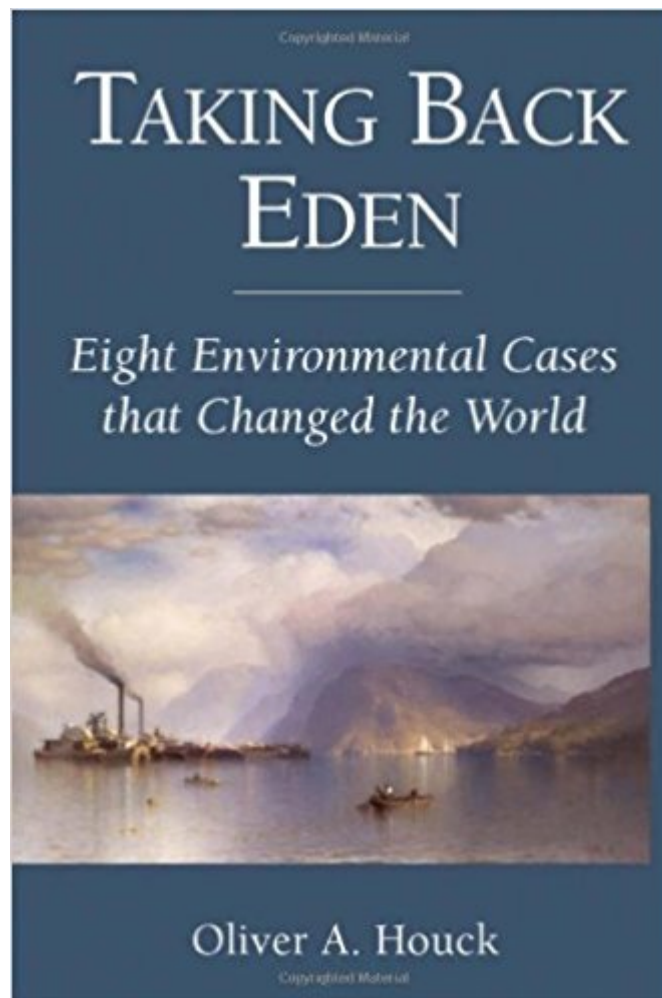




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# Taking Back Eden: Eight Environmental Cases That Changed The World



## Synopsis

Taking Back Eden is a set of case studies of environmental lawsuits brought in eight countries around the world, including the U.S, beginning in the 1960s. The book conveys what is in fact a revolution in the field of law: ordinary citizens (and lawyers) using their standing as citizens in challenging corporate practices and government policies to change not just the way the environment is defended but the way that the public interest is recognized in law. Oliver Houck, a well-known environmental attorney, professor of law, and extraordinary storyteller, vividly depicts the places protected, as well as the litigants who pursued the cases, their strategies, and the judges and other government officials who ruled on them. This book will appeal to upperclass undergraduates, graduate students, and to all citizens interested in protecting the environment.

## Book Information

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## Customer Reviews

"This book could only have been written by environmental law's greatest story teller— a synthesis of opportunity, courage, slapdash enthusiasm— a relentless pursuit of good law by well motivated people." (William H. Rodgers, Jr. Stimson Bullitt Professor of Environmental Law, University of Washington)"Who would have guessed that one of the most fascinating books of the year would be a discussion of environmental lawsuits from around the world? Oliver Houck uses this scaffolding to offer a stimulating flood of insights about cultures as diverse as Russia, Japan, and India, explaining how a handful of landmark cases have fundamentally changed the way the nations operate. As a bonus, Taking Back Eden is gracefully written, and it's stocked with some of the

most interesting characters you will find in non-fiction." (Denis Hayes Bullitt Foundation President, National Coordinator of the first Earth Day)"A great read, and a highly instructive one. No one but Professor Houck could tell so well this story of environmental litigation's path across the globe. Individually, these turning points in environmental history are fascinating and inspiring; collectively, they reveal patterns of great significance." (James Gustave Speth Professor and former Dean, Yale School of Forestry and Environmental Studies)"Oliver Houck, lawyer, teacher and writer, is graced with poetic imagination, a love of history, and a knack for winning environmental lawsuits. These inspirational stories show us how ordinary citizens and their lawyers can change the world." (Bruce Babbitt former U.S. Secretary of the Interior)"This modest volume poignantly reminds the reader that environmental policy change is achieved not merely by amassing scientific evidence or lobbying for new laws, but by protest that eventually finds its way into courts of law...very useful and readable volume... recommended." (CHOICE)"Worthwhile read." (Mother Nature Network)"Interesting and well-written book." (Foreign Affairs)"Taking Back Eden is a must read for any who want to best understand the world of law and nature." (Midwest Book Review)"Oliver Houck is a most unusual law professor: he writes with wit and even humor but also great brilliance and compassion. Read him and learn." (Mark Hertsgaard author of Earth Odyssey: Around the World In Search of Our Environmental Future )

Oliver Houck is professor of law at Tulane University, where he has received several teaching awards. In 2005, he received the Distinguished Achievement Award from the Environmental Section of the American Bar Association. He is author of a book on the Clean Water Act, editor of Environmental Law Stories, and wrote the foreword to Biodiversity and the Law.

