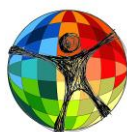


Revisiting the (Hi)story: the Role of High School History Education in our Inability to Understand Environmental Challenges



International Human Rights Internship Working Paper Series



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“Those who control the present,
control the past and those who
control the past control the future.”
- George Orwell, 1984

Introduction¹

Scientists have been telling us for decades that the North American way of life is unsustainable and impossible to maintain from an environmental perspective. While this reality is known by most,² the "environmental problem" is continuously being sacrificed in the name of economic growth and "development". Even the very scientists that are warning us of the environmental unsustainability of our way of life are unable to act in a way that respect their own conclusions. As a climatologist interviewed by Bruno Latour rightfully states:

"But in practice, I am a [*climato*]-sceptic nonetheless, since, from the fully objective knowledge I contribute to producing, I do nothing to protect my two kids from what is coming. This is the terrible quandary in which we find ourselves: being either one of those who deny that *there is* a threat, or one of those who, knowing full well the extent of the threat, do nothing to meet it."³

This reality, coupled with the fact that, according to NASA, "ninety-seven percent of climate scientists agree that climate-warming trends over the past century are very likely due to human activities",⁴ tend to indicate that failure to fully incorporate the "environmental problem" in our North American societies is not a result of lack of facts or scientific consensus. More likely, the reason behind our lack of action is of an ontological nature: our worldview prevents us to fully accept the social implications of the "environmental problem". The following text argues that North American high school history education participates in the creation of ontological views that prevents the understanding and incorporation of the "environmental problem" within our understanding of the world. Indeed, high school history education does not merely observe the past, it *creates* a past. This created past serves to give inherent value to key concepts such as "economic growth", "development", "property", "rationality" and "science". As a result those concepts seems "undeniable, immune to revision and located [...] outside society and politics"⁵

¹ I want to thank the organization *Avocats sans frontières*. The work that I have completed for them during the summer of 2014 inspired me to address this problem. Indeed, during my internship with *Avocats sans frontières*, I was asked to help one of the member prepare a conference on the *duty to remember*. It was during this research that I understood the true impact of historical narratives in our ontological views of the world.

² Saad Lydia, "A steady 57% in US Blame Humans for Global Warming" *Gallup.com* (18 March 2014), online: Gallup <<http://www.gallup.com/poll/167972/steady-blame-humans-global-warming.aspx>>.

³ Bruno Latour, "Facing Gaia: Six lectures on the political theology of nature" (2013) at 109.

⁴ NASA, "Consensus: 97% of climate scientists agree" *NASA: Global Climate Change* <<http://climate.nasa.gov/scientific-consensus/>>.

⁵ Sundhya Pahuja, *Decolonising International Law*, (Cambridge: Cambridge University Press, 2001) at 26.

thereby hiding their true nature as mere social constructions. Those concepts are, in turn, redefined and used to justify our current political and economic system. In short, high school history education in North America serves to justify our current social organisation by transforming History into a particular narrative; a *neo-liberal narrative*⁶ full of myths, biased imageries and untold truths that not only shape our ontological view of the world but also presents economic development as the teleological, undeniable goal of “human civilisation”.

This paper aims to deconstruct the narrative by underlining two of its characteristics that are problematic from an ecological perspective: its use and definition of “rationality” and “science” and its view of “economic growth” and “development”. After first identifying the myths being used in order to promote these concepts, this paper will demonstrate how far-reaching the implications of those myths truly are by identifying their influences within our own legal thoughts and judicial systems particularly in aboriginal law and human rights. Finally, it will underline how those myths and this narrative are preventing the adoption of environmental policies. For the purpose of this short paper, two high school history manuals have been analyzed : *Legacy: the West and the World*⁷, which is a ministry approved manual in Ontario and *World History: Patterns of Interaction*⁸ which was one of the most used manual in the United States in 2004.⁹ The paper will also refrain from exploring the 20th century account of history since other authors such as Sundhya Pahuja¹⁰ and Kenneth Cmiel¹¹ can be read in order to understand that this account presents some of the same characteristics.

⁶ The very definition of “neo-liberalism” has been the subject of many debates. For the present paper, neo-liberalism is an ideology that “posits a binary opposition between public power, the State, and private power embodied in “the market”- the former is oppressive, inefficient and should be restrained and limited at all costs, the latter is the fount of individual freedom and wealth maximization and should be expanded into as many spheres of individual and collective life as possible.” Paul O’Connell, “The Death of Socio-Economic Rights” (2011) 74:4 *The Modern Law Review* at 535.

⁷ Tom Cohen et al., *Legacy: the West and the World*, (Ontario: McGraw-Hill Ryerson Ltd, 2003). [*Legacy*].

⁸ Beck, Roger B. et al. *World History: Patterns of Interaction*, (2003) (McDougal Littell/Houghton Mifflin), online : <<http://jmcentarfer.tripod.com/textbook.htm>>. [*World History*]

⁹ Gibling T. Sewall, “World history textbooks: a review” (2004), online: [historytextbooks.org](http://www.historytextbooks.org) <<http://www.historytextbooks.org/worldhistory.pdf>> at 5.

¹⁰ Pahuja, *supra* note 5.

¹¹ Kenneth Cmiel, “The Recent History of Human Rights” (2004) 109:1 *The American Historical Review* at 117-135

Part I: The narrative's view of science

Science produces knowledge, which is often seen as “objective” and “uncontestable”¹² in our modern North American societies. This faith toward scientific knowledge and the “Scientific Revolution” is explained by the *neo-liberal narrative* by its commitment to the “scientific method”.¹³ Indeed, the use of this method is often seen as ensuring a production of knowledge, which is (theoretically) free of personal bias.¹⁴

It would be quite difficult and unreasonably ambitious for such a short essay to try to give an all-compassing definition of what is “Science”. Yet, this paper does not need to distinguish what “objective science” is, but simply what it isn’t. As such, the faith that the *neo-liberal narrative* holds toward science is explained by its use of the “scientific method”.¹⁵ For the purpose of paper it is only necessary to determine whether or not the “Science” defined by the *neo-liberal narrative* is being produced by a “scientific method” defined by the *Oxford English Dictionary* as “a method or procedure [...] consisting in systematic observation, measurement, and experiment, and the formulation, testing, and modification of hypotheses”.¹⁶

¹² Bruno Latour, “Crise des valeurs? Non, crise des faits!” Actes de la journée, présentée au Ministère de l’environnement, 13 décembre 1996 (1997) La Documentation Française at 4.

¹³ *Legacy*, *supra* note 7 at 73 explains that “the underpinning of the scientific revolution was a new approach to determining “truth”. [...] The major revelations in science during the seventeenth century were arrived at through systematic skepticism, experimentation, and reasoning based on observed facts and mathematical laws”. Similarly, *World History*, *supra* note 8 at 626. The table *Changing Idea: Scientific Method* : explains that before the Scientific Revolution, “Scholars generally relied on ancient authorities, church teachings, common sense, and reasoning to explain the physical world.” After the Revolution: “In time, scholars began to use observation, experimentation, and scientific reasoning to gather knowledge and draw conclusions about the physical world”.

¹⁴ Stanford Encyclopedia of Philosophy, “Scientific Objectivity” *Stanford Encyclopedia of Philosophy* (25 August 2014), online: Stanford.edu <<http://plato.stanford.edu/entries/scientific-objectivity/#ObjAbsNorComValFrelde>>. and Thomas Kuhn, *The Structure of Scientific Revolutions*, 2nd ed (Chicago: International Encyclopedia of Unified Science 1970) at 138.

¹⁵ *Legacy*, *supra* note 7 at 73 explains that “the underpinning of the scientific revolution was a new approach to determining “truth”. [...] The major revelations in science during the seventeenth century were arrived at through systematic skepticism, experimentation, and reasoning based on observed facts and mathematical laws”. Similarly, *World History*, *supra* note 8 at 626. The table *Changing Idea: Scientific Method* : explains that before the Scientific Revolution, “Scholars generally relied on ancient authorities, church teachings, common sense, and reasoning to explain the physical world.” After the Revolution: “In time, scholars began to use observation, experimentation, and scientific reasoning to gather knowledge and draw conclusions about the physical world”.

¹⁶ Oxford Dictionaries, “Scientific method” *Oxford dictionaries*, online: [oxforddictionaries.com <http://www.oxforddictionaries.com/definition/english/scientific-method>](http://www.oxforddictionaries.com/definition/english/scientific-method).

