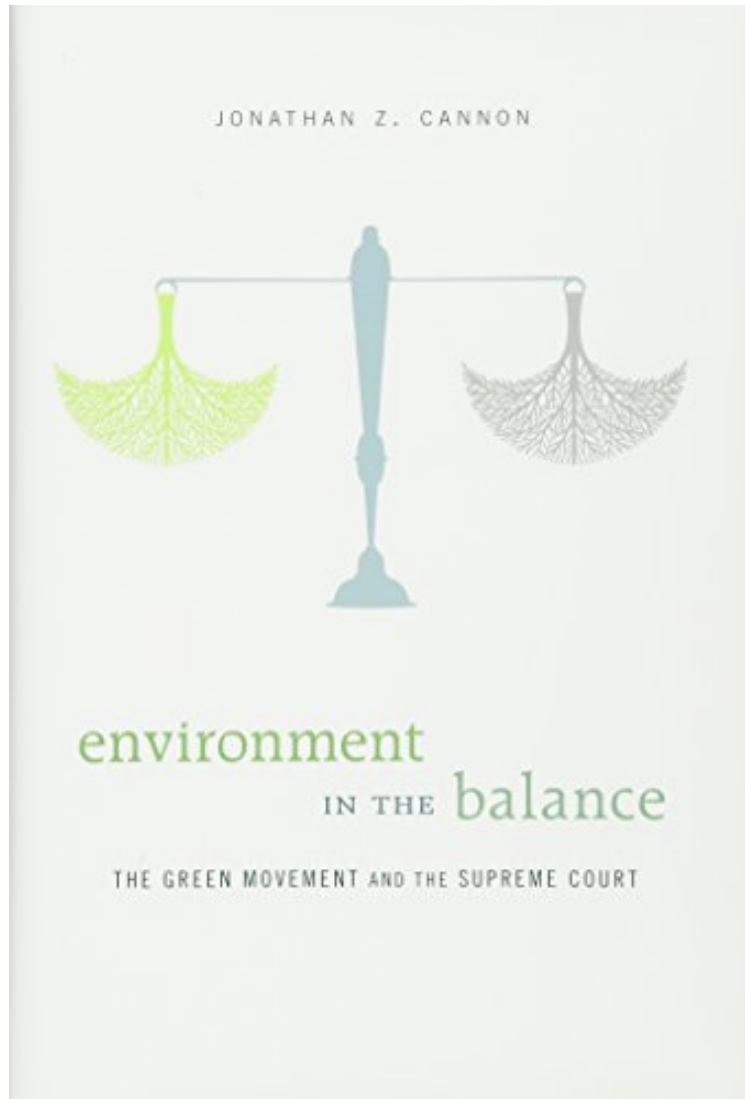


(Read now) Environment in the Balance: The Green Movement and the Supreme Court

Environment in the Balance: The Green Movement and the Supreme Court

Jonathan Z. Cannon

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Jonathan Z. Cannon : Environment in the Balance: The Green Movement and the Supreme Court before purchasing it in order to gage whether or not it would be worth my time, and all praised Environment in the Balance: The Green Movement and the Supreme Court:

