

## Course Outline

<b>COURSE:</b>	<b>LAWS 4800 A - Environmental and Social Justice</b>
<b>PREREQUISITES:</b>	<b>Fourth-year Honours standing</b>
<b>TERM:</b>	<b>Winter 2016</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday, 6pm-9pm</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Joel Harden</b>
<b>CONTACT:</b>	<b>Office: C442 Loeb Building</b>
	<b>Office Hrs: By appointment</b>
	<b>Email: Joel.Harden@carleton.ca</b>

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**Academic Accommodations**

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://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://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://carleton.ca/pmc/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://carleton.ca/equity/>

### ***Plagiarism***

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://www.carleton.ca/studentaffairs/academic-integrity/>

### ***Department Policy***

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

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### **Course Description**

The relationship between our “environment” and “social justice” conjures up an array of meanings, all of which reveal a disputed intellectual terrain. This course surveys that terrain, and attempts to identify key ideas, themes, actors, and strategies.

Most agree our environment faces several urgent crises, not the least of which is the pressing issue of climate change. The pursuit of “social justice” has long been proposed to seek a more prosperous and sustainable future. And yet, despite these claims, decision-makers (in the political and economic realms) are reluctant to pursue measures that challenge the global fossil fuels industry. At times, modest green strategies are pursued when research suggests more urgency is required. In other places, like the Canadian context, outright denial meets those posing green questions.

And yet, these trends have not gone unopposed. In recent years, a grassroots “environmental justice” movement has championed principles informed by those most impacted by environmental degradation: Indigenous (Aboriginal) Peoples, Southern nations, racialized groups, coastal areas, and women in these (and other) marginalized populations. This movement has challenged powerful adversaries, and impacted elite conversations. Some insist it has changed the nature of green activism itself, transcending divisions between “conservationist” environmentalism and others calling for more radical change.

Still, various perspectives clash around our “environment” and “social justice”, leading many to question the value of this perceived relationship in the first place, and the means by which to address key problems. How effective, for example, are judicial arenas for green activism? What is the role of green activism and social movements, and what are their contradictions?

Can (or should) green activism discuss colonialism, capitalism, patriarchy, racism, and other structural barriers to social justice? And what role can established left groups (e.g.: unions, political parties, or non-governmental organizations) offer in proposing green alternatives, torn as they are between existing power structures, and grassroots opposition to them?

Based on the active participation of seminar participants, we explore these and other questions in this course. Our collective experience, interest, and commitment will be crucial.

## EVALUATION\*

\* **Please note the following course policies:**

- **Late assignments or absence from class are not acceptable** without establishing a reasonable case for accommodation well ahead of time. In general, last minute requests for accommodation are discouraged; students are expected to ask for accommodations within the first few weeks of our work together.
- **Email communications:** In general, emails should be brief (i.e.: requiring a “yes” or “no” answer”). If your concern requires a more detailed response, you are expected to arrange a face-to-face meeting (either in person or online), as doing so will convey your commitment to our course. It is not reasonable to expect prompt replies to emails on weekends or during holiday periods.
- **Grade appeals:** Students are expected to request a face-to-face meeting with Professor Harden given any concerns with assessed grades. If this process is unsatisfactory, students can pursue a formal grade appeal (see: <https://carleton.ca/registrar/special-requests/appeal-of-grade/>).
- **Final grades:** Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

### 1) Class participation, 20% of your final mark.

Your grade for class participation is based on your active engagement in our learning process. Some may assume this requires speaking frequently in class, but that assumption is false.

Above all, we are interested in the quality of your contributions, not the quantity of them. We want you to engage in our learning process, and commit to active listening as others do the same. This means acknowledging other ideas, and contributing to a narrative of thoughtful discussion. Participation without reference to other claims (or course materials) is not helpful or persuasive.

On the other hand, being silent (or not present) for class discussions yields a similar outcome. Our world needs bold thinkers, and our campus is not insulated from this reality. Students who face challenges around shyness should speak to me about how they can offer effective class participation.

