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: February 28, 2011

Research Paper (15 - 20 pages) 50 % of Final Mark
Due: April 4, 2011

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.
REQUIRED TEXTBOOKS

1. LAWS 4800A Coursepack

Both are available at the Carleton University Bookstore.

CLASS SCHEDULE

1. January 3  Introduction
2. January 10 Thematic Introduction: Meanings of justice in the context of environmental regulation?
3. January 17 The Environmental Justice Frame & the Relationship Between Environmental Problems and Social Justice
4. January 24 Environmental Justice as Distribution of Risk [Class Presentation.]
5. January 31 Issues in Environmental Justice: Eco-feminism [Class Presentation]
6. February 7 Issues in Environmental Justice: Environmental Racism [Class Presentation]
7. February 14 Issues in Environmental Justice: Environmental Justice and Aboriginal Peoples in C [Class Presentation]
8. February 28 Legal Mobilization and the Struggle for Environmental Justice and Rights [Class Presentation]
9. March 7 Struggles for recognition in the Context of Environmental Justice[Class Presentation]
10. March 14 Contesting Scientific and Technical Claims in Environmental Hearings: Part 1
11. March 21 Contesting Claims in Environmental Hearings: Part 2

April 4 Final essay to be handed in 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


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

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

Supplementary Reading

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


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


**Supplementary Reading**


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


**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


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


**Supplementary Reading**


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**


   Supplementary reading


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.


    Supplementary Reading


12. **Environmental Justice in Practice**


    Supplementary Reading