

COURSE	LAW 328 Green Legal Theory
UNIT VALUE	1.5 Units (3 hours of instruction per week)
INSTRUCTOR	Mark Zion
TERM OFFERED	Spring 2022
CLASS TIMES	See Schedule
PREREQUISITES/COREQUISITES	None

COURSE DESCRIPTION

Green Legal Theory (GLT) is an exciting new approach that sees the law as embedded within a wider social, political, economic, cultural, and ecological context. Going beyond the subfield of environmental law, GLT is a collaborative and interdisciplinary approach that develops a particular picture of law's operation in society with attention to questions of temporality and spatial scale, up to the planetary level. Although GLT and environmental law confront some of the same key problems of our time, such as climate change, the way these problems are engaged differs. If environmental law asks how the law might be reformed to combat climate change more effectively, GLT asks about the conditions of possibility for such action. It also evaluates how the law is already bound up with economic and cultural processes that produce not only climate change, but a host of problems that range from species extinction to environmental racism. These are some of the urgent problems of our present epoch, which is often called 'the Anthropocene,' a name that we will critically investigate together. Shifting from 'law reform' to GLT, this course aims to raise vital questions that are difficult to articulate within the framework of everyday environmental law. These questions will have implications for various projects of collective social transformation, but perhaps most importantly, they invite us to reflect on the dominant discourses around us, as well as on our own commitments, and how they may be challenged and rearranged over time.

COURSE STRUCTURE

This course will unfold in four parts. In Part I, we will gain a preliminary understanding of what exactly GLT is. We will explore law's relation to 'theory,' which will help to 'denaturalize' some common assumptions about both law and theory. By the fourth seminar, the coordinates of GLT will be clear. In the next three parts, we will slow down, carefully interrogating each of the three key words, "Green," "Legal," and "Theory," but not in that sequence. In this way, we will perform theory, attending to language and philology (the historical life of words) in order to multiply meanings and broaden our perspective. Part II, Theory, will cast theory as a path that a thinker actively constructs, and one oriented to fundamental questions, which may otherwise escape careful scrutiny. Part III, Green, will use colour as a lens through which to pose key questions of ecology, environmental justice, and eco-politics; it will engage with cutting edge ecological thought (e.g. Donna Haraway, Rob Nixon, and Liz Povinelli). Part IV, Legal, will return to law in itself, but with fresh eyes: how does law relate to implicated domains such as 'society,' 'economy' and 'politics?' It will then explore law's relation to land, including two recent controversial legal cases involving Indigenous 'reconciliation,' before considering law's relation to ocean management. Next, we will turn to some leading contemporary approaches to law and ecology. Finally, we will gather the various strands in the course, reflect on our initial questions, and consider possible future directions for GLT.

METHODOLOGY

We will use a combination of lecture, small group discussion, and group work. Our Brightspace page will include links to all required readings, as well as to relevant optional video lectures from renowned theorists. No 'theory' background will be presumed; because some of the readings use a vocabulary that may be unfamiliar at times, I will make some introductory remarks, especially toward the beginning of the semester, drawing out key elements, and opening space for discussion. However, students are expected to have grappled carefully with the material in advance, and most of our time will be spent in more collaborative formats. We may have one or two guest presentations.

EXPECTED EVALUATION

Most of the evaluation will be in the form of *either* a major paper (20-25 pages) *or* four short papers throughout the semester with the same total page count. Later papers will be longer than earlier ones, and will be worth more, but page ranges will be somewhat flexible. The remainder of the evaluation will consist of participation and a regular "Quotation, Comment, and Question" short assignment in relation to the readings. Students will have the option to offer a presentation.

¹ The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services (lawmaass@uvic.ca).