A. False "scientists" of the "true" Homo sapiens age ("Wise men age")

The narrative explains that at the beginning of the 16th century the world was shocked by what became known as the "*Scientific revolution*".¹⁷ Unfortunately, conservative forces such as the Catholic Church and Jesuit Orders, who promoted a medievalist view of knowledge that rested upon superstitious and religious beliefs, tried to stop this revolution.¹⁸ The Church attempted to censor, without success, the discoveries of men of Science such as Copernicus and Galileo¹⁹ who "discovered" that the Sun and not the Earth was at the center of the universe. During this revolution, other men of science such as Hobbes and Locke²⁰ also tried to contest the concept of "divine right" which legitimated the position of most European monarchies at the time. It is their ideas that incited French and American revolutionaries to take arms against their kings at the end of the 18th century.²¹

While this narrative explains where the idea of a constitutional nation-state came into being, it also has the effect of suggesting that these kinds of political structures are scientifically objective. Indeed, in both manuals, Hobbes and Locke are being presented as being part of the Scientific revolution²² and are presented under the chapters called "*Scientific method* and the birth of modern philosophy"²³ and "Enlightenment and *Revolution*"²⁴ hereby suggesting that they followed the scientific method. Of course, the development of scientific methods clearly had an influence of new political ideals since it legitimated more secularized and materialistic views of the world. However, not relying on religious or supernatural explanations is, at best, only one characteristic of a scientific analysis.

¹⁷ Tom Cohen et al., *Legacy : the West and the World*, (Ontario: McGraw-Hill Ryerson Ltd, 2003) at 71. [*Legacy*]. and Beck, Roger B. et al. *World History: Patterns of Interaction*, (2003) at chapter 22 (McDougal Littell/Houghton Mifflin), online : <<http://jmcenarfer.tripod.com/textbook.htm>>. [*World History*]

¹⁸ *Legacy*, *supra* note 7 at 71-72; *World History*, *supra* note 8 at 623.

¹⁹ *Legacy*, *supra* note 7 at 71; *World History*, *supra* note 8 at 624-625.

²⁰ *Legacy*, *supra* note 7 at 74; and *World History*, *supra* note 8 at 628-629.

²¹ *Legacy*, *supra* note 7 at 171.

²² *Ibid* at 76.

²³ *Ibid* at 75.

²⁴ *World History*, *supra* note 8 chapter 22.

Yet, suggesting that Hobbes and Locke are part of the development of the Scientific method could only been achieved by divorcing Science from the Scientific method.²⁵ For example, the narrative consider *Copernicus* as a “scientist” who was part of the “Scientific revolution”.²⁶ This is a highly questionable choice since he was far from applying anything remotely close to a scientific method. It wasn’t new observations that motivated *Copernicus* to change the geocentric model of the universe but the fact that he found the geocentric model of the universe of its time too chaotic and esthetically displeasing.²⁷ Yet, the *neo-liberal narrative* continuously refers to him as a scientist while in truth, he merely held an opinion that will be proven as “scientifically right” afterward.

Finally, the analysis of Hobbes and Locke were not even based on factual observation which is one of the first steps of the “scientific method” as recognized by the *neo-liberal narrative* itself.²⁸ Both philosophers defended their opinions by what will come to be qualified as the “State of Nature” which is defined as a time that precluded human societies and social organizations.²⁹ Yet, their view of the “state of nature” wasn’t based upon observation of an actual lack of society but on what they imagined would have happened in such a state. Actually, it is unlikely that the “state of nature” ever existed. Species that precluded *Homo sapiens*, sub-species of *Homo sapiens* such as the *Neanderthals* and primates themselves all enjoyed some form of social

²⁵ *Legacy*, *supra* note 7 at 71 explains: "What was new [during the scientific revolution] were the methods and questions that scientists were asking. The scientific mind in the Middle Ages sought answers that would fit preconceived notions about the universe." and at 73 explains that "the underpinning of the scientific revolution was a new approach to determining "truth". [...] The major revelations in science during the seventeenth century were arrived at through systematic skepticism, experimentation, and reasoning based on observed facts and mathematical laws" ; Similarly, *World History*, *supra* note 8 at 625: "The revolution in scientific thinking that Copernicus, Kepler, and Galileo began eventually developed into a new approach to science called the scientific method. The scientific method is a logical procedure for gathering and testing ideas. It begins with a problem or question arising from an observation. Scientists next form a hypothesis, or unproved assumption. The hypothesis is then tested in an experiment or on the basis of data. In the final step, scientists analyze and interpret their data to reach a new conclusion. That conclusion either confirms or disproves the hypothesis" and at 626, the table *Changing Idea: Scientific Method*: explains that before the Scientific Revolution, "Scholars generally relied on ancient authorities, church teachings, common sense, and reasoning to explain the physical world." After the Revolution: "In time, scholars began to use observation, experimentation, and scientific reasoning to gather knowledge and draw conclusions about the physical world".

²⁶ *Legacy*, *supra* note 7 at 71. *World History*, *supra* note 8 at 624, do not call him a scientist but he is presented as being part of the Scientific Revolution.

²⁷ Yves Gingras et al., *Du scribe au savant*, (Québec: Boréal, 1998) at 215 citant Nicolas Copernic, « Commentariolous », J-P Verdet (dir.), *Astronomie et Astrophysique*, Paris, Larousse, 1993 at 191.

²⁸ *Legacy*, *supra* note 7 at 73; *World History*, *supra* note 8 at 626.

²⁹ *Legacy*, *supra* note 7 at 75.

organization.³⁰ Even if we understand the “State of Nature” as referring to societies consisting of hunter-gatherers, both Locke and Hobbes presuppositions would still be wrong. Archeological evidence suggests that the nomadic lifestyles in the Paleolithic era were both healthier and easier in terms of survival than the sedentary lifestyles of their Neolithic descendants.³¹ As such, life wasn’t as “short, nasty and brutish” as first imagined by Hobbes. Locke’s imagination didn’t prove to be factually correct either since hunter-gatherers societies didn’t seem to have any conception of a “natural right” to “private property”. Actually, anthropological and archeological evidence tend to demonstrate that those societies tended to hold the territory as “common” and had little conception of “private property” (or of “property” at all).³² When they did, this “private” property was still highly dependent upon the will of the group.³³ As such, Hobbes and Locke’s methods seems to have “sought answers that would fit preconceived notions about the universe”,³⁴ a “medieval” practice in the view of the narrative.³⁵ Yet, those philosophers assumptions see themselves awarded scientific validity by the *neo-liberal narrative*. This has far-reaching influences since their perceived “objectivity” can be seen within our North American legal systems.

B. Modern influences of those "Wise men"

Our misplaced trust in the objectivity of Locke and Hobbes’ thoughts sometimes leads us to believe that our society is based upon more “objective” foundations than that of others. For example, the Canadian court system has sometime discarded attempts of aboriginal groups to appeal to mythical imageries to explain how they legitimated their place within a land as a “form of

³⁰ T.E. Rowel and D.K. Olson, "Alternative mechanisms of social organization in monkeys", (1983) 86 Behaviour 31, online: JStore
<http://www.jstor.org/discover/10.2307/4534276?uid=3739464&uid=2129&uid=2134&uid=2&uid=70&uid=3737720&uid=4&sid=21105227923553>. and James E McClelland and Harold Dorn, *Science and Technology in World History: An Introduction*, 2 ed, (JHU Press 2006) at 6-12.

³¹ Jared Diamond, *Gun germs and steel : The fates of Human Societies* (USA: Norton and Company Inc, 2005) at 105.

³² Jonathan H. Turner, *Human Institutions: A theory of societal evolution* (UK: Rowman and Littlefield Publishers, 2003) at 103; and Richard B. Lee and Richard Daly, *The Cambridge Encyclopedia of Hunters and Gatherers* (Cambridge: Cambridge University Press, 2002) at 397.

³³ *Ibid.*

³⁴ *Legacy*, *supra* note 7 at 71.

³⁵ *Ibid.*

hearsay” of “mythodological” nature.³⁶ Yet, they themselves do not refrain to apply our own mythical view of the past that we apply to other cultures. For example, the trial judge in *Delgamuukw* explained that, in his view, aboriginal life prior to European occupation was “at best, short, nasty and brutish”³⁷ hinting that they should be gratefully accept the economic development we bring to their land since “The plaintiffs' ancestors had no written language, no horses or wheeled vehicles...”³⁸

From an ecological perspective Locke’s ideas are the most problematic since they impel us to see natural land and ecosystems in purely economic terms. Indeed, for Locke, the land *needs* to be exploited for it is the *natural right* of its owner to do so and the duty of others to allow the owner to do so.³⁹ For this author, the protection of individual property is the primary goal of society and of the social contract: “the great and chief end, therefore, of men's uniting into commonwealths and putting themselves under government is the preservation of their property.”⁴⁰ To question or restrict this “natural right” to property is to question the very foundation of the social contract.

Locke’s views can also be recognized within our North American judicial systems. For example, Canadian judges tend to only see the economic value within land. They often fail to see the inherent value that aboriginal people see in their land by discarding it as a “vast emptiness”⁴¹ and by asking aboriginal people to prove that their ancestors used the land “intensively”⁴² in order to claim that it is their land. Moreover, the fifth amendment of the US Constitution protects the right to property, a right that has historically been interpreted as protecting the right of enterprises to be compensated in case of governmental regulatory measures that try to protect the population from risks or costs that have been created by said enterprises or that are necessary to protect the

³⁶ *Delgamuukw v British Columbia*, 1997 3 SCR 1010 at paras 95-98. talking about the trial judge decision in order to condemn his view.

