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WBIO 410.01: Wildlife Policy and Biopolitics

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WBIO 410 Wildlife Policy and Biopolitics
Fall 2010 1:40-3:00 T,Th FOR 305

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¹I enjoy meeting with students, am very accessible, and encourage you to talk with me outside of class. The most effective way to schedule a meeting with me is to see me at the *end* of class to set up a time. Calling my office number is second most effective. Email contact is least effective (I try to keep up but the volume of email I get is overwhelming – email is not a good way to communicate with me).

COURSE DESCRIPTION:

Wildlife policy and biopolitics are processes through which our society publicly shapes, negotiates and defines the nature of its relationship to wildlife. But, in addition to defining the nature of relationships with wild animals, the body of wildlife law and policy also has to do with interactions among people and among people and governmental institutions. It addresses issues such as the nature of individual human rights, how power and authority are allocated in society, and how much discretion wildlife professionals have to make decisions in the face of conflicting views and values.

Laws and policies are primarily normative (what “should be” in a society) rather than how things work in nature (the conventional realm of science). Law and policy represent a more fluid and dynamic environment than science (policy evolves on human, not geological or biological time scales). Though they build from an existing foundation, laws and policies are constantly evolving, adapting to changing social and environmental conditions. Additionally, even though laws such as the Endangered Species Act lay out general guidelines, when examined closely these guidelines are often ambiguous, subject to multiple interpretations, and even contradictory. The court system is one key mechanism where society deals with these problems. Unlike traditional models of scientific reasoning in the physical sciences, which emphasize discovery of universal laws of behavior (valuing general theories rather than the details of individual instances), courts are more highly focused on the specific context of individual cases (in other words, the devil is in the unique details of the current case). (Though as we will see during the course of the semester philosophy of science in the realms of ecology, paleontology, and even evolutionary biology are moving further from the traditional definition in the physical sciences and closer in some ways to the court’s perspective.)

Legal and political systems are like labyrinths – always full of mystery and the endless fascination of not knowing precisely what may be encountered around the next corner. At the same time you can rarely, if ever, attain a vantage point sufficient to chart your course with a comforting level of certainty – this can be frustrating for those unused to this kind of uncertain environment. However, those who have the patience and tenacity to observe and reflect deeply on their experiences can learn to navigate the labyrinth more successfully than those who choose instead to succumb to frustration or despair when confronted by a dynamic system that cannot be neatly tamed to predictable properties and immutable facts. And though politics typically has a bad reputation in science based programs, the policies politics yield can help society to achieve collective goals and define processes for resolving conflicts that inevitably arise from pursuit of collective societal goals. In other words, politics is not inherently bad. The system is capable of producing marvelous social visions (as well as repugnant ones; see, for example, *Buck v Bell* 274 U.S. 200, a 1927 Supreme Court ruling upholding compulsory sterilization as part of a social eugenics policy in what should instead have been a trial about sexual victimization).

Because wildlife policy and politics are so expansive and dynamic, no one course can provide a comprehensive overview of the “policy facts” that a wildlife professional absolutely needs to know. Recognizing this, this course seeks to provide you the foundation you need to understand the fundamental nature of underlying policy and political processes and the capacity to continue to explore policy and politics on your own throughout your professional career.

To achieve these goals, this course emphasizes analysis of contemporary court cases related to wildlife conservation. Case law is an arena in which legislative directives, agency interpretation and implementation, science, disparate values, and social conflict resolution all come together in a single, relatively compact, publicly observable forum. Therefore, case law provides a unique opportunity to study the real world and to understand policy as the dynamic, interpretive, and constantly evolving process underlying wildlife conservation and management it actually is (rather than as the distant, dry, dusty, and irrelevant academic history it is sometimes perceived to be). Sometimes reading case law can be a little painful. But should you find yourself feeling this way on occasion, remember the old adage “no pain, no gain”; it seems apropos in the political and legal realm. At the same time, if you stop to reflect on it, I think you will find the subject matter of the cases to be of great interest (even if you are disturbed at times by the outcomes).

The class explores five broad policy themes: (1) professional responsibility/liability for aggressive wildlife, (2) wolf reintroduction, management, and delisting; (3) Native American treaty rights and wildlife, (4) the nature of science, the question of professional expertise, and the balance of power in wildlife management; and (5) alternative (i.e., non-court based) models of conflict resolution. Beyond these broad themes, the cases also reflect and provide a spring board for discussing fundamental political concepts in wildlife conservation and management society is constantly debating. Examples of these debates include questions such as: (1) what is the nature of an individual’s legal rights with respect to wildlife; (2) what is the extent of discretion governmental wildlife agencies have in decision making under our current legal system; (3) what is the appropriate relationship among wildlife agencies, the courts, and the public in governance of wildlife management; (4) what is the appropriate role of science in decision making related to wildlife conservation; (5) who gets to define what counts as science and how has this been changing in recent years; and (6) what does the language of statutes such as NEPA and the ESA really mean (which is something you can only learn through case law).

Required texts:

There is no textbook for this course. Assigned readings will be made available on the library's e-reserve (<http://eres.lib.umt.edu/eres>) system; password = wbio410. Readings not available in digital format will also be placed on the library’s traditional reserve system. ***Also check the e-reserve system for assignments, announcements, and updates*** (e.g., clarifications to assignments).

TEACHING/LEARNING PHILOSOPHY:

There are no *prerequisites* for this course other than ***an interest in the subject; senior level reading, analysis, and writing skills; plus a willingness to participate actively*** in your own education (this is the most important prerequisite). But please note, ***this is not an over-view or introductory course***. First, the material covered in the class is difficult – that is the nature of policy and politics and this course seeks to provide a realistic exposure to these topics. Second, this is a senior level class designed for “majors” and I have ***high expectations about*** the level of effort and ***quality of work*** that goes with a course of this nature.

