

rights belonging to society, or the government on its behalf, is at least as plausible both as a description of current attitudes and as a presumption for developing policies.

Roberts discusses, but almost in passing, the varied costs that might be associated with different approaches to pollution control. Others make no mention of this whatsoever, even though there is reasonable evidence that the course generally followed is likely to very greatly increase the costs of achieving any given level of quality. And related to this, but not discussed, is the continuing problem of choosing between "fair" requirements of equal levels of discharge reductions, which will greatly increase costs; or achieving economies by treating individual discharges very differently.

The short paper by John Dales will seem for many readers a much more clearly focused discussion. Most of his conclusions are not at all new but many will welcome his puncturing of balloons.

In all, the book brings together the worries and the proposals of people with somewhat varied backgrounds. It is useful to have many of these in one place. It is not, however, an easy and readable compendium for non-specialists, and for those with more experience in the area, there is not much which is new.

There will probably be for most people going through from the beginning, as well as most professionals who have worked on the problems, sympathy for what editor Swainson seems to say in his conclusions — that we may have talked enough about these things and it is time to try out some new ideas. However, elected and appointed officials still seem to find it easier to gravely express concern and to nudge things a little further on the present course than to alter directions. This might be changed if more people more clearly understood the issues. It is somewhat a pity that this book, in spite of its other uses, will not help much along this line.

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Environmental Law: A Study of Legislation Affecting the Environment of British Columbia, by John G. Ince. Vancouver: Centre for Continuing Education, 1976. Pp. 209; \$10.00.

This loose-leaf handbook on environmental law in British Columbia, produced in co-operation with the West Coast Environmental Law Association, is a worthwhile effort in bringing the law in a more intelligible form to the interested public.

Wasteful consumption and thoughtless destruction of the earth's air, land and water in recent years have raised the consciousness of many Canadians. The waste and destruction carried out as part of the public policy of "development" frequently result in injury to individual rights of property and a public interest in a clean and balanced environment. Hence a growing interest in "environmental" law.

Three different audiences share a growing interest in that specialized area of law and politics. The lawyer representing a private client suffering injury to a proprietary or other legal right is primarily interested in case law and statutory law. The civil servant and lawyers representing clients involved with new industrial development are largely interested in resource planning and allocation; statutes, regulations and departmental guidelines and policies are their chief concern. The private citizen or environmental group, concerned about the environment generally, is especially interested in finding out how to participate in policy or other decision-making at an early enough stage to influence its direction. The principal forum for this participation, apart from the media, and in the absence of statutory provision for public hearings, is the court.

Although the law does not encourage the use of courts to debate public policy, in specific instances a knowledge of the law may enable an application for an injunction or an order quashing the decision of some official. The conduct of such trials or court applications may have a general educative effect on the community and the bureaucracy in relation to specific issues and may influence or delay decisions to proceed with industrial development in particular cases.

In my view, each of the three audiences — the lawyer representing a client with a private claim, the civil servant planning resource allocation, and the environmental interest group striving to find some way of expressing the public interest in decision-making processes — has distinct interests and needs. It is difficult to write a handbook that will serve all three interests at once. *Environmental Law: A Study of Legislation Affecting the Environment in British Columbia* does try.

This is not a book that tells you "how to do it." Rather it is a summary of the main statutory provisions (the common law is specifically excluded) that relate to pollution in British Columbia. Despite its name, this is not a book that deals with environmental law in the wider sense of resource allocation, but rather it highlights the principal federal, provincial and municipal laws prohibiting the emission or dumping of wastes and effluents onto land or into air and water in British Columbia.

The 209 pages (including index) are divided into eleven chapters:

(1) Introduction; (2) The Constitution; (3) Laws of General Application; (4) Industrial Pollution; (5) Water Pollution; (6) Air Pollution; (7) Noise Pollution; (8) Land Pollution; (9) Radiation; (10) Protected Places (Parks); (11) Pesticides. The individual chapters, generally, are set out in different "parts," each dealing with federal, provincial or municipal enactments respectively, and a further "part" dealing with statutes specific to a particular industry, such as energy or specific to a particular source of pollution such as incinerators, railways or specific to a particular place such as harbours or waterbeds.

The main regulatory or prohibitory sections of the relevant statutes or bylaws are mentioned and frequent reference is made to regulations or the absence of regulations pursuant to the statutes. The book does not attempt to catalogue and cite all regulations but does refer the reader to a source where these citations may be found. Nor does the book attempt to summarize or even cite the growing number of important "guidelines" made pursuant to several federal and provincial statutes affecting the environment.

For the most part the text is descriptive rather than evaluative. Occasionally reference is made to cases; the author, however, does not attempt to provide an "annotation" of case law or commentary relevant to the various statutory provisions and legal issues. Thus the book provides a starting point in finding the relevant law; it does not purport to be a complete statement of the statutory law as interpreted by the courts. For the practitioner, a comprehensive summary of statutory law in Canada, together with references to the case law and review commentary, may be had in the forthcoming publication by Lucas and Franson.*

The concerned environmentalist may find the style of this B.C. handbook dry and legalistic. Also the organization may cause some distress to some readers: there are two introductory chapters dealing in a general way with the most important statutes; these are dealt with in more detail in subsequent chapters. Some readers may prefer to get all the law on a particular issue in one place rather than spread throughout the book.

The general reader, however, may well be amazed at the mass of "anti-pollution" laws already on the statute books. It would appear that in many instances there is no lack of broad laws prohibiting this or that type of pollution. Indeed, there may be too many laws conferring broad prohibitory and regulatory powers on officials and not enough laws permitting individuals and the public an opportunity to appear before boards and

* *Canadian Environmental Law* (Toronto: Butterworth's, 1976).

officials to speak to the issues before decisions are made. If there is "pollution" in spite of broad prohibitory and regulatory laws, it may well be because the resolution of resource allocation problems lies more in the political nature of regulating competing interests than it does in sanctions.

While the handbook concentrates on the prohibitory aspect of "pollution" legislation, it would be naive to assume that sanctions such as fines are effective deterrents in stopping waste and destruction of resources in the course of industrial development. Indeed, legislation aimed at protecting the environment must surely strive for planning and management, not prohibition in the use of resources. The fine or other sanction, such as the cancellation of a permit, is only a last resort after all effort at co-operation and persuasion have failed.

As long as "management" and allocation of resources, however, are left to civil servants to work out in co-operation with industry in a growth-oriented economy, many Canadians will question whether the public interest is properly taken into account. Hence the importance of public participation in environmental and resource management decisions. As this book makes so clear, however, there is little opportunity in law for such public participation. To the extent that the opportunity exists, it is more by way of the back door of criminal or civil prosecution, rather than the front door of early consultation through properly conducted hearings. An exception in this regard is the provision under the Pollution Control Act whereby the board may conduct hearings to determine guidelines for emission of pollutants in particular industries. When held, these hearings attracted little participation by the public; it would be interesting to learn why. On the other hand, the recent hearings on the issuance of a water permit to B.C. Hydro to build the Revelstoke dam attracted wide public interest, but the law provided a most inadequate legal means for the expression of such interest. Both law and political processes appear to be out of tune with the times in this area of social-economic growth.

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The Enemy That Never Was: A History of the Japanese Canadians, by Ken Adachi. Toronto: McClelland and Stewart, 1976. Pp. vi and 456, illus.; \$14.95.

Two themes are intertwined throughout the course of this book: the history of Japanese immigration and that of Canadian racism. As the