³⁷ *Delgamuukw v British Columbia*, 1991 3 WWR 97 Trial Decision at 8.

³⁸ *Ibid* at 7-8.

³⁹ John Locke, *Two treatises of government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988: 1690) at para 123.

⁴⁰ *Ibid*.

⁴¹ *Delgamuukw v British Columbia*, 1991 3 WWR 97 Trial Decision at 7.

⁴² It has been held in *Delgamuukw* (1997) that it is not appropriate for a judge to ask for evidence of "intensive" use of the land. Yet, the Supreme Court has, in effect, held aboriginal groups to such a such a standard before the *Delgamuukw* decision (see *R v Van der Peet*, 1996 2 SCR at para 90) and after it (see dissent of Justices LeBel and Fish JJ. criticizing the majority judgment for holding aboriginal groups to such a standard. (*R v Marsall* and *R v Bernard*, 2005 SCR 220 at para 140.))

public's interests.⁴³ Similarly, the Supreme Court of Canada has recognized the right to be compensated for regulatory measures that amount to a taking even in the absence of any explicitly written constitutional "right to property".⁴⁴

Not surprisingly this particular reading of the right to property creates significant limits on the ability of the governments to enact environmental regulations not only because they are financially costlier but also because they meet political resistance. To hold the economic exploitation of the land and property as an individual constitutional right is to *reify* it.⁴⁵ As such, environmental regulations are often seen and described in mainstream medias as an infringement on personal freedom because of its impact on personal property,⁴⁶ even if the rationale for those regulations is to protect the right to health, life, security, property and social rights (in the case of aboriginal peoples) of other citizens.

C. From "Homo sapiens" to "Homo economicus" - redefining rationality

Another impact of this biased understanding of Science can be seen in the way North American societies understand mainstream "economic sciences". In the mainstream media and academic articles, neoclassical economics is sometime referred to as a Science capable of producing "objective" truths.⁴⁷ Like its name suggests, neoclassical economic appeals to the

⁴³ *Pennsylvania Coal Company v. Mahon et al.*, 1922 260 U.S. 393;

Lucas v. South Carolina, 1992 505 U.S. 1003; *Stop the Beach Renourishment v. Florida Department of Environmental Protection*, 2010 130 S. Ct. 2592.

⁴⁴ *The Queen in Right of British Columbia v. Tener et al.*, 1985 17 D.L.R. (4th) 1 (S.C.C.) *Manitoba Fisheries Ltd. v. Canada*, 1979 1 SCR 101.

⁴⁵ Oxford Reference, "Reification", online: Oxfordreference.com

<<http://www.oxfordreference.com/view/10.1093/acref/9780199533008.001.0001/acref-9780199533008-e-1906>>.

⁴⁶ Mentioned by: Michael E. Zimmerman, "Ecofascism: An Enduring Temptation", (2004) in Michael E. Zimmerman et al., *Environmental Philosophy: From Animal Rights to Radical Ecology*, 4th ed (2004), online:

<http://www.colorado.edu/philosophy/paper_zimmerman_ecofascism.pdf> at 1; See also:

Matt Kibbe, "Obama's 'Green' Energy Plan Infringes on Liberty", (2010 Townhall.com), online: Townhall.com

<http://townhall.com/columnists/mattkibbe/2010/11/04/obamas_green_energy_plan_infringes_on_liberty/page/full>.

Kelly Burket, "Westerners fear monumental land grab by Obama administration" (2014 FoxNews), online:

<http://www.foxnews.com/politics/2014/08/19/westerners-fear-monumental-land-grab-by-obama-administration/>;

Terry Miller and Anthony Kim, "It's Economic freedom that will save the Earth" (2010 FoxNews), online:

<<http://www.foxnews.com/opinion/2010/01/11/terry-miller-anthony-kim-save-earth-boost-growth-economic-freedom/>>.

⁴⁷ Raj Chetty, "Yes Economics is a science", (2013 New York Times), online: nytimes.com

<<http://www.nytimes.com/2013/10/21/opinion/yes-economics-is-a-science.html?pagewanted=all&r=0>>.

"Is economic a science?", (2012 The Library of Economics and Liberty), online: econlib.org

<<http://www.econlib.org/library/Topics/College/iseconomicsascience.html>>.

legitimacy of Enlightenment “scientific” thoughts that are being promoted by the narrative. Neoclassical economists root their analysis in seemingly rationalist thoughts and, like Locke and Adam Smith, postulate that individuals are rational, concerned by their private property and mainly driven by self-interest and satisfying material needs.⁴⁸ As such, when neoclassical economists define “rationality” as trying to act in his self-interest which is, in turn, understood as maximizing his material wealth, it isn't necessary for them to justify why acting as such should be considered “rational”.⁴⁹ This is an assumption that is often taken for granted, possibly because it echoes Enlightenment thoughts that were legitimated by the narrative.⁵⁰ What the narrative fails to mention however, is that other philosophers that claimed to base their theory upon “reason” arrived at radically different conclusions. For example, Jeremy Bentham held that “the interests of all should be treated equally”⁵¹, meaning that a rational individual must not consider his self-interest as being more important than those of others.⁵²

Neoclassical economic studies that still use the “rational man” as a model cannot be considered “scientific” for they do not follow one of the very first step of the scientific method: observation.⁵³ Statistics, empirical data, and observations are continuously showing us that human self-interest isn't simply rooted in maximizing material wealth. Before going further one must understand the limitation of the data that will be shown. One cannot simply look at those statistical correlations and infer causation from them. However, absence of correlations also hints at an absence of causation, which is all that needs to be proven here. Statistical data shows a correlation between higher income and emotional well-being in the United States, but this correlation stops after the recipient received an annual salary of \$75 000.⁵⁴ Similarly, empirical

Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979*, trans. Graham Burchell (New York: Palgrave Macmillan, 2008) at 235, citing the economist Gary Becker.

⁴⁸ *Legacy*, *supra* note 7 at 146. and Paul Krugman, "School for Scoundrels", (2009 The New York Times), online: nytimes.com <http://www.nytimes.com/2009/08/09/books/review/Krugman-t.html?pagewanted=all&_r=0>. reviewing Justin Fox new book "Myth of the Rational Man".

⁴⁹ *Ibid.*

⁵⁰ *Legacy*, *supra* note 7 at 146.

⁵¹ Stanford Encyclopedia of Philosophy, "Equality" *Stanford Encyclopedia of Philosophy* (27 March 2001), online: Stanford.edu <<http://plato.stanford.edu/entries/equality/#PriEquJus>> at chapter 3.3.

⁵² Samantha Besson et al., *The Philosophy of International Law* (UK: Oxford University Press 2010) at 480. [Besson]

⁵³ *Supra* note 16.

⁵⁴ Daniel Kahnman and Angus Deaton, "High income improves evaluation of life but not emotional well-being", (2010) Proceedings of the National academy of Sciences of the USA, online: pnas.org <<http://www.pnas.org/content/107/38/16489.full?tab=author-info>>.

data suggests that in most countries people reported longer and more sustained feelings of happiness if they were *giving* a certain amount of money than if they were using it for themselves⁵⁵ and that people who took time to deliberate whether or not buying furniture was a “rational” thing to do tended to be *less* satisfied than others.⁵⁶ Empirical observations are thus showing us that trying to maximize our material wealth at all cost may not be the most “rational” thing to do after all.

D. Modern influences of the “Homo economicus”

The belief that North American “economical sciences” are “scientific” or “objective” is dangerous because it imbues them with a “transcendent” position that cannot be influenced by politics, evidence or by the world itself.”⁵⁷ Yet, as demonstrated, mainstream economics can hardly be considered as an “objective” science. Its authority, for authors such as Pahuja is closer to that of a religion since it is :

a particular system of faith or belief which adherents consider themselves obliged to follow and which they regard with reverence. Such a system may be said to rest upon faith in that “the foundations of the discipline are not self-evident, entirely based on fixed rational or empirical foundations, or proven by analysis or theorem [but are instead] rooted in unexamined presuppositions that are more like faith commitments than [...] “pure” scientific hypotheses, and [which] are often obscure to and obscured by the advocates of the field itself⁵⁸

The handling of social and economic rights by legal academics reflects the “transcendent” position of economics within our social and legal order. Indeed, the credibility of those rights are often being questioned by the assumption that they are “positive” rights meaning that they require the government to do something while civil and political rights are “negative” rights meaning that they require the government to refrain from doing something.⁵⁹ Yet, civil and political rights ask governments to take positive actions in order to: finance elections (*right to vote*), finance legal aid

⁵⁵ Elizabeth Dunn et al., “Prosocial Spending and Happiness: Using Money to Benefit Others Pays Off.”, (Harvard Business School Scholarly Articles), online: harvard.edu
<http://dash.harvard.edu/bitstream/handle/1/11189976/dunn,%20aknin,%20norton_prosocial_cdips.pdf?sequence=1>.

⁵⁶ “Chapter 7: Economic Behavior and Rationality”, online: turfts.edu
<http://www.ase.tufts.edu/gdae/Pubs/te/MIC/3e/MIC_3e_Ch7.pdf> at 6.

