *Faces of Environmental Racism: Confronting Issues of Global Justice*, Laura Westra & Peter S. Wenz, eds. (1995)

Beenash Jafri, "Rethinking "Green" Multicultural Strategies" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 219-232.

Supplementary Reading

Chapters by Lavelle & Coyle, LaDuke in R. Hofrichter, ed., *Toxic Struggles* (Supplemental Readings)

**7. Issues in Environmental Justice: Environmental Justice and Aboriginal Peoples in Canada**

John Borrows, "Living Between Water and Rocks: First nations, Environmental Planning and Democracy" (1997) 47 *University of Toronto Law Journal* 417

Sarah Fleisher Trainor *et al.*, "Environmental Injustice in the Far North: Persistent Organic Pollutants and Arctic Climate Impacts" in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 144-162

Anna J. Willow, "Clear-Cutting and Colonialism: The Ethnopolitical Dynamics of Indigenous Environmental Activism in Northwestern Ontario" in 56 *Ethnohistory*, winter 2009 pp 35-66.

**8. Legal Mobilization and the Struggle for Environmental Justice and Rights**

Michael McCann and Helena Silverstein, "Social Movements, Legal Mobilization and the Democratization of the State: Recent U. S. Experiences", Leo Panitch *et al.* eds., *A Different Kind of State*, 1993

Leonard J. Waks, "Environmental Claims and Citizen Rights" in (1996) 18 *Environmental Ethics* 133.

Robyn Eckersley, "Environmental Rights and Democracy" in Roger Keil *et al.*, eds., *Political Ecology: Global and Local*, (1998)

Supplementary Reading

Dinah Shelton, "Human Rights, Environmental Rights, and the Right to Environment" (1991) 28 *Stanford Journal of International Law* 103

James W. Nickel & Eduardo Viola, "Integrating Environmentalism and Human Rights", (1994) 16 *Environmental Ethics* 265 (Supplementary Reading)

Alexandre Kiss, "Concept and Possible Implications of a Right to Environment" in K. E. Mahoney and P. Mahoney, eds., *Human rights in the Twenty-first Century* at p. 551. (1993) (Supplementary Reading)

**9. Struggles for Recognition in the context of Environmental Justice**

David Schlosberg, (2003). "The Justice of Environmental Justice: Reconciling Equity, Recognition, and Participation in a Political Movement." In Andrew Light and Avner deShalit, eds., *Moral and Political Reasoning in Environmental Practice*. Cambridge, MA: MIT Press. Available as a (pdf) file at <http://web.me.com/dschlosberg/Site/Publications.html>

Chief Bernard Ominayak with Kevin Thomas, "These are Lubicon Lands: A first nation forced

to Step into the Regulatory Gap” in *Speaking for Ourselves: Environmental justice in Canada* (UBC Press: Vancouver, 2009) pp. 111-122

Supplementary reading

D. Schlosberg, “Reconceiving Environmental Justice: Global Movements and Political Theories.” 2004 *Environmental Politics* 13, No. 3: 517-540. Available as a ([pdf](#)) file at <http://web.me.com/dschlosberg/Site/Publications.html>

**10. Contesting Scientific and Technical Claims in Environmental Hearings: Part 1**

Mary Richardson et al., *Winning Back the Words: Confronting experts in public hearings*, Introduction and Chapters 1-4.

**11. Contesting Claims in Environmental Hearings: Part 2**

Mary Richardson et al., *Winning Back the Words: Confronting experts in public hearings*, Chapter 5 -end of book.

Joan Sherman and Michael Gismondi, “Jock Talk, Goldfish, Horse Logging and Star Wars”, (1996) 23 *Alternatives* 14.

Supplementary Reading

Brian Wynne, “Misunderstood Misunderstandings: Social Identities and Public Uptake of Science” in A. Irwin & B. Wynne, eds., *Misunderstanding Science?* (1996)

**12. Alternative Approaches to Environmental Justice in Practice**

Barry Rabe et al., “Alternatives to NIMBY Gridlock: Voluntary Approaches to Radioactive Waste Facility Siting in Canada and the United States”, (1995) 37 *Canadian Public Administration* 644

Christian Hunold, “Canada’s Low-Level Radioactive Waste Problem: Voluntarism Reconsidered”, (2002) *Environmental Politics* 11(2) pp. 49-72 Also available online at <http://www.tandfonline.com.proxy.library.carleton.ca/toc/fenp20/11/2>

Supplementary Reading

Robert W. Lake, “Volunteers, NIMBYs, and Environmental Justice: Dilemmas of Democratic Practice”, (1996) 28 *Antipode* 160

Daniel C. Wigley and Kristen Shrader-Frechette, “Consent, Equity, and Environmental Justice: A Louisiana Case Study” in *Faces of Environmental Racism: Confronting Issues of Global Justice*, Laura Westra & Peter S. Wenz, eds. (1995)