

REVIEWS/COMPTES RENDUS

ENVIRONMENT ON TRIAL: A HANDBOOK OF ENVIRONMENTAL LAW, edited by David Estrin and John Swaigen (revised and expanded by Mary Anne Carswell and John Swaigen). Canadian Environmental Law Research Foundation and The Macmillan Company of Canada Limited, Toronto, 1978; xiii + 587 pp., index, refs. \$6.95 paper.

The book under consideration is the second edition of a publication which first appeared in 1974. The subtitle of the first edition was "A citizen's guide to environmental law", and this is still a good description of the book's contents. The second edition, however, differs considerably from its predecessor: it has been rewritten and updated; it now includes both a subject and a statute index; it is printed on larger pages; and it has increased in length.

The new version is divided into five major sections plus appendices. The first section, entitled "Understanding Your Rights", describes the Canadian legal system and the Ontario Environmental Assessment Act and makes suggestions concerning ways in which concerned citizens and pressure groups can employ the legal system to further the cause of environmental quality. This section is much longer than previously.

The second section is devoted to pollution problems and includes materials on air, noise, water, pits and quarries, waste management, visual blight, pesticides and radiation. It is very similar to the original version.

Part Three is primarily concerned with the planning process and provides information on legal aspects of land use, plus new sections on heritage conservation and the right to light and air.

The fourth section, entitled "Strategies for Action", offers suggestions for the selection of appropriate legal remedies for environmental problems, and discusses the acceptability of different types of evidence in environmental litigation. The section on "How to Wage a Campaign", which was formerly in this part of the book, has been moved to Part One.

The final section of the book proposes the establishment of a Canadian Environmental Bill of Rights and sees this as "the only way the public will secure the protection and conservation of the natural environment." It is suggested that the Michigan Environmental Act might, with some modifications, provide a model for Ontario.

Environment on Trial takes a broad view of environmental issues and discusses legislation which is specifically directed to environmental concerns as well as that which has an indirect effect upon the environment. The book is comprehensive, well-written, surprisingly free of jargon, and provides a glossary to explain the relatively few, necessary legal terms which are employed.

Environmental legislation and litigation have continued to evolve since 1974 and the publication of the second edition has enabled the editors to update the contents. In particular, recent environmental law cases are discussed and new statutes are examined, including the federal Environmental Contaminants Act (1974), the Ontario Environmental Assessment Act (1975), the Motorized Snow Vehicle Act (1974), the proposed Nuclear Control Act (Bill C-14), and the Canada Parks Act (Bill C-6).

The volume is based on the premises that public support of existing environmental protection mechanisms is essential to their successful implementation and that citizens must participate in the decision-making process. An activist approach is adopted, one which encourages the readers to become involved and to assert their environmental rights, both legally and politically. Basic facilitating information is provided, such as directions as to who to call or write, including addresses and phone numbers, and one subsection is entitled "How to Get Action". Those who are less committed may wonder what the outcome might be if large numbers of citizens turned to the courts indiscriminately; the costs, both in time and money, might be staggering. Such concerns are, however, outside the scope of the book.

The British North America Act has left a legacy of overlapping jurisdictions in resource and environmental issues and, in consequence, the editors frequently discuss the ramifications of federal legislation. For this reason, while the major concern is with Ontario environmental law, the book will be of interest beyond the provincial boundaries.

Environment on Trial can be commended for its wide scope, clarity, and attention to detail. As a "how-to" guide for the environmental activist it would appear to be indispensable. It is a valuable reference document for lawyers, developers, industrialists, businessmen, government officials, and others whose activities may affect the environment. It would also make an excellent text for a course in environmental law. With almost 600 tightly-packed pages of text and a price of \$6.95, Environment on Trial is extremely good value for the money and is highly recommended.

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URBAN PROBLEMS (revised), edited by R. Charles Bryfogle and Ralph R. Krueger. Holt, Rinehart and Winston of Canada Limited, 1975; viii + 394 pp., bibliog., figs., maps, photographs. \$6.50 paper.

Although this revised edition of Urban Problems has been in circulation for a few years, it nevertheless warrants some comment at this time. Very few Canadian urban texts have addressed themselves to the problems of our Canadian cities, although the manifestations of these problems are becoming increasingly serious.

The revised volume differs a fair amount from the first edition published in 1971. The revisions reflect changes which have occurred in the Canadian urban society as well as changes in the perspectives of the two editors.

The book is divided into sixteen major sections, each of which has at least two articles exploring a particular urban theme. Although the title implies that it is going to deal primarily with problems in urban areas, perspectives on various aspects of urbanism are presented, only some of which may be regarded as problem areas. The topics and the respective number of articles in each section are: The Nature and Spirit of the City (5), Some Human Values (5), The Urban Challenge (3), Urban Poverty (4), Urban Concentration: The City Centre (2), Urban Renewal (5), Urban Sprawl (6), New Towns (2), Urban Transportation (7), Housing (5), Urban Design (4), Ecology and the Urban Environment (2), Urban and Regional Planning (7), Land Ownership (6), Urban Government (3), and The Future of Urban Canada (2).

A section which gives a bibliography on urban Canada, taken from R.C. Bryfogle, City in Print (Agincourt: GLC Educational Materials

and Services, 1974) has been added. The bibliography is annotated and organised into subsections and quite useful for those people interested in reading further on a topic. The division into sections is done along disciplinary lines and therefore quite helpful for anyone focusing on urban perspectives from a particular point of view. By adding a general bibliography the authors have been able to suggest some more recent references. This compensates in part for the fact that many of the articles in the volume are dated. The book itself is listed in the bibliography with the comment that "... this work is the only general introduction to the city that reflects a wide range of perspectives on urbanization and the Canadian city in the seventies" (p. 382).