⁵⁷ Pahuja, *supra* note 5 at 74-75.

⁵⁸ *Ibid* at 70, citing the Oxford English Dictionary definition of religion.

⁵⁹ Paul O’Connell, *supra* note 6.

(*right to a fair trial*), protect its citizens (*right to life, liberty and personal security*), and create a functioning judicial system to hear any complaints and protect individual and private rights. Socio-economic rights also create negative obligations as recognized by the Constitutional court of South Africa.⁶⁰ For example, the government must refrain from adopting policies that would result in depriving people of their basic needs or interfere with their ability to do so.⁶¹ In short, it is the “transcendent” and “objective” position of economics that create the illusion that civil and political rights are negative and economic and social rights, positive. Those rights are only strictly “positives” so long as we believe that “free-market” economics isn’t the product of political and legal fictions, that, legal institutions merely recognized (and not created) private ownership. The following quote of Nobel Prize economist Hayek summarizes this view: “a spontaneously working market [...] creates a distribution which nobody has designed, and something which has not been designed, a mere state of affairs as such, cannot be just or unjust”.⁶² Yet, this view fails to understand that, at the very least, a “working market” needs an efficient judicial system and thus governmental funding and intervention that can enforce contractual and private law between economic actors. Civil and political rights are only strictly “negative” if private ownership is seen as the “natural” form of economic organisation, one that “transcends” moral and political biases because it precluded social organisation and human societies. This comes from a Lockean presupposition that, as stated earlier, isn’t supported by archaeological and anthropological evidence.

Yet, the main problem with the myth of the “rational man” and the above mentioned presuppositions are their role in the creation of identity in a Foucauldian sense.⁶³ Indeed, political theories resting upon this postulate⁶⁴ have “pervasive effects on ways of thought to the point where it has become incorporated into the common-sense way many of us interpret, live in, and understand the world”.⁶⁵ By defining “rationality” as trying to maximize our individual self-interests defined purely as material wealth, these myths and presuppositions are also stating that not seeking our material self-interest is a product of irrational thoughts.

⁶⁰ In Re: Certification of the Constitution of the Republic of South Africa, 1996 (4) SA 744 (CC), at para 78.

⁶¹ *Ibid.*

⁶² Thomas W. Hazlett, “The Road from Serfdom” *Reason.com* (July 1992), online: [reason.com <http://reason.com/archives/1992/07/01/the-road-from-serfdom/3>](http://reason.com/archives/1992/07/01/the-road-from-serfdom/3) at 4.

⁶³ Foucault, *supra* note 47.

⁶⁴ *Ibid.*

⁶⁵ David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007) at 3.

Some people may use it not only to judge and guide their own choices but also to judge others. Economists like Scott Beaulier and Bryan Caplan analysed different data showing that “poor” people are more likely to exhibit heavy alcohol use, are more likely to be obese, are more likely to smoke and use illegal drugs and tend to score less than richer individuals on IQ tests.⁶⁶ From this they concluded that because “deviations of the poor from the standard neoclassical model are especially pronounced”⁶⁷ that must mean that poor people are poor because they are irrational:

Since the poor are below-average on most of the standard measures of ability including education and intelligence—we should expect their self-serving bias to be especially severe. Other research bears out this prediction. McClendon and Wigfield (1998) for example finds that in the face of poor objective performance, underachieving black children remain convinced that they are good in both math and science.

Instead, the primary determinants of success are parental characteristics and attitudes, such as honesty, diligence, and reliability — the very attitudes Banfield maintains that the poor are lacking. Finally, Glaeser (2006) suggests a third explanation for why the poor deviate more: The rich have more motivation and resources to *make* themselves rational”.⁶⁸

Scott Beaulier and Bryan Caplan’s analyses are a good example of how the myth of the “rational man” shapes identity. Unwilling to fully let go of their preconceived notion that economics is made of “rational actors”, they decided, when confronted with contradictory empirical data, to just slightly modify their worldviews and to now holds that while it isn’t true that all men are rational those who are - can prosper. In other words, it’s not the theory that is wrong it is the fact that the poor don’t follow it: “Why would the poor be more prone to violate neoclassical assumptions? Perhaps the simplest mechanism is general intelligence. The average IQ of the poor is well below normal...”⁶⁹

Of course, their analysis is questionable to say the least. As stated earlier, correlation does not equal causation. Their study ignored other data or hypotheses, such as the many psychological burdens that are created by the state of poverty⁷⁰ which seems more likely to

⁶⁶ Scott Beaulier and Bryan Caplan, "Behavioral Economics and Perverse Effects of the Welfare State" (2007) 60 *Kyklos* 485 at 496 to 498.

⁶⁷ *Ibid* at 494.

⁶⁸ *Ibid* at 498-499.

⁶⁹ *Ibid* at 496.

⁷⁰ Eldar Shafir et al., "Poverty Impedes Cognitive Function" (2013) 341 *Science* 976.

explain the link between poverty and the perceived lack of rationality by aforementioned economists. As the neuropsychologist Eldar Shafir, who also studied the subject, puts it: "All the data shows it isn't about poor people, it's about people who *happen to be in poverty*. All the data suggests it is not the person, it's the context they're inhabiting."⁷¹

From an ecological perspective, to define rationality as "maximizing individual material self-interests" is dangerous because it prevents us to sacrifice short terms wealth in favor of futures generations gain. Even if you do not believe in these theories, the fear of being considered "irrational" for not promoting unhindered economic growth might be enough to guide your political and economic decisions. To sacrifice your own wealth, your own self-interest, for the sake of another is irrational and only irrational people (who, ironically, happens to be scientists) would pronounce such opinions. Yet, according to a World Bank macroeconomic report "going green" would lead to millions of lives saved in the near future while not tackling environmental issues will lead to great political and economic instability.⁷² However, tackling environmental issues would require us to take measures that could slow down economic growth in the short term. If it is clear in the view of this report that from a "greater good" perspective the "rational" choice seems to demand immediate action, the economic "rational man" however would be unwilling to sacrifice his wealth in order to secure a brighter future for the next generations.

In the end, the way the *neo-liberal narrative* understands Science and rationality participates in the legitimation of theories and worldviews that are problematic from an environmental perspective. Yet, as Latour explains, our modern biased view of Science is simply replacing religion as the necessary neutral arbiter of political life for it is, seemingly, a tool which is able to create a "*réservoir de lois non-humaines, indiscutables, non fabriquées de main d'homme, afin de pouvoir disposer en permanence d'une réserve pour faire taire les passions humaines, mettre de l'ordre dans l'irrationalité tumultueuse du corps politique*."⁷³ Indeed, it would seems

⁷¹ *Ibid* and Emily Badger, "How Poverty Taxes the Brain" *CityLab* (29 August 2013), online: citylab.com <<http://www.citylab.com/work/2013/08/how-poverty-taxes-brain/6716/>>.

⁷² The Guardian, "Tackling climate change would grow global economy, World Bank says" (June 24 2014), online: theguardian.com <<http://www.theguardian.com/environment/2014/jun/24/tackling-climate-change-would-grow-global-economy-world-bank-says>>.

World Bank, "Climate-Smart Development" *World Bank Group* (2014), online: worldbank.org <http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2014/06/20/000456286_20140620100846/Rendere d/PDF/889080WP0v10RE0Smart0Development0Ma.pdf>.

⁷³ Latour, "Crise des valeurs?", *supra* note 12 at 4.

that, in reality, we still haven't escaped the "ignorance" of the Middle Age and, like our ancestors, we still seeks: "answers that would fit preconceived notions about the universe".⁷⁴

Part II: Linear Storytelling and Teleological Assumptions

Another problem of the "neo-liberal narrative" is its teleological assumption of History. The narrative presents "History" in a linear perspective which starts from the presumption that we are presently living in a "Golden Age". In other words, the "narrative" does not really invites us to understand the ways of life of our ancestors. It invites us to look at History in order to judge how terrible life was in our past and how we were able to free ourselves from subsistence-based communities and progressed into the comfortable Industrialist Mass Consumption societies of today.⁷⁵

A. Escaping a dramatic past

The narrative explains that we were able to free ourselves from the boundaries of the past thanks to *industrialization* and *economic development* hereby conferring them inherent value.⁷⁶ The *neo-liberal narrative* presents two "dark ages" from which civilization was able to escape: the Paleolithic, where man life was continuously threaten by nature and the Middle Ages where most people lived in abject poverty and under the rule of tyrannical lords.⁷⁷ The narrative explains that mankind was able to liberate itself from the obscurantism of the Middle Ages and reconnect itself with the wisdom of the Greek and Roman during the Renaissance.⁷⁸ From this point forth, living conditions will tend to improve since humans will enjoy increase economic and political freedoms thanks to the visionary thoughts of Enlighten rulers and thinkers.⁷⁹ In reality, History did not follow such a simplistic trend partly because the aforementioned "dark ages" weren't as terrible as presented by the narrative.

⁷⁴ *Legacy*, *supra* note 7 at 71.

