

Jo Goodie

The Emergence of the Environment as a Legal Subject

Law has established itself as a discipline through the assertion of distinctly legal forms of thinking and practice, compartmentalized into established doctrine with clearly defined parameters (Laster, 2001: 219). Legal commentary tends to focus on the practical engagement of a particular area of law with the problems that law is designed to regulate or determine. There is little, if any, reflection within legal commentary itself on the discursive conditions through which both the legal problem and the law which it addresses have been constituted.

Much modern knowledge and understanding regarding the environment developed in part from the specialisation of scientific discourse and experiment, which formed certain areas of expertise, including biology, geography, ecology and epidemiology. The natural world was redefined by the systematic “study of populations and communities as a whole in relation to one another and to the environment” (Boughey 1971: 5). Modern ecology and associated technologies have facilitated the detailed mapping and auditing of physical environments and have profoundly effected our modern appreciation of ‘the environment’ as a dynamic and potentially fragile web of interdependent physical zones, spaces and activities.

Through an examination of the manner by which understanding of environmental forces developed by the life sciences has been taken up and developed simultaneously with an aesthetic and ethical appreciation of nature, the project will consider how the environment emerged as problematic and how it came to be a subject of legal interest and governance. My project is not simply to consider the role ‘expert’ knowledges play in the resolution of legal disputes over the environment, but to consider the specific role and influence of knowledge and practices from the non-legal domain, in the legal problematization of the environment (Valverde, Levi and Moore, 2005: 93).

Jo Goodie
Law School
Murdoch University
Perth WA 6150