

“Green Paradigms and the Law”

Book Squib*

[Nicole Rogers (ed), *Green Paradigms and the Law*, Southern Cross University Press, 1998, pp.189 inc. index, RRP \$A.35.00 (softcover only), ISBN 1 86384 430 9]

Green Paradigms and the Law is the second monograph to be published by the School of Law and Justice, Southern Cross University. Released in 1998 as a collection of refereed academic articles and personal observations of frontline forest activists, it is a thought provoking examination of the various paradigms which constitute the conservation movement in Australia today.

Geoffrey W G Leane opens with an intriguing analysis of liberalism as the ideology underpinning our political and economic base, and consequently, our environmental law. Leane argues that environmental law has been constructed within a development law paradigm that, having its roots in liberal legalism, prioritises wealth maximisation and allocative efficiency. Instead of proposing that the existing development paradigm be immediately replaced by a new environmental paradigm, Leane suggests that we first recognise the role of the deep structure of liberal ideology in our continued subordination of environmental values to development. We will then be better equipped to proceed.

Bernard Dunne's article deals with the historical significance and political potential of Environmental Impact Assessment legislation. Dunne examines the critical theoretical challenges to the viability and effectiveness of procedural forms of law such as EIA, and discusses the need for forums that can regulate the development culture environmentally. General social and environmental theories are considered, with the concluding section focusing on the incoherent and totalitarian aspects of particular forms of environmental theory.

The general theme in Lee Godden's paper is that the economic rationalist mind set must be replaced if justice for the environment is to succeed. Limitations to the adoption of a 'rights based' philosophy are discussed along with a concept that Utilitarianism, in association with ecologically sustainable

development, may afford a more readily acceptable alternative to the public than 'absolute' (deep ecological) protection of the environment.

International environmental law is the focus of the chapter by Gary D Meyer. Meyer provides an overview of this area, and suggests that international environmental agreements may be categorised into a number of overlapping models. Constraints that affect the implementation of the agreements are discussed, with the conclusion that with the effects of increased globalisation, the context of international relations must change.

Biodiversity conservation is the important subject of Freya Dawson's contribution to *Green Paradigms and the Law*. She provides an informative presentation of the value currently placed upon biodiversity by Australian law, policy and science. The level of scientific information that is publicly available regarding global and ecosystem biodiversity is discussed, and vital philosophical questions are posed. Dawson argues that we need to attain consensus in our attitudes to biodiversity and the value we place on it. She suggests that Indigenous knowledge provides us with a vast wealth which we would be wise to draw on in this regard.

"How Green is My Backyard?" is the catching title to Karla Sperling's review of the multitude of inquiries, reports, strategies and policies that go to the development of urban planning. Vehicle emissions and the planning and transport strategies of New South Wales are covered, as are the 1995 amendments to the *State Owned Corporations Act 1989* (NSW) that included the incorporation of ecologically sustainable development principles into legislation. Sperling suggests that by placing the emphasis on planning as a mechanism to achieve sustainability instead of development the result will be that settlement patterns will be less car dependent and housing designs will become more energy efficient.

The editor of this monograph, Nicole Rogers, wrote the final chapter in Part One, entitled "Law, Order and Green Extremists". The actions of North East Forest Alliance (NEFA) in their successful Chaelundi Forest campaign and the 1992 siege of the Forestry Commission headquarters are analysed, along with the reaction to NEFA's insistence on the legality of its conduct. The paper leads us into Part Two of the book, where seventeen 'green activists' give their accounts of their experiences in the forests, the Sydney Forestry Commission

offices siege and the effect their participation had on them personally.

In conclusion, *Green Paradigms and the Law* is a well written and useful text for students of environmental law, as well as those interested in the subject generally. The inclusion of the activists experiences brings a sense of reality and immediacy into the discourse that is lost in some works. Overall, the book does present alternative environmental theories in a manner that allows comparison and as such, is a worthy addition to an activist's, an environmentalist's or a lawyer's library.

* Mark Anderson

B.Bus/LLB Student, Southern Cross University.