Law and the Environment: Rights and Resources

Legal Studies, Topics Seminar 400-017, Spring 2012

9:30 – 10:45 a.m., Tues.-Thur., Soc. Sci. 6102
Office Hours: 4:00-5:30 p.m., Tues.-Thur., Social Sciences 7131, and by appointment.

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Description: This class explores the burgeoning field of environmental studies through a focus on the historical development of legal rights in land and natural resources. We will begin by surveying the English and European background to American environmental traditions, and then trace Americans’ changing attitudes and ways of interacting with the natural world from colonial times to the twentieth century. The final part of the course will consider the development of international environmental law. While law shapes how people interact with the natural world, this course will also examine how law is itself conditioned and affected by its environmental context.

Attendance: You are allowed TWO ‘free’ absences, which will not impact your grade. You do not earn points just for attending class, as this is expected, but after the two allowed absences, each additional absence will reduce your grade by 5%, up to a maximum of three additional absences, or 15% of your grade. With a total of six absences (four in addition to the allowed two), you will lose the entire 20% of the grade that reflects attendance and participation and thus will receive a failing grade for the course. Valid excuses are limited to university-recognized religious observances and for well-documented major illnesses or emergencies in the immediate family.

Participation: Everyone should try to speak in every class, and I will also try to call on students who do not seize the opportunity to speak up frequently. But quality of contribution counts more than quantity. Quality contributions are, ideally, clear and precise, while showing that you have understood the readings and that you are asking good critical questions about them (for this kind of question, see the writing guide by Patrick Rael linked from the History Department’s “Writing History” page, available at: http://www.bowdoin.edu/writing-guides/, sections 3c and 3d, on “How to Ask Good Questions,” and “What makes a Question Good?”). Good seminar participation also means that you listen to others and try to engage seriously but respectfully in the lively conversation that we hope to generate.

Computers and Electronic Devices: Due to the potential for distraction, these devices may not be used in class for most class activities, including taking notes. The only exceptions are for students with documented disabilities and usage for access to electronic versions of assigned readings during class discussions of those readings. Any usage for purposes outside these parameters and/or not pertaining to class will result in a loss of this privilege.

Grades: 20% each for the first two papers; 40% for the third paper; and 20% for participation.

Three Essays: Topics and instructions will be given approximately two weeks before the due dates. The first two essays will be 6-7 pages and will be based on the assigned readings; the third will be 8-10 pages, will include a research component, and will be turned in as a take-home final exam. Essays will be turned
in both as paper copies in class, and as electronic copies to an anti-plagiarism website. Late papers will be marked down one grade per day late.

**Accommodations**: If you need accommodations due to any disability, please let me know within the first two weeks of class, i.e. by Feb. 2. In order to maintain confidentiality, please let me know by coming to my office hours or by emailing me to arrange a meeting. You will need to provide documentation from the McBurney Disability Resource Center, 702 West Johnson St., Suite 2104, tel. 608-263-2741, email: mcburney@studentlife.wisc.edu.

**Academic Honesty**: Your written work must reflect your own ideas, and where you draw on others’ words or ideas you need to indicate this clearly with proper quotations and citations. As the UW website explains, “plagiarism means presenting the words or ideas of others without giving credit. You should know the principles of plagiarism and the correct rules for citing sources….” For this quotation and more information, see: http://students.wisc.edu/saja/misconduct/UWS14.html#overview. As this website notes, “if you are unsure about the proper ways to give credit to sources, ask your instructor or consult the Writing Center at 6171 Helen C. White Hall (phone: 608/263-1992, e-mail: writing@wisc.edu). For a copy of their handout ‘Acknowledging, Paraphrasing, and Quoting Sources,’ please download: http://writing.wisc.edu/Handbook/Acknowledging_Sources.pdf.

**Reading Assignments and Responses**: Unless otherwise announced in class, all reading assignments for each week should be completed by Tuesday’s class. Most of the assignments are in the four required texts listed below; other assignments will be available on reserve at College Library and/or will be provided as handouts. You should read each weekly assignment carefully, take notes, and prepare a short summary of, response to, and critical questions provoked by the readings as a basis for class discussion (1-2 pages, handwritten or typed). I will not collect your responses most weeks, but I may do so occasionally; if you are having difficulties, looking at your response may help to find ways to improve.

**Textbooks.** You need to purchase these four books in the editions listed here, which are available through the UW Bookstore (http://text.uwbookstore.com/home.aspx). They are also on reserve at College Library.


SCHEDULE

Week 1, Jan. 24-26. Introduction: Governance, Landownership, and the Commons.
   - Handout: Sample of Medieval English Laws on Forests and Commons.
   - Elinor Ostrom, Governing the Commons, ch. 1, pp. 1-8; and ch. 3, pp. 58-102.

Week 2, Jan. 31-Feb. 2. Traditional Agroecosystems: Commons and Medieval Open Fields.
   - W. O. Ault, Open-Field Farming, 15-78; browse documents (pick 3 to discuss).
   - Neeson, Commoners, introduction, pp. 1-14.

   - Neeson, Commoners, ch. 1, pp. 15-34 (and skim the rest to p. 52); ch. 2-3, pp. 55-109.

   - Neeson, Commoners, ch. 5-6, pp. 110-84; ch. 10, pp. 297-330.

Week 5, Feb. 21-23. Colonial America.
   - First Essay Due: Feb. 21.
   - William Cronon, Changes in the Land, ch. 4, pp. 54-81.

Week 6, Feb. 28-March 1. From Colonies to the Constitution and National Expansion.
   - Cronon, Changes in the Land, ch. 7, pp. 127-56.
   - Andrews, Managing the Environment, ch. 1, pp. 10-11; ch. 4-5, pp. 51-93.

Week 7, March 6-8. The Beginnings of Scientific Management and Modern Conservation.
   - Andrews, Managing the Environment, ch. 6-7, pp. 94-135.
   - Ronald Zupko and Robert Laures, Straws in the Wind, ch. 2, pp. 25-42.

   - Jacoby, Crimes Against Nature, ch. 2-4, pp. 29-78.

   - Andrews, Managing the Environment, ch. 9, pp. 154-78.
   - Jacoby, Crimes Against Nature, ch. 5-6, pp. 81-146.

Week 10, March 27-29. Memory, Myth, and National Parks.
   - Jacoby, Crimes Against Nature, ch. 7-8 and epilogue, pp. 149-98.
   - Second Essay Due: March 29.
**Spring Break, March 31 – April 8.**

Week 11, April 10-12. Postwar Growth and Modern Environmentalism.

Week 12, April 17-19. Environmental Protection and Reaction.


Week 15, May 8-10. Is Global Environmental Governance Possible?

**Final Exam: Thursday, May 17, 2:45 – 4:45 p.m.**