⁷⁵ *Legacy*, *supra* note 7 at 212.

⁷⁶ Latour, *supra* note 3 at 106.

⁷⁷ *World History*, *supra* note 8 chapter 13-14.

⁷⁸ *Legacy*, *supra* note 7 at 71-132. and *World History*, *supra* note 8 chapter 17 and 22.

⁷⁹ *Ibid.*

The Paleolithic era is presented as something akin to Hobbes view of the State of Nature where life was “short, nasty and brutish”. *Homo sapiens*, the *Neanderthals* and their ancestors were continuously at the mercy of Nature. For example, the narrative states that they had to face harsh winters during a difficult “Ice age”⁸⁰ and spent “most of their time just surviving”.⁸¹ Then everything changed about 10 000 years ago when some women may have “scattered seeds near a regular campsite. When they returned the next season, they may have found new crops growing”.⁸² One of the most important inventions, agriculture, was thus discovered. It offered human beings an “attractive alternative”⁸³ to hunting and gathering since it provided a “steady source of food”⁸⁴ that, in time permits the creation of “Civilizations”.⁸⁵

In reality, agriculture wasn't such an "attractive" option. Archeological findings suggests that “Human height actually shrank by nearly six inches after the first adoption of crops in the Near East”⁸⁶ a situation that seems to be related to protein deficiency that resulted from the lack of meat in their diet.⁸⁷ Agriculture also favored epidemics outbreaks. Indeed, agriculture favored more sedentary lifestyles which in turn, lead to closer contacts between peoples and between peoples and their domesticated animals. This permitted germs that originally only infected animals to mutate into deadly human diseases such as smallpox, flu, tuberculosis, malaria, the bubonic plague, measles and cholera.⁸⁸ As such, archeologists have demonstrated that the first farmers “died on the average at a younger age than the hunter-gatherers”.⁸⁹ Some estimates also show that the median lifespan of humans in the High Paleolithic were higher than the median lifespan between 1400 and 1800⁹⁰ and higher than the average lifespan of a Swede in 1800 (Sweden was one of the first countries to keep efficient extensive records of births and deaths).⁹¹ Finally, “time

⁸⁰ *World History*, *supra* note 8 at 9.

⁸¹ *Ibid* at 14 for *Homo sapiens* ancestors and at 15 for *Homo sapiens*.

⁸² *Ibid* at 15.

⁸³ *Ibid*.

⁸⁴ *Ibid*.

⁸⁵ *Ibid*. name of chapter 1 section 3 and chapter 2.

⁸⁶ The Economist, "Hunter-gatherers: Noble or savage?", (2007), online: <<http://www.economist.com/node/10278703>>.

⁸⁷ *Ibid*.

⁸⁸ Diamond, *supra* note 31 at 196-197.

⁸⁹ *Ibid* at 105.

⁹⁰ Ward Nicholson, "Longevity and health in ancient Paleolithic vs Neolithic peoples", 1999, online: <<http://www.beyondveg.com/nicholson-w/angel-1984/angel-1984-1a.shtml>>.

⁹¹ Maggie Koerth-Baker, "Who lives longest", 2013, online: <<http://www.nytimes.com/2013/03/24/magazine/who-lives-longest.html?pagewanted=all>>.

budget studies show that [modern day non-First World peasant farmers] may spend more rather than fewer hours per day at work than hunter-gatherers do.”⁹² Far from being simply the result of a “rational” choice, some historians such as Mark Cohen believe that agricultural lifestyles were adopted because of necessity created by dryer climate in some parts of the globe and a rising human population that left natural resources unable to renew themselves quickly enough for everyone to survive.⁹³

The “Middle Ages” constitutes the second “Dark Age” told by the *neo-liberal narrative*. The very name “Middle Ages”, an era followed by the “Renaissance” (French for “revival”) and the “Enlightenment”, underlines the idea that it was a dark stagnant age. The *neo-liberal narrative* explains that peasants were only able to produce enough for sustenance and that serfdom was a terrible institution that affected the majority of the population:

"In Europe in the Middle Ages, the vast majority of people were peasants. Most peasants were serfs. Serfs were people who could not lawfully leave the place where they were born. Though bound to the land, serfs were not slaves. Their lords could not sell or buy them. But what their labor produced belonged to the lord."⁹⁴

The narrative explains that serfs lead a hard life, one that was defined mainly by work: “For most serfs, both men and women, life was work and more work”.⁹⁵ In reality however, life expectancy at birth was actually higher in the Middle Ages (31 years⁹⁶) than in Roman Antiquity (20-35 years⁹⁷ or 25 years⁹⁸) and only slightly lower to the average lifespan of some European countries such as Sweden in 1800.⁹⁹ GDP per capita estimates don't show much differences between Roman Antiquity (First century: 1 000 \$) and Medieval/Early Renaissance eras (11th century: 900\$ to 16th century: 1 350\$)¹⁰⁰. Finally, 13th and 14th century peasants were, on average, working less

⁹² Diamond, *supra* note 31 at 105.

⁹³ *Supra* note 86.

⁹⁴ *World History*, *supra* note 8 at 360.

⁹⁵ *Ibid* at 363.

⁹⁶ Maria Patrizia Carrieri and Diego Serraino, "Longevity of popes and artists between the 13th and 19th century", 2005 34 International Journal of Epidemiology at 1435-1436.

⁹⁷ Caleb E. Finch, "Evolution of the human lifespan and diseases of aging", 2010 107 Proceedings of the National Academy of Sciences of the United States of America 1718 at 1719.

⁹⁸ Koerth-Baker, *supra* note 91.

⁹⁹ Patrizia Carrieri, *supra* note 96.

¹⁰⁰ Paolo Malanima and Elio Lo Cascio, "GDP in Pre-Modern Agrarian Economies (1-1820 AD) A revision of the Estimates", 2009 *Rivista di storia economica* at 18, table 8, online:

<http://www.paolomalanima.it/default_file/Papers/GDP_in_Pre-Modern_Agrarian_Economies.pdf >.

hours per years than UK or North American modern day workers¹⁰¹ mostly because of Church-sanctioned holidays.

The *neo-liberal narrative* is also overstating the oppressive nature of medieval political system especially in comparison to following eras. Indeed, the fact that “most peasants were serfs”¹⁰² is contested: “even in England, where servility assumed much greater significance, free peasants made up fully 50 to 60 percent of the rural population during the High Middle Ages”¹⁰³ and “serfdom was never a universal condition of the West European peasantry. It was insignificant in Scandinavia and most of the Iberian Peninsula (Catalonia being the main exception).”¹⁰⁴ It also didn't disappear after the end of the Middle Ages. France only formally abolished serfdom in 1789 and serfdom was only formally institutionalized in some Eastern Europe countries after the Middle Ages:

"Serfdom tended to be introduced in Eastern Europe by governmental decrees forbidding peasants from leaving the jurisdiction or territory of their landlords, rather than spreading piecemeal as a result of the policies of individual overlords (as in the west). Decrees of this sort were first passed in Bohemia (1487) and Poland (1496), and thereafter in Hungary (1514), Prussia (1526), Brandenburg (1528), upper Austria (1539), Pomerania (1616 and 1645), Russia (1649), and Mecklenburg (1654)."¹⁰⁵

Most Eastern European powers formally abolished serfdom as late as the 19th century: Prussia (1807), Austria (1848), Hungary (1853), Russia (1861) and Romania (1864)¹⁰⁶.

Moreover, while serfdom was brutal, it wasn't as tragic as slavery, an institution that was be mainly used during Antiquity, the Renaissance and Enlightenment eras. Serfs still held rights against their Lords, couldn't see themselves or their children sold to new “owners” and it was possible for some of them to buy “back” their freedom.¹⁰⁷ Finally, serf's material conditions weren't

¹⁰¹ Juliet B. Schor, *The Overworked American: The Unexpected Decline of Leisure*, (Basic Books 2008), summary online: <http://groups.csail.mit.edu/mac/users/rauch/worktime/hours_workweek.html>.

¹⁰² *World History*, *supra* note 8 at 360.

¹⁰³ Encyclopedia, "Serfdom", online: <<http://www.encyclopedia.com/topic/Serfdom.aspx>>.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

necessarily worse than those of “free peasants” [...] “as the legal encumbrances of servility were often counterbalanced by the greater size of servile, as opposed to free, landholdings.”¹⁰⁸

In comparison, the Renaissance and Enlightenment eras saw institutionalized slavery mostly for peoples of Native American and African descents. Moreover, European kingdoms imposed economic, political and military oppression on foreign people in order to colonize or control their lands. Women’s conditions, far from enviable during the Middle Ages, did not really improve during these periods¹⁰⁹. Yet, the *neo-liberal narrative*, while acknowledging the harshness of slaves life and the evils brought upon Native populations during colonization,¹¹⁰ mostly present those eras in positive terms underlining the important contributions of “enlightened” liberal thinkers in the political sphere.¹¹¹ By mentioning feminine figures such as Mary Wollstonecraft¹¹² and Catherine the Great of Russia¹¹³, the narrative can also give the false impression that women's conditions improved. The reality is, unless if you were a relatively rich white man of European descent, European "progress" wasn't very much of a blessing to you and much more of a curse. As such, your ancestors lives in the Middle Ages were, arguably, far more enviable.