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attitudes of the environmental movement itself.. Fascinating from start to finish from the standpoint of both environmentalists and the legal profession.0 of 0 people found the following review helpful. Five StarsBy jlr2009Excellent book on environmental law. Impossible to not understand what is aftee this book1 of 1 people found the following review helpful. Great bookBy John LamoreuxThis book is ostensibly about the major environmental cases decided by the Supreme Court from the early 1970s onward. However, the reader quickly learns that the author is concerned with more than the decisions in and of themselves. He is interested in the interplay between how the environment is viewed by society and how justices are influenced by the culture around them. There is a constant struggle between individualists that lean towards mastery over nature and those who support an ecological view of the world as being a complex web of cause and effect. The divide between conservative and liberal justices is a standard way to look at how cases are decided, but Cannon shows that such a simple split is insufficient to explain the occasional pro-environment decisions written by conservative justices or the lack of support for pro-environment causes by liberal justices. In short, there is more at stake in the struggle Cannon sets out to explore.Forty years ago, the environmental movement kicked into high gear and at the same time Congress produced a number of sweeping bills to protect the environment that were signed into law. However, these laws clashed at times not only with the dominant culture, but also with traditional ways in which the courts conduct business. One area in which this clash is most apparent is over the question of who has standing, or the right to bring a case before the court. If Congress says that any citizen can bring a suit to force government agencies to comply with a particular law, can they? The courts traditionally have only recognized injured parties as being able to bring suits. The struggle within the Court on this issue and others is not settled by a single decision. Rather there can be several major decisions and a series of readjustments around such matters. Both support for and against environmental positions require creative interpretation on the part of the justices. Maintaining strict tradition where the law remains rigid and unable to evolve often is a position that is often supported by what has come before, but then the law has always evolved along with shifts in culture. Cannon does an excellent job at laying out the issue of standing (and others: efficiency, federalism, private property) in context of the relevant Court decisions.The author depicts the environmental movement in the US as being in the doldrums. It now faces a determined opposition and an often skeptical Court. The movement has aged and instead of aiming for societal transformation it appears to be fighting to maintain provisions of the Clean Water Act, Endangered Species Act, and Clean Air Act. Cannon sees the spectre of climate change as a new front in the battle over the environment. The magnitude of the problem requires solutions that will not fit traditional legal frameworks. In a major victory for environmentalists, *Massachusetts vs. EPA*, the Court decided that the EPA could regulate greenhouse gases under the Clean Air Act. This was landmark decision, but from reading this book it seems likely to be only the first round when it comes to climate change.Overall the author makes the job of writing look easy and this is no small feat. If you have every watched a master chef chopping vegetables or a professional athlete warming up for a big game, you know that easy-looking takes a lot of hard work. *Environment in the Balance* is painstakingly researched, yet masterfully written such that the author conveys a large amount of information while still making the book accessible to the non-professional. Equally laudable is the fact that while the author supports the environmental movement, he is careful not to let this cloud his work. Nothing bugs this reader more than authors who force the facts to fit their model or those that cherry pick examples in support of a single argument. Cannon gracefully passes over such pitfalls, allowing a clearer picture of the Courts decisions and the shape of the environmental movement as it goes forward.

The first Earth Day in 1970 marked environmentalisms coming-of-age in the United States. More than four decades later, does the green movement remain a transformative force in American life? Presenting a new account from a legal perspective, *Environment in the Balance* interprets a wide range of U.S. Supreme Court decisions, along with social science research and the literature of the movement, to gauge the practical and cultural impact of environmentalism and its future prospects.Jonathan Z. Cannon demonstrates that from the 1960s onward, the Courts rulings on such legal issues as federalism, landowners rights, standing, and the scope of regulatory authority have reflected deep-seated cultural differences brought out by the mass movement to protect the environment. In the early years, environmentalists won some important victories, such as the Supreme Courts 1973 decision allowing them to sue against barriers to recycling. But over time the Court has become more skeptical of their claims and more solicitous of values embodied in private property rights, technological mastery and economic growth, and limited government.Today, facing the looming threat of global warming, environmentalists struggle to break through a cultural stalemate that threatens their goals. Cannon describes the current ferment in the movement, and chronicles efforts to broaden its cultural appeal while staying connected to its historical roots, and to ideas of nature that have been the source of its distinctive energy and purpose.

Relying mainly on seminal Supreme Court cases, Cannon discusses environmental law in a way that enables general readers to follow and understand the reasoning but includes plenty of footnotes for advanced readers This book will make a great resource for environmental, constitutional, or administrative law students at graduate or undergraduate

levels. (J. M. Keller Choice 2015-10-01)An outstanding and important book. Cannon approaches environmental law as both legal expert and humanist, seeking always the broad cultural context in which to view the Supreme Courts uncertain ecological jurisprudence. He is an intent and perceptive reader of the Courts decisions and what goes into them. He is also a fluent and convincing writer. Environment in the Balance will be widely read and largely influential. (Peter Brooks, Princeton University)Highly persuasive and insightful. Cannon reveals how the Supreme Courts opinions reflect a larger culture war over environmentalism in American society. The scope and depth of his analysis is remarkable, and it allows him to offer a series of lessons for environmentalists hoping to meet the challenges of the future. (Daniel Farber, University of California, Berkeley)About the AuthorJonathan Z. Cannon is Blaine T. Phillips Distinguished Professor of Environmental Law and Director of the Environmental and Land Use Law Program at the University of Virginia School of Law.