The course emphasizes critical thinking skills such as analysis, interpretation, evaluation, synthesis, and integration across readings/discussion topics rather than simple memorization of facts and dates. Wildlife conservation is an interdisciplinary profession. As a consequence it is not adequate simply to develop expertise in a single area or subfield (like biology or genetics). The disparate disciplines that are integral to the success or failure of wildlife conservation (these include law, sociology, psychology, ecology, biology, others) often employ very different approaches to problem solving, demand different modes of thinking, and utilize different communication styles. Throughout this course, rather than being critical of (or frustrated by) these differences, you should see ***one of your learning goals as developing the ability to understand the different ways of thinking inherent in other disciplines.*** And beyond this class, adopting this perspective will help you more effectively achieve wildlife conservation goals in your professional future.

Though I consider myself very “applied” in terms of my wildlife conservation interests, those students looking for “*the answers*” to political, policy, and social problems associated with wildlife conservation will not find them explicitly laid out in this course. Bear in mind that I do not expect you to have found ***the*** answer or to have mastered these issues by the end of this course. It is my belief this reflects real life. There is no final answer to any but the most simplistic problems. In fact, wildlife researchers and managers spend most of their lives trying to better define the questions and problems while working with the knowledge at hand. Therefore, major goals of the course are to introduce different ways of thinking and problem solving and to provide you a foundation on which to continue to develop a greater understanding of wildlife policy and biopolitics and their implications for wildlife conservation and management. From this understanding you will be able to better define problems and generate solutions as they come up in your professional life. Remember: life is not a quiz show; wildlife professionals are not hired because they ***know*** the answers, but because they have the capacity to define problems and generate solutions. (With thanks to my mentor Dan Williams for this perspective.)

What you get out of a class depends to a large extent on what you put into it. ***Learning is an active process***, it occurs most readily when you are a participant throughout rather than a spectator or “night before the exam crammer”. I ***expect you to do every reading assigned for the course before you come to that class.*** There are different levels at which one can potentially do the readings: (1) ***reading to be familiar*** with what the author says; (2) reading ***to analyze and interpret*** what the author says (every reading assigned has a deeper message than just the “facts and dates” presented); and (3) reading critically ***to constructively critique*** what the author says, ***synthesizing/integrating*** this reading ***with previous readings/class discussions***, and ***finding something to say about the reading in a discussion.*** I expect you to read at all three levels. To accomplish this you should do readings well ahead of time; underline or highlight key points; and review these highlights an additional time before class, making notes of the key points, things worth discussing, and links to topics being covered in the class. ***If you fall behind, the material will overwhelm you.***

COURSE POLICIES

CLASS PARTICIPATION: 25% I will provide ample opportunities for class discussion on a regular basis. A discussion provides you the opportunity to explore issues you find confusing, which is important given the complexity of political and social processes in our society – answers often are not black and white. I encourage you to ***use class discussions to clarify confusing issues***, to test your understanding, ***and to contribute to your classmates’ (and my) education*** by sharing your insights about the material. ***If you feel a given day’s class discussion did not provide you the opportunity to participate*** and/or to demonstrate your knowledge of the material, ***let me know immediately after class***

on that day.

The first aspect of participation is being present (*my definition of present for grading purposes is in class on time and there for the whole period*). But being present is a necessary but not sufficient condition for your class participation grade. Getting credit for participation also depends on three criteria: (1) the extent to which you actively participate in the class discussions, (2) the extent to which you demonstrate to me that you consistently read and thought about the assigned materials, and (3) the extent to which your comments are relevant to the focus of the discussion.

To get an “A–” for participation, you need *to be present (in class on-time)* and *to contribute meaningfully* to the discussion *no less than 85% of the days* during which there is a class discussion. In other words, you can have some absences or otherwise not contribute for a portion of the discussion days and still receive an A. But choose those days wisely – leave room for illness or other personal emergencies (that is, the “85%” standard is there primarily to accommodate these sorts of occurrences). For a B– you need to meaningfully participate no less than 75% of the days.

If necessary (due to lack of participation or apparent lack of familiarity with the readings) I will also use unscheduled in-class quizzes or exercises to assess preparation and these will be factored in to the grade. You may check with me on how you are doing at any point.

EXAMS/ESSAYS: 75% There will be at least 4 primary exams/essays. The essays will be short (4-6 pages in length). But *do not let their brevity fool you*. I will be looking for critical thinking, the ability to integrate and demonstrate an understanding of material we have covered in class, and the quality of writing one would expect from seniors in college – put careful thought into their completion. Essays that serve as an exam are to be done independently, copying another student’s essay in whole or part is a form of academic misconduct.

Because of the size of class, I might ask you to write down 2 key questions or insights you gained from the day’s reading before or at the beginning of class. If class participation overall is lacking in quality or quantity and/or suggests failure to do the readings, I reserve the option to switch to in-class exams including a comprehensive final exam (I call this option the legacy of a Spring 2008 class).

LATE POLICY: All assignments are due at the **BEGINNING** of class or on the specified due date and time. Missing classes in the preceding week is **NOT** an acceptable reason for failing to complete assignments. Missing class on the due date is **NOT** an excuse for failing to turn in the assignment unless there is a serious personal emergency. Should you encounter situations that affect your ability to complete assignments, make me aware of the situation in as timely a manner as the circumstances allow. Late assignments without a timely and acceptable explanation will be penalized 10% per day.

Grading Standards/Scale: See separate handout posted on e-reserve.

Syllabus Statements Mandated by Academic Officers of The University of Montana

All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code. The Code is available for review online at:

http://life.umt.edu/vpsa/student_conduct.php