So what does effective participation look like? You are expected to actively listen to other ideas, and offer clear, persuasive opinions in class based on your written work. These will be expressed through a series of interactive exercises, involving work in both small and large groups.

### 2) Weekly written reflections (500 words), 40% of your final mark.

Due: noon the day before our class (submitted via cuLearn).

Starting with our week two readings, you will prepare written reflections on our course materials based on a question posed at the end of the previous class. For your final evaluation of this grade, you are entitled to drop your lowest three scores.

Here is more detail about our expectations for this work:

- a) A **thesis** (or “central argument”) is the crucial part of your reflection which must be established within your first paragraph. All too often, writers leave readers guessing about their own views, and rattle on citing evidence without reference to any coherent argument. They simply “present information”, and let readers draw their own conclusions. This is a style common to journalism, but it is not a useful approach to social science. Readers of social science are looking for information, but they want different perspectives on that information. Persuasive social science requires the writer to disclose their assumptions as the first step towards persuading others to share their analysis.
  - b) **Evidence** is the next crucial part of your reflection, something often given short shrift by writers who have not done sufficient research to support their thesis. It is not enough to have a strong argument, one needs supporting evidence that demonstrates a rigorous grasp of the issues at hand. This work must also be referenced in a style of your choosing (MLA, APA, Chicago School, or the “McGill Guide” commonly used in Carleton’s Department of Law and Legal Studies).
  - c) Once a writer has established a strong thesis, and summoned convincing evidence, the next task is to do something uncomfortable: to present the best objection to your thesis. This is called the **antithesis** (think of it a “counter-argument”), and it seems counterintuitive for most writers. At most levels of formal education, we are taught to admit little room for doubt and critical reflection in our writing. The goal, instead, is to appear confident, and that confidence (the theory goes) plays a role in convincing readers. In reality, however, pretending one’s thesis is invincible (when you know other persuasive opinions exist) invites trouble. What gets communicated to readers is not confidence, but narrow-mindedness. Powerful writing does not hide doubt — it wrestles with differing opinions, and struggles to formulate the most compelling answer. If this process makes you lose confidence in your original thesis, it’s time to change your argument.
  - d) Your **synthesis** (or “conclusion”) is the moment when your reflection returns to its original thesis having been tested against a tough antithesis. Most often this happens before a paper’s conclusion, or it forms a component of the conclusion itself.
- \* **Please note:** composing weekly reflections requires you to be focused, prepared, and committed to our learning each week. A letter grade will be assigned for each reflection, and your average mark over twelve weeks (starting at week two) will determine your grade for this aspect of your evaluation.

### 3) Class facilitation, 10% of your final mark.

From Weeks 1-3, you will see experience an array of facilitation techniques I use to encourage discussion of our course materials. From Week 4-12, I will rely on you to do the same in small groups.

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Learning how to foster vibrant debate is a key skill, one that will serve you well in your academic journey, and even your future professional exploits. Most presenters struggle with how to stimulate interest, and usually resort to some version of the powerpoint, “TED talk strategy”.

Research suggests that while that approach can work, it pales in comparison to presentation methods that engage and involve participants through a variety of methods. With that in mind, I encourage you to meet with me about your group’s strategy for facilitating class discussion.

Above all, be creative in what you prepare for us; assume we are familiar with course materials, and curious about their relationship to other issues. Consider what those are, and what facilitation techniques can stimulate rich conversations about them.

### **4) Take home exam, 30% of your final mark.**

Assigned: April 5, 2016; due: April 23, 2016.

Our take-home exam invites you to reflect on several of our key course themes. A certain degree of choice will be available, but you will be expected to demonstrate a mastery of overarching narratives in this syllabus. A comparative analysis of different cases will also be important.

## **COURSE TEXT**

*Speaking for Ourselves: Environmental Justice in Canada*, ed. By Julian Agyeman, et al. (Vancouver: UBC Press, 2009).

- **Please note:** this text are available at Octopus Books (116 Third Avenue in the “Glebe”). Any additional readings are online at [www.joelharden.org](http://www.joelharden.org).