By dramatizing and simplifying the past, the narrative validates the idea that “human civilization” follows “stages of development” where the inferior stage is one where human bands live as nomadic hunter-gatherers. Yet, it also tells us that humans will evolve one day, into our contemporary “superior stage” of “High Mass Consumption”.¹¹⁴ As theorized by Rostow, human civilization followed five stages of economic growth starting from the "Traditional society" where men were living at a subsistence level (pre-Renaissance eras). Civilization will then adopt more rationalists and “scientific” worldviews (stage 2-3) which permits industrialization (stage 4) and, finally, the masses will benefit from this industrialization in the age of “High Mass Consumption”

¹⁰⁸ *Ibid.*

¹⁰⁹ Helen Jewell, *Women in Medieval England*. (Manchester University Press: 1996); Jutta Sperling, "Dowry or inheritance? Kingship property and women's agency in Lisbon, Venice and Florence (1572)", 2007 Leiden : Hampshire College.

¹¹⁰ *World History*, *supra* note 8 at chapter 20(3). and *Legacy*, *supra* note 7 at 116.

¹¹¹ *World History*, *supra* note 8 at chapter 20(2). and *Legacy*, *supra* note 7 at 26-167.

¹¹² *World History*, *supra* note 8 at 633.

¹¹³ *World History*, *supra* note 8 at 639.

¹¹⁴ *Legacy*, *supra* note 7 at 212 describing Rostow's Stages of Economic Growth.

(stage 5).¹¹⁵ Only by representing the first stages as utterly horrible could we accept that civilization was “right” and “willing” to “evolve”, an assumption which has implications that still affect our judicial system.

B. Modern influences of this dramatized past

These simplistic and dramatized visions of our past found resonance within our North American juridical system. For example, the trial judge in *Delgamuuk* characterized Native American history before the arrival of the Europeans as “pre-historic” probably because it was bearing resemblance with “our” own stage of “pre-historic” lifestyles of hunter-gatherers that had not yet “discovered” written language. As stated earlier, his view of pre-historic life was the simplistic one of the narrative which held that they were living “short, nasty and brutish” lives.¹¹⁶ Similarly, *Baker Lake* made the existence of an aboriginal “organized society” a prerequisite proof in order to claim an aboriginal right¹¹⁷ a requirement that has been reapplied by the Supreme Court.¹¹⁸ The Supreme Court also held that aboriginal peoples can only seek to protect (under section 35(1) of the Canadian 1982 Constitution) their rights and interests that existed *prior* to the arrival of Europeans in North America.¹¹⁹ The dissent in this decision rightly underlined the assumption behind this rule: that, “taking British sovereignty as the turning point in aboriginal culture assumes that everything that the natives did after that date was not sufficiently significant and fundamental to their culture and social organization”.¹²⁰ It holds that the aboriginal culture can only be considered truly aboriginal only in so forth as it is frozen at its “inferior stage” of development. It also holds that the culture shock brought by the European civilizations that was at a “superior” stage of civilization was so brutal that their ways of life completely changed at the “magic moment of European contact”.¹²¹ Of course, this simplistic “stages of development” view also fails to see that the culture shock between First Nations and Europeans wasn't one-sided.

¹¹⁵ *Ibid.*

¹¹⁶ *Delgamuukw v British Columbia*, 1991 3 WWR 97 Trial Decision at 8.

¹¹⁷ Kent McNeil, “The Meaning of Aboriginal Title”, at 137, online:

<[https://apps.osgoode.yorku.ca/osgmedia.nsf/0/55574E6DD4046C81852571B200700792/\\$FILE/The%20Meaning%20of%20Aboriginal%20Title.pdf](https://apps.osgoode.yorku.ca/osgmedia.nsf/0/55574E6DD4046C81852571B200700792/$FILE/The%20Meaning%20of%20Aboriginal%20Title.pdf)>.

¹¹⁸ Van der Peet, *supra* 42 at para 90.

¹¹⁹ *Ibid* at para 44 and 61.

¹²⁰ *Ibid* at para 166.

¹²¹ *Ibid* at para 247.

The First Nations weren't the only ones being influenced by Europeans, they were influenced by the First Nations too. For example, it is believed that the Founding Fathers of the United States used the Iroquois Confederacy as a model for their new government.¹²²

C. Glorifying the Saviour

But the narrative doesn't content itself to dramatize our pre-Renaissance past. It also glorifies the very concept of “economic development” by its handling of the Industrial revolution. While the “neo-liberal narrative” is quite right to underline the many benefits that came with the Industrial Revolution which brought, in the long term, a general reduction of poverty and a greater abundance of goods for all social strata, it continuously undercuts its many disadvantages and tends to exaggerate its benefits.

The *neo-liberal narrative* defines the standard of living of the poorest portion of the European economy as: “by today's standards, 1850s working conditions and urban environments were appalling, but extreme poverty and city squalor were no innovation of the Industrial Revolution”.¹²³ It also mentioned that labourers were working hard but immediately states that “when the market was slow, they worked in a more leisurely pace”.¹²⁴ Surprisingly, *World History: Patterns of Interaction* presents a far more accurate picture and mentions, for example that “in 1842, a British government study showed an average life span to be 17 years for working-class people in one large city, compared with 38 years in a nearby rural area.”¹²⁵ However, like *Legacy: the West and the World*, the manual presents the “dark ages” in a dramatized fashion and does not offer any comparison points for this data which lead us to believe that it does not represent a dramatic fall in life expectancies, which it does.¹²⁶

By dramatizing living conditions in the past, the narrative does not present an accurate picture of the work conditions in the Industrial Revolution. For example, it fails to mention how workers in the Industrial Revolution had to work considerably more hours for, at first, comparable

¹²² “H. Con. Res. 331, October 21, 1988”, United States Senate, Retrieved 2008-11-23.

¹²³ *Legacy*, *supra* note 7 at 250.

¹²⁴ *Legacy*, *supra* note 7 at 253.

¹²⁵ *World History*, *supra* note 8 at 725.

¹²⁶ *Supra* note 91.

material wealth to those they enjoyed before the Revolution.¹²⁷ While it was true to state that peasants and serfs were working hard in the Middle Ages estimates show that they were working between 1440 hours and 2309 hours per year.¹²⁸ In comparison, a worker in the United Kingdom industrial era was working, on average, 3105 - 3588 hours per year around 1840 A.D. and in the USA 3150 - 3650 hours per year around 1850 A.D.¹²⁹ Moreover, workers, unlike medieval peasants, could not decide when to take leisure time nor choose their rhythm of work which were decided by the factory owners or supervisors. Finally, falling victim to industrial accidents and losing one's job in periods of economic uncertainty were omnipresent fears of the factory worker that weren't shared by medieval peasants.

Faith in development also leads the narrative to present colonization as a "mixed blessing" for the colonial nations.¹³⁰ Indeed, it holds that while it is true that European rule was brutal they still brought "progressive reforms" to their colonies such as railroads¹³¹. In reality, the Industrial Revolution proved to be quite a negative experience for colonies. While it did bring technological innovations, those innovations were not used for the benefit of the masses.¹³² The Industrial Revolution also shattered many cultures¹³³ and created economic disasters for colonies. European industrial centers were able to produce more than their non-industrialized colonies such as India. Incapable to compete with the British textile industry and being subject to British tariffs the Indian artisan industry collapsed so quickly that between 1780-1860 India went from being an exporter of manufactured goods to an importer of such goods and a supplier of raw materials.¹³⁴ This contributed to famine and increased poverty.¹³⁵

¹²⁷ Robert Allen, "Pessimism Preserved: Real Wages in the British Industrial Revolution", Oxford University Department of Economics Working paper 314 2007, online:

<<http://www.economics.ox.ac.uk/Research/wp/pdf/paper314.pdf>> at 35.

¹²⁸ Juliet B. Schor, *supra* note 101.

¹²⁹ *Ibid.*

¹³⁰ Garfield Newman, "Class textbook: Legacy: the west and the world", Markville History, online: schools.yrdsb.ca

<http://schools.yrdsb.ca/markville.ss/history/west/west_lectures.html> at Chapter 9.

¹³¹ *Ibid.*

¹³² William Digby, "The general election, 1885. India's interest in the British ballot box", 6 1885 Google books, online : <<http://books.google.ca/>> at 79.

¹³³ Usha Rani Bansal, "Industries in India during 18th and 19th century" 19(3) Indian Journal of History of Science (1984) 215 at 217-218; Peter Robb, "A History of India" (2002) at 131-134.

