

Course Outline

COURSE: LAWS 4800A - Environment and Social Justice
PREREQUISITES: Fourth-year Honours standing
TERM: Fall 2018
CLASS: Day & Time: Friday, 11:35m - 2:25pm
Room: Please check Carleton Central for current room location
INSTRUCTOR: Professor Peter Swan
CONTACT: Office: LA D590 (Loeb Building)
Office Hrs: Tuesday 1:00-3:00 pm
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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: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or 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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

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/>

COURSE CALENDAR DESCRIPTION

The potential of environmental law to protect the environment and people while promoting opportunities for informed participation in environmental decision making by groups traditionally excluded from these processes; contemporary issues of social justice raised by legal regulation of the environment

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.

SYLLABUS**1 Course Introduction:****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 (Source book)

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

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

Stella Čapek, "The Environmental Justice Frame" (1992) *Social Problems* (pp. 5-24)

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

Supplementary Reading which may be useful for paper topics

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- 88

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) PP. 75-92 (Sourcebook)

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

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* pp 417 -468 (Sourcebook)

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

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

8. The Role of Rights and the Struggle for Recognition in the Context Environmental Justice:

Robyn Eckersley, "Environmental Rights and Democracy" in Roger Keil *et al.*, eds., *Political Ecology: Global and Local*, (1998) pp. 353-376.

Schlosberg, David (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.

Supplemental Reading: 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 (pp 131-143

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. 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.

10. 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)

11. The Role of Traditional Aboriginal Knowledge in Environmental Justice

Deborah McGregor, Linking Traditional Knowledge and Environmental Practice in Ontario, 43 *Journal of Canadian Studies* No 3 Fall 2009, pp.69-100