## **SYLLABUS\***

**\*Winter Break is February 15 – 19, 2016: No classes.**

### **1. Getting to know “us”**

### **2. Perspectives on “Environment” and “Social Justice”**

Eliza Griswold, “How Silent Spring Ignited the Environmental Movement”. *The New York Times* (September 21, 2012).

Amy Goodman and Naomi Klein, “Capitalism vs. the Climate: Naomi Klein on the Need for New Economic Model to Address Ecological Crisis”, *Democracy Now!* (September 18, 2014).

Mark Jaccard, “I Wished This Changed Everything: Is a Radical Economic Overhaul our Best Hope to Save the Climate?”, *Literary Review of Canada* (November 2014).

### **3. Perspectives on “Environment” and “Social Justice”**

Speeches, documents from COP 21 proceedings (TBD).

Brian Lee Crowley, “Energy East has Benefits: Just Not the Ones Many People Think”, *The Globe and Mail* (November 28, 2014).

Robert Lovelace, "Notes from Prison: Protecting Algonquin Lands from Uranium Mining" in *Speaking for Ourselves: Environmental Justice in Canada*. UBC Press: Vancouver, 2009.

#### **4. Environmental Justice – Global Implications**

Film review and discussion: *The Island President*.

#### **5. Issues in Environmental Justice: Environmental Justice and Aboriginal Peoples in Canada**

Pam Palmater, "Feathers Versus Guns: The Throne Speech and Canada's War with the Mi'kmaw Nation", *Rabble.ca*. October 18, 2013.

Sarah Fleisher Trainor *et al.*, "Environmental Injustice in the Far North: Persistent Organic Pollutants and Arctic Climate Impacts" in *Speaking for Ourselves*.

Deborah McGregor, "Honouring Our Relations: An Anishnaabe Perspective on Environmental Justice", *Speaking for Ourselves*.

Joel Harden, *Quiet No More*, pp. 70-83.

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

Howard McCurdy, "Africville: Environmental Racism" in Laura Westra & Peter S. Wenz, eds., *Faces of Environmental Racism: Confronting Issues of Global Justice*. Toronto: Rowman and Littlefield, 2001.

Robert Bullard, "Introduction", and "Environmental Justice for All" in Robert Bullard, ed., *Unequal Protection: Environmental Justice and Communities of Colour*. San Francisco: Sierra Club Books, 1993.

Beenash Jafri, "Rethinking 'Green' Multicultural Strategies" in *Speaking for Ourselves*.

#### **7. Issues in Environmental Justice: Ecofeminism**

Barbra Rahder, "Invisible Sisters and Environmental Justice in Canada" in *Speaking for Ourselves*.

Mary Mellor, "Towards a Feminist Green Socialism" in Carolyn Merchant, ed., *Ecology: Key Concepts in Critical Theory* Second Edition. Amherst, NY: Humanity Books, 2008.

#### **8. Legal Mobilization and Environmental Justice**

Dayna Nadine Scott, "Body Polluted: Questions of Scale, Gender, and Remedy", Occasional CLPE Research Paper No. 21. Toronto: Osgoode Hall Law School, 2010.

Ramani Nadarajah and Renee Griffin, "The Failure of Defamation Law to Safeguard Against SLAPPs in Ontario" *Review of European Community and International Environmental Law* 19: 1. 2010.

#### **9. Struggles for Recognition in the Context of Environmental Justice**

Chief Bernard Ominayak with Kevin Thomas, "These are Lubicon Lands: A First Nation Forced to Step into the Regulatory Gap" in *Speaking for Ourselves*.

**10-11. The Case For (and Against) the 'Energy East' Pipeline**

Course materials are available at [www.joelharden.org](http://www.joelharden.org)

**12. Seeking Environmental Justice: Controversies and Debates**

Reflections on COP21 and green movements (TBA).

Sharmeen Khan, "Just Environmentalism? An Interview With Clayton Thomas Muller" *Upping the Anti* 7 (2009).

Henia Belalia, "Is Professional Activism Getting in the Way of Real Change?", *Alternate* (October 29, 2013).

\* **Note:** take-home exam is assigned.