Law and the Environment: Rights and Resources

Legal Studies, Topics Seminar 400-017, Spring 2013

11:00 a.m. – 12:15 p.m., Tues.-Thur., Soc. Sci. 6116    Richard Keyser, rkeyser@wisc.edu
Office Hours: 12:30-1:30 p.m., Tues.-Thur., Social Sciences 7131, and by appointment.

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 American and international 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.

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 negatively impact your grade. 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 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; 30% for the third paper; 15% for the final exam; and 15% 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 due on the last day of classes. 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 Jan. 31. 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.


A fifth book that we will use is out of print, and thus is only ‘recommended.’ However, you may be able to find cheap used copies online, and if so, please do order: Warren O. Ault, Open-Field Farming in Medieval England: A Study of Village By-Laws (New York: Barnes and Noble, 1972).

SCHEDULE

Week 1, Jan. 22-24. Introduction: Governance, Landownership, and the Commons.

- Begin Early English Laws (handout): Charter of the Forest (at: http://info.sjc.ox.ac.uk/forests/Carta.htm); Statute of Merton (cl. 4); and Statute of Westminster, 1285 (cl. 46-47).

- Elinor Ostrom, Governing the Commons, ch. 1, pp. 1-8; and ch. 3, pp. 58-102.
- Early English Laws: Charter of the Forest (at: http://info.sjc.ox.ac.uk/forests/Carta.htm); Statute of Merton (cl. 4); and Statute of Westminster, 1285 (cl. 46-47).

Week 3, Feb. 5-7. Traditional Agro-ecosystems: Open Fields.
- W. O. Ault, Open-Field Farming, pp. 15-78; browse documents.

Week 4, Feb. 12-14. Enclosure: The End of Common Rights?
- Property readings.


- Andrews, Managing the Environment, ch. 4, pp. 51-7; ch. 5, pp. 71-93.

Week 7, March 5-7. The Beginnings of Scientific Management.
- Andrews, Managing the Environment, ch. 6-7, pp. 94-135.


- Totman, Green Archipelago, ch. 7 and conclusion, pp. 149-90.
- Second Essay Due: March 21.


Week 10, April 2-4. The New Deal and National Parks.
- Andrews, Managing the Environment, ch. 9, pp. 154-78.
- Discuss research projects.
Week 11, April 9-11. Postwar Growth and Modern Environmentalism.

Week 12, April 16-18. Environmental Protection and Reaction.


   - Axelrod, Global Environment, ch. 4-5, pp. 70-110.

Week 15, May 7-9. Is Global Environmental Governance Possible?
   - Axelrod, Global Environment, ch. 6, pp. 111-31; and ch. 9, pp. 172-91.
   - Research Paper Due: May 9.

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