

Environmental justice frame work essay

[Law](#), [Criminal Justice](#)



A critical analysis of David N. Pellow article ‘ The Politics of Illegal Dumping: An Environmental Justice Frame Work’.

Pellow decisively interrogates the perceived prevalence of minority groups living in hazardous environments. He keenly canvases the existing literature and case studies carried out throughout the United States and beyond.

These studies relate economic inequality to environmental degradation. It is alleged that a phenomenon known as environmental racism has emerged whereby areas lived by the poor minority, usually the blacks, Hispanics and immigrants, have been turned into dumping sites by the majority- a group composed of the White and wealth middle class. Therefore, economic inequality has been turned into environmental inequalities. These poor communities live in polluted industrial neighborhoods, which have been turned into illegal dumping grounds.

He correctly argues that discriminatory zoning practices should be blamed for environmental inequality. Indeed, from a human centered perspective, one of the cardinal reasons is to conserve the environment in order to ameliorate human life. To realize this objective, the people have mandated the state with the primary responsibility protecting their rights. The right to a safe environment is key to survival. An entity, corporate or private, that harms the environment leading to a human injury, commits a criminal offence. It is the state’s responsibility to protect the environment from both the nature and the human centered perspectives. It is, therefore, logical that intentional or negligent environmental degradation be regarded as an offence against the state. The offending entity should be held culpable. This would not only deter the entity from furthering the environmental

degradation activities, but also deter others. In order to prosecute its case, the state must prove the Actus Reus and the Mens Rea. Mens Rea means that the entity committed the wrong intentionally. Progressive movements argue that such offences should be of strict liability. This essentially means that upon proof of the harm done to the environment (Actus Reus), the court must find the offender culpable of the offence without proof of Mens Rea. However, institutional racism makes it hard for such progress to be made. Pellow argues that the fate of most blacks, Hispanics and poor communities was sealed long time ago. He posits pre-existing racially based social capital made it possible for the wealthy (whites) to acquire prime lands for development. The colored communities' areas were considered cost-effective dumping sites. Given the fact that these bourgeoisies controlled the government, both the executive and legislature, the proletariat continues to suffer.

The methods employed by Pellow while collecting data are commendable. He ensures that views from most of the stakeholders get collected. By using both transcripts and audio recording, he is able to capture not only the information sought, but also detect emotional feelings of each interviewee. His research findings from Chicago echo early works of Emile Durkheim carried out at the University of Chicago. Pellow found out that Chicago has a critical environmental problem. He found out that institutions and leaders who were supposed to be at the forefront in advocating for environmental preservation propagated the injustice. The areas inhabited by the colored people who had the less economic muscle were designated for solid waste distribution. The 'garbage wars' characterized the interactions between the

various members of the different social class and racial groups. In any case, this was illegal, but the execution was more informal than formal. Therefore, despite the fact that dumping had been made an illegal activity and the government consistently failed to use the necessary instruments of power to ensure that environments justice was achieved. The wealthy white estates had the political clout, money, education, and a safe and clean environment while the poor lacked these basic necessities. However, it is vital to appreciate since Pellow penned down his authoritative article a number of progressive lobby groups, environmentalist and conservationist have kept the wheels of environmental justice rolling. The regular National People of Color Environmental Leadership Summit is an ideal example. Others such as the Greenpeace Movement have exerted significant pressure on state governments to legislate and enforce environmental laws.

Environmental crimes are more expensive than is usually emphasized. Most significantly, it affects sustainable development of a community as the land which could have been used productively is wasted. Moreover, it increases exponentially the equality gap between the rich and the poor. In a country where economic prosperity has been for centuries associated with racial inequalities, complete integration among the races becomes a challenge. The value of the property around the dumping sites falls drastically.

Moreover, there are also health concerns, damaging beautiful building and filling the whole neighborhood with a deadly smell. In order to achieve the desired goals, it is vital for interested stakeholders to join hands in fighting the lethargy and official corruption of public officials in carrying out their duties. More fundamentally, the legislature should enact the requisite laws to

prevent further harm to the environment and hold those culpable accountable.

References

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