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

D. Modern implications - inherent value and blind faith

The glorification of the Industrial Revolution and the dramatization of our past by the neo-liberal narrative serves to present “economic development” as something that holds inherent value and no longer as a mean to reach other objectives that could be seen as having inherent value such as reduction of poverty or raising life expectancies. This reification is made possible not only by glorification and dramatization but also by presenting secular, democratic and liberal political thoughts (the development of first generations human rights) as “advancements” *because* they lead to industrialization. For example, by identifying the Industrial Revolution right at the beginning of the chapter of the Enlightenment period (17th century) *Legacy* underlines the fact that the main contribution of the Enlightenment isn't its innovation in political thoughts but the fact that those innovations permitted the Industrial Revolution.¹³⁶ This is consistent with Rostow view of “stages of civilizations” that presents “rationalism and secularism” as a simple precondition for industrialization (Stage 4).¹³⁷

The narrative also promotes the idea that holding inherent value within development is uncontestable because it is universal and free from any cultural bias. Indeed, the narrative's linear storytelling permits the defense of the position that: “everyone on the earth is part of a single, unified story of progress”,¹³⁸ a view that is, in reality, “based in nineteenth-century discourses of social evolutionism that licensed the idea that “primitive” people might represent earlier “stages” of a universal human history, and that historical time was, in the very nature of things, progressive.”¹³⁹ After all, one of the manual identify himself as "World history" while it is mostly analysing strictly European and North American history.¹⁴⁰

The link between the liberal political thoughts and economic development, coupled with the dramatization of lives during the Paleolithic (presented as a difficult period because of our vulnerability to natural phenomenon) and the Middle Ages (presented as a difficult period because of its oppressive political system) permits the presentation of industrialization as a liberal enterprise. Where liberal political thoughts tried to shackle the limits imposed by Medieval

¹³⁶ Newman, *supra* note 130.

¹³⁷ *Legacy*, *supra* note 7 at 212 describing Rostow's Stages of Economic Growth.

¹³⁸ Pahuja, *supra* note 5 at 55.

¹³⁹ *Ibid.*

¹⁴⁰ *World History*, *supra* note 8 at the title.

European monarchies, the industrialization finally truly “freed” us from nature arbitrariness. As such, Latour presents us, moderns, as creature whose identity are defined by their very will to escape those two limits that have been identified by the narrative (Nature and Traditionalist political systems):

“Humans of the modernist breed might have ignored the questions by defining themselves as those who were always escaping from the bonds of the past, always attempting to pass beyond the impassable columns of Hercules. ‘*Plus ultra*’ has always been their proud motto.”¹⁴¹

As such, to “juridicize” individual *duties* and not only rights, which was the project of the *American Right Declaration of Human Rights*¹⁴² and of political activists such as Gandhi¹⁴³ is seen as dangerous because of the inherent *limits* it imposes on our rights even when those *limits* are actually trying to protect other people human rights.¹⁴⁴ Critics use our medieval past as the only illustration of a legal order based upon *duties* explaining that this was the very concept at the center of feudalism.¹⁴⁵ Some of them explain that to “juridicize” *duties* could only be considered a *regression* since it is too evocative of a past that our ancestors worked so hard to flee from, a logical fallacy that rest upon a false understanding of our past.¹⁴⁶

Finally, to adopt policies that would slow economic growth would go against what is considered “common sense”. Bill Clinton understood that fact by adopting his "The economy, stupid!" campaign slogan in 1992. This trend can also be seen in our political and juridical institutions. For example, the Supreme Court of Canada is unwilling to defend aboriginal rights guaranteed by the Constitution if it means impeding economic growth.¹⁴⁷ Similarly, the generational theory of human rights that hold that the first generation (civil and political) of human rights must be respected as a pre-condition for the respect of the two others follows this linear

¹⁴¹ Latour, *supra* note 3 at 131.

¹⁴² American Right Declaration of Human Rights, 1948.

¹⁴³ Cmiel, *supra* note 11 at 119.

¹⁴⁴ Ben Saul, "In the Shadow of Human Rights: Human Duties, obligations and responsibilities", 32 *Columbia Human Rights Law Review* 2001, online:

<http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/mdocs/saul_HumanResponsibilities.pdf>.

¹⁴⁵ *Ibid* at 608.

¹⁴⁶ *Ibid*.

¹⁴⁷ Tsilhqot'in Nation v. British Columbia, 2014 SCC 44 at para 83.

view of History that can be divided in “stages”.¹⁴⁸ This would mean that enforcement of first generation rights must be privileged over the others such as rights to a safe environment (3rd generation).¹⁴⁹ Finally, our governments are unwilling to take on any substantive international obligations under the pretense that other countries whose citizens are, on average, polluting far less *per capita* than us are unwilling to take on similar obligations.¹⁵⁰

In conclusion, by imbuing inherent value to “economic growth” and by presenting History in a linear perspective where civilizations traverse “stages” of development, the narrative presents “economic growth” as the very teleological goal of human history. Development has become, to paraphrase a 1961 taxation lawyer, an “immutable principle that rises majestically above partisan preferences.”¹⁵¹ It is easy to see how this impedes environmental initiatives. Ecological and environmental issues, which do not have any “inherent value” according to the narrative, are continuously being put behind the “economy” by voters on the political scene. While the population generally recognizes the dangers of climate change and wants the government to act in favor of the environment, it refrains from supporting any risks that might impede, even only on the short term, economic growth.

Part III. Solution and Propositions

This paper tried to underline the importance of education, especially history education, in the way we see the world. As stated at the beginning of this paper, our worldviews are the very thing that seems to prohibit us from fully acting in accordance with the “environmental problem”. Even those who are, supposedly, the best informed and knowledgeable persons within our society, Supreme Court judges and university law professors, are influenced by the *neo-liberal narrative*. The biggest issue in the environmental question is not what kind of political strategy or ethical approach must be favored.¹⁵² In a democracy, no environmental solution can be viably achieved without changing how most of us view the world. Without changing our worldviews, any

¹⁴⁸ Caroline bettinger-Lopez et al. "Redefining Human Rights lawyering through the lens of Critical theory: Lessons for pedagogy and practice", (2011) 18 *Georgetown Journal on Poverty Law and Policy* at 342.

¹⁴⁹ *Ibid.*

¹⁵⁰ David Sanger, "George Bush will continue to oppose Kyoto Pact on Global Warming", (2001) *The New York Times*, online: <<http://www.nytimes.com/2001/06/12/world/bush-will-continue-to-oppose-kyoto-pact-on-global-warming.html>>.

¹⁵¹ Louis Eisenstein, *The ideologies of taxation* (1961 New York: Ronald Press) at 12.

¹⁵² Besson, *supra* note 19 at 453 to 492.

real solutions will be either unpopular, not respected or, in the worst cases, seen as infringement on personal liberty and resisted by judicial bodies.

It is thus necessary to either destroy any historical *narrative*, as proposed by Karl Popper,¹⁵³ or to create a new historical *narrative* that will shape next generations' worldview. This new *narrative* will have to be both more honest than the preceding one and better equipped to adapt in front of environmental challenges. It could be built upon the historical facts presented in this paper and should not try to legitimize unsustainable political views by qualifying them as “Scientific”. Similarly, the new narrative should try to redefine what is to be considered as *progress* and *quality of life* and to try to present those concepts as not being entirely dependent upon material prosperity. To do so the new narrative should not rely only upon estimations of mere economic standards such as GDP growth to give the impression that people’s quality of life are increasing. Those standards, if useful, offer limited information on well-being. If they are to be used, they need to be presented alongside other standards such as life expectancies, number of hours worked per day, wealth distribution among social classes, etc. Those, in turn, must see their own limitations criticized as they cannot account for non-quantifiable influences on well-being such as political freedom or even the psychological problems that can arise from repetitive work and lack of meaningful work which became a recurring reality of workers since the Industrial Revolution.¹⁵⁴ Finally, this new narrative should refrain from adopting any linear view of history especially one that grants inherent value to economic growth and development. It is unnecessary, however, to try to present these concepts as inherently bad. They must and should be seen for what they are, simple means to other ends which can be quite positive: reduction of poverty, less starvations, development of modern medicine... Yet, “development” comes at some costs and these costs must be underlined.

Rewriting a historical narrative by following those steps might help us to adapt to environmental change by creating a social imaginary (in the sociological sense¹⁵⁵) which would, in turn, shape our political and economic decisions. This paradigm shift is necessary to be able to

¹⁵³ Karl Popper, Alan Ryan and E. H. Gombrich, *The Open Society and Its Enemies*. (1945) Princeton and Oxford: Princeton University Press.

¹⁵⁴ Litterature is a good medium for such non quantitative points. *Bartleby, the Scrivener*, a 1853 short story wrote by Herman Melville illustrates well the feeling of meaningless that struck some of the workers of the period.