Required reading for an Environmental Law course, though very interested and relevant to the present. Ties the reader in to most stories, although with some unavowed bias it is a good intro to environmental law cases and concepts.

For anyone interested in environmental law, this is a great book. Lawyers and non-lawyers alike will find it an engaging, informative--indeed inspirational read. These are David and Goliath stories, told beautifully by "environmental law's greatest storyteller," in the words of William Rodgers, himself one of the renowned environmental law professors of our era. Beginning with the Storm King Mountain case in New York (a project to cut the top off a mountain on the Hudson River to enhance power production for New York City), and ranging through cases in Japan (a road project

threatening a Shinto shrine), to Canada (Native American cases to stop mammoth water projects), to Russia (a case to halt the government give-away of parks to private developers), these stories recount the remarkable transformation of environmental law around the world in the past forty-plus years. In the Philippines, a young lawyer of remarkable courage succeeds in having the legal rights of future generations recognized. In Chile, the controversy over an American's purchase of more than half a million acres of land in Tierra del Fuego prompts judicial consideration of the Chilean Constitution's "right to a clean environment," ushering in a new era of access to the country's courts and setting an example for the world. (Note that there is no such "right" in the U.S. Constitution.) One not only learns about the law here, but also about the historical context--whether New England, the Philippines, or the Taj Mahal. The Taj Mahal, in fact, is a story both inspiring and sobering. The story begins with the recognition that the Taj itself is deteriorating because of air pollution. In response to actions by the lone environmental lawyer who started it all (M.C. Mehta), the Indian courts have "closed many polluting facilities, relocated others, established a green belt, removed the most invasive of the souvenir shops, brought natural gas into the city, and accelerated construction of a heavy vehicle bypass. It has required new reports, engaged itself in decisions as minute as monitoring stations and parking lots, directed an allocation of Taj entrance fees to the city for its improvement, and issued contempt citations against actors it believed were responding too slowly, or not at all. "And yet, the air of Agra remains toxic, the Yamuna still stinks, and the marble faces continue to erode." As Houck observes near the end of his book, "Environmental protection remains a very hard road, against odds as steep as the human impulse to make as much money as quickly as possible, deny unpleasant news, and leave others holding the bag. By running against these instincts environmental law makes powerful enemies every day of its life, and few powerful friends. Not many people amass fortunes by treating nature kindly, nor do they get named for a dam or highway they didn't build. All the momentum runs the other way. "What environmental lawsuits do is to help balance the scales. Courts of law, to the extent they are impartial, are the one venue beyond routine capture by the money and politics that drive the other two branches of government." In every instance here, the real driver is a dogged individual or two taking on incredible odds, often at considerable personal risk. If your faith in the power of individual action has ever flagged, read this book.

Every day we are inundated with bad news about the health of our environment, but how much do we know about efforts of individuals around the world who enlighten and inspire the judicial systems in their countries to save the natural places that have deep significance to their countrymen. These

individuals are lawyers, judges, government ministers, and dedicated citizens who spend years chipping away at monolithic bureaucracies and industries to stop illegal logging in the Philippines, defeat plans to dam the Acheloos river - the longest river in Greece that fed the once-fertile Thessaly plain, and prevent highway construction through a sacred forest and shrine in Japan. While most Americans are somewhat familiar with environmental laws in the United States designed to prevent air pollution, protect surface waters, or prevent illegal dumping of hazardous wastes, we never hear about the history of forest protection in Russia or the small group of Moscow citizens whose fight to protect an historic forest in the middle of the city led to a nationwide movement to save endangered forests around the country. It came as a surprise to this reader that the courts of India were willing to take over the role of government agencies and take on the formidable task of regulating industry themselves once they learned that air pollution was destroying the Taj Mahal and the health of everyone in Agra. Professor Houck skillfully weaves together the stories of the individuals, the laws, the judicial systems, and the landscapes that form the history of a people and the significance of saving those landscapes for the future. Preserving Russia's trees preserves water in their rivers, preventing clear cutting in Patagonia may save the economy of Chile. This is a rare book, with beautifully told stories, that brings environmental law to life and helps lawyers and non-lawyers alike understand that people around the world know the significance of saving a river or a forest will improve the quality of human life. We also learn that the laws and courts of the two largest economic powers of the northern hemisphere, the United States and Canada, lag far behind other countries in recognizing the importance of environmental protection and the rights of indigenous people.

Oliver Houck is a special breed of lawyer: a passionate and skilled litigator who tells a compelling story. Like his many scholarly writings, this book gives dramatic arc to the sometimes quixotic pursuit of environmental protection. Each of the eight stories in this book brings to life the environment, the rivers and trees and even the Taj Mahal, as central characters in their own drama. Their human protectors struggle against the power of economic and political institutions and the apparently inexorable course of history. They succeed, or not, by perservance, by coincidence, by the heroic act of a judge, or by the rising tide of human understanding. In short, from dry facts and arcane law, Mr. Houck has fashioned a series of stories that reflect our complex relationship with the environment in which we live and on which we depend, illuminating our best impulses and worst follies. Having heard Professor Houck tell stories in class, by the light of campfires, and from the stern of canoes, I can say unequivocally that these stories capture the essence of the matter with

his typical sharp wit and insight.

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