Urban Problems is an interesting mix of academically oriented analyses and popular discussion, but even the "academic" papers are clearly written for an audience other than academicians. In addition, the short nature of most papers, three or four pages, furnishes support for the view that the book is written for either the general public or for high school students.

A refreshing aspect of the book is the pairing of pro and con articles on a particular topic. For example, one article advocates strict control of suburban expansion while another favours, in philosophy at least, less control. This approach of presenting different points of view is even extended to the introductions to the various sections. That this may be the result of different philosophical views on urban planning between the two authors can be clearly seen in the introduction to the section on "Urban and Regional Planning". Bryfogle advocates a form of planning which evolves in accordance with the needs and desires of the people. Krueger rejects this "activist" approach and claims that the needs of the people have to be guided by the planning process (goal formulation, analysis, plan making, action). The latter approach, however, carries with it a predetermined concept of a city. The presentation of contrasting ideas provides a balanced overview of the different forces and values present in the urban realm, and avoids strongly advocating specific solutions.

Each section of the book has a one or two page introduction by the editors, and each introduction contains up to a dozen additional references to the general topic. This is very helpful to the interested reader, particularly as the articles themselves have no bibliographical references attached to them.

A substantial drawback for the reader is that most of the articles, about 80 per cent, were written before 1970. One would think that a primary reason for revising a book would be to incorporate recent additions to the literature. Unfortunately the authors have not chosen to do this. Surely the emphasis on Canadian urban problems has shifted somewhat from the 60s to the 70s.

Except for the first two sections, labelled "The Nature and Spirit of the City" and "Some Human Values", the book deals with physical/structural problems of the city. It does not deal at all with ethnic, criminal or financial problems in our urban areas.

As books of readings go this is a good volume, but one has to keep in mind that it is basically of senior high school level. This does not, however, detract from the fact that the book has some interesting and informative readings both for lay people and academicians. In light of the scarcity of urban problem oriented books, this volume does present a useful set of readings.

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HABITAT AND LAND, by Len Gertler. University of British Columbia Press, Vancouver, 1978; xi + 42 pp., tables, photos. \$4.95, paper-back.

This, the first of a planned series on Human Settlement Issues, sets out to investigate one of the key issues in human settlement - the question of government policy toward the use, cost and ownership of land. The book contains only 39 pages of text plus 15 pages of foreword, preface, notes and appendices, and perforce presents a highly abbreviated look at a very complex problem. The thrust of the book is to examine national government policy in nine countries to determine how those governments are dealing with the seven land policy "recommendations for national action" of the 1976 United Nations Conference on Human Settlements. The author's main data base was the proceedings of the conference itself.

The book consists of four chapters. The introduction outlines the seven policy recommendations and, in episodic fashion, discusses their derivation and Canada's interest in them. The second chapter reviews in some detail the degree to which these recommendations are being implemented, if at all, and the method of implementation in the United Kingdom, the United States and France - the three countries "most closely linked with the development of Canada." The chapter concludes with an overview which collapses the seven recommendations into "three generic issues: use . . . cost . . . and ownership" by combining several and dropping two for which the conference provided little data. For each of the three issues in each country the author identifies whether, in his opinion, the scope of national policy is comprehensive, strategic or limited, whether the form of policy is regulatory, direct action or fiscal, and whether value orientation is toward maintaining the status quo, is experimental or is "wholly committed to new and unorthodox ways of dealing with problems." These terms are "explained" in one very short paragraph, but no definition is even attempted. The preface explains that the approach represents "an analytical framework for understanding and comparing global urban land policies." The device no doubt has considerable heuristic value, but as an analytical tool it lacks precision and depth and contains too many unstated assumptions. I have particular difficulty with the categories under value orientation. From a world view, a new and unorthodox way of dealing with problems is no longer new and unorthodox when copied by others, but should be equally valuable to them. On the other hand, what is new and unorthodox in one country (e.g., communal or state ownership of land) is maintenance of the status quo in other countries. According to the author, six of the nine countries examined are "wholly committed to new and unorthodox ways" of dealing with problems of land use and land ownership and five of nine are similarly committed concerning problems of cost.

The sixteen pages on the implementation of policy recommendations in the United Kingdom, the United States and France are the most comprehensive and most satisfactory portion of the book, but even this section serves as little more than an introduction to what are highly complex issues. The eight-page section on similar national land policies in three Commonwealth and three West European countries is of necessity more selective and incomplete and, in the case of Australia, gives detail only on reform in South Australia. Nonetheless, the author has chosen the outstanding examples of new approaches to land problems in each country and has thus provided numerous examples of how Canada might solve her land problems.

In his conclusions, Professor Gertler claims all the countries studied, "with the exception of the United States . . . display greater concern with land problems . . . than does official Canada" - a conclusion based mostly on material not presented in the book (which does not outline Canada's policy). He also concludes that by learning the

lessons of a variety of approaches Canada can avoid the crisis syndrome in policy-making, but he has provided little evidence of the effectiveness of the various approaches used in the several countries. I can certainly agree with his claim that "this international review of land policy whets the appetite for deeper and broader investigation." Perhaps the too obvious shortcomings of trying to do too much in too few pages will be overcome by further books in this series, the next one of which is to focus on a much more narrowly defined topic. The present work is of most value as an introduction to the topic of national land policies in non-Communist countries and could serve as a point of departure for an undergraduate course on the role of government in land policy issues.

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