¹⁵⁵ Charles Taylor, *A Secular Age*, (2007) Harvard University Press at 176-207.

stop denying what needs to be done in order to safeguard our next generations' quality of life. The short term sacrifices being asked are not that great in comparison to the cost of inaction. Indeed, stabilizing greenhouse gases emissions could create, in the worst case scenario "a reduction of average annual GDP growth rates of less than 0.12%"¹⁵⁶ while not acting would lead to millions of deaths attributable to climate change and atmospheric pollution, slower economic growth¹⁵⁷ and could create droughts and famines.¹⁵⁸

Conclusion

In short, our account of history is reproducing what our own western media and intellectuals were criticizing about Marxists account of history: a biased use of "Science" and a naive trust in a "March of History".¹⁵⁹ As it has been demonstrated, the *neo-liberal narrative* myths have far-reaching implications within our societies, implications that influence what we hold as rights and as undeniable truths. While those views are not restricted to North America, North American societies seem to be especially resistant to environmental policies and regulations in comparison to other Western societies. North Americans tend to show more skepticism toward environmental change, deniers of human-induced climate change are more numerous and certain in their opinions¹⁶⁰ and Americans and Canadians contribute more, per capita, to human-induced climate change than most other industrialized countries populations¹⁶¹. Yet, this paper has taken the stance to not directly ask us to try to lower their own individual ecological footprint. If the sheer amount of data and information about the subject has not convinced us to do so yet, there is little chance that a new paper listing those facts will be of any help. This paper has rather tried to identify one of the many factors that prevent us from tackling these challenges. In the end,

¹⁵⁶ IPCC, *Climate Change 2007: IPCC Fourth Assessment Report*, IPCC (2007) online: <http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_synthesis_report.htm>.

¹⁵⁷ World Bank, *supra* note 72.

¹⁵⁸ IPCC, *Climate Change 2007: IPCC Fourth Assessment Report* (summary for policymakers), IPCC (2007) online: <http://www.ipcc.ch/pdf/assessment-report/ar5/wg1/WG1AR5_SPM_FINAL.pdf> at 5.

¹⁵⁹ Karl Popper, Alan Ryan and E. H. Gombrich, *The Open Society and Its Enemies*. (1945) Princeton and Oxford: Princeton University Press. Ernst Van den Haag, "Marxism as pseudo-science", *Reasons Papers* (Spring 1987), online: <http://www.reasonpapers.com/pdf/12/rp_12_3.pdf>.

¹⁶⁰ *Supra* note 2; Brett W. Pelham, "Awareness, Opinions about Global Warming vary worldwide", (2009) Gallup, <online <http://www.gallup.com/poll/117772/Awareness-Opinions-Global-Warming-Vary-Worldwide.aspx>>.

¹⁶¹ Banque Mondiale, "*Émissions de (CO₂), tonnes métriques par habitant*", 23 juin 2010-2014, online: <<http://donnees.banquemondiale.org/indicateur/EN.ATM.CO2E.PC>>.

it only asks us two things: first, to question our own worldview and, second, to make sure future generations do not see the world like we do. We need them to reevaluate our assessments of the problem and perhaps realize that the sacrifices that are being asked of us are not that terrifying. In short, if we do not succeed, we need to make sure that, at the very least, we would at least create a path for future generations to not repeat our mistakes.

Bibliography

Manuels d'histoire

Beck, Roger B. et al. *World History: Patterns of Interaction*, (2003) (McDougal Littell/Houghton Mifflin), online : <<http://jmcenarfer.tripod.com/textbook.htm>>.

Cohen, Tom et al. *Legacy: the West and the World*, (Ontario: McGraw-Hill Ryerson Ltd, 2003).

Cohen, Tom et al. "Class textbook: Legacy: the west and the world", Markville History, online: schools.yrdsb.ca <http://schools.yrdsb.ca/markville.ss/history/west/west_lectures.html> at Chapter 9.

Études et articles académiques

Allen, Robert. "Pessimism Preserved Real Wages in the British Industrial Revolution", Oxford University Department of Economics Working paper 314: 2007, online: <<http://www.economics.ox.ac.uk/Research/wp/pdf/paper314.pdf>>.

Badger, Emily. "How Poverty Taxes the Brain", CityLab 29 August 2013, online: [citylab.com](http://www.citylab.com/work/2013/08/how-poverty-taxes-brain/6716/) <<http://www.citylab.com/work/2013/08/how-poverty-taxes-brain/6716/>>.

Banque Mondiale « Émissions de CO2 tonnes métriques par habitant » 23 juin 2010-2014, online : <<http://donnees.banquemondiale.org/indicateur/EN.ATM.CO2E.PC>>.

Bansal, Usha Rani. "Industries in India during 18th and 19th century" 19:3 *Indian Journal of History of Science* 1984 215.

Beaulier, Scott & Bryan Caplan. "Behavioral Economics and Perverse Effects of the Welfare State" 2007 60 *Kyklos* 485.

Bettinger-Lopez Caroline et al. "Redefining Human Rights lawyering through the lens of Critical theory Lessons for pedagogy and practice" 2011 18 *Georgetown Journal on Poverty Law and Policy*.

Cmiel, Kenneth. "The Recent History of Human Rights" 2004 109 1 *The American Historical Review*.

Dunn, Elizabeth and al. "Prosocial Spending and Happiness Using Money to Benefit Others Pays Off" *Harvard Business School Scholarly Articles*, online: harvard.edu

<http://dash.harvard.edu/bitstream/handle/1/11189976/dunn,%20aknin,%20norton_prosocial_cdips.pdf?sequence=1>.

Finch, Caleb E. "Evolution of the human lifespan and diseases of aging" 2010 107 *Proceedings of the National Academy of Sciences of the United States of America* 1718.

IPCC, Climate Change IPCC Fourth Assessment Report IPCC 2007, online: <http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_synthesis_report.htm>.

IPCC, Climate Change IPCC Fourth Assessment Report summary for policymakers IPCC 2007, online: <http://www.ipcc.ch/pdf/assessment-report/ar5/wg1/WG1AR5_SPM_FINAL.pdf>.

Jutta, Sperling "Dowry or inheritance Kingship property and women's agency in Lisbon Venice and Florence 1572" 2007 Leiden Hampshire College.

Kahnman, Daniel & Angus Deaton. "High income improves evaluation of life but not emotional well-being" 2010 *Proceedings of the National academy of Sciences of the USA*, online: <<http://www.pnas.org/content/107/38/16489.full?tab=author-info>>.

Koerth-Baker, Maggie. "Who lives longest" 2013 online <<http://www.nytimes.com/2013/03/24/magazine/who-lives-longest.html?pagewanted=all>>.

Latour, Bruno. « Crise des valeurs Non crise des faits » Actes de la journée présentée au Ministère de l'environnement 13 décembre 1996, 1997 *La Documentation Française*.

Latour, Bruno. "Facing Gaia Six lectures on the political theology of nature" 2013.

Malanima, Paolo & Elio Lo Cascio. "GDP in Pre-Modern Agrarian Economies 1-1820 AD A revision of the Estimates" 2009 *Rivista di storia economica*, online: <http://www.paolomalanima.it/default_file/Papers/GDP_in_Pre-Modern_Agrarian_Economies.pdf>.

McNeil, Kent. "The Meaning of Aboriginal Title" online <[https://apps.osgoode.yorku.ca/osgmedia.nsf/0/55574E6DD4046C81852571B200700792/\\$FILE/The%20Meaning%20of%20Aboriginal%20Title.pdf](https://apps.osgoode.yorku.ca/osgmedia.nsf/0/55574E6DD4046C81852571B200700792/$FILE/The%20Meaning%20of%20Aboriginal%20Title.pdf)>.

Nicholson Ward "Longevity and health in ancient Paleolithic vs Neolithic peoples" 1999, online: <<http://www.beyondveg.com/nicholson-w/angel-1984/angel-1984-1a.shtml>>".

O'Connell Paul "The Death of Socio-Economic Rights" 2011 74:4 *The Modern Law Review*.

Patrizia Carrieri Maria & Diego Serraino. "Longevity of popes and artists between the 13th and 19th century" 2005 34 *International Journal of Epidemiology*.

Rowel, E & D K Olson. "Alternative mechanisms of social organization in monkeys", 1983 86 Behaviour 31, online: JStore <<http://www.jstor.org/discover/10.2307/4534276?uid=3739464&uid=2129&uid=2134&uid=2&uid=70&uid=3737720&uid=4&sid=21105227923553>>

Saul, Ben. "In the Shadow of Human Rights Human Duties obligations and responsibilities" 32 Columbia Human Rights Law Review 2001 online: <http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/mdocs/saul_HumanResponsibilities.pdf>.

Sewall, Giblert T. "World history textbooks a review" 2004, online: <<http://www.historytextbooks.org/worldhistory.pdf>>.

Shafir, Eldar et al. "Poverty Impedes Cognitive Function" 2013 341 Science 976.

World Bank. "Climate-Smart Development", World Bank Group 2014, online: <http://www-wds.worldbank.org/external/default/WDSP/IB/2014/06/20/000456286_20140620100846/Rendered/PDF/889080WP0v10RE0Smart0Development0Ma.pdf>.

Zimmerman, Michael E. "Ecofascism, An Enduring Temptation" 2004 in Michael E Zimmerman et al *Environmental Philosophy From Animal Rights to Radical Ecology*, 4th ed, online: <http://www.colorado.edu/philosophy/paper_zimmerman_ecofascism.pdf>.

"Chapter 7 Economic Behavior and Rationality" online: <http://www.ase.tufts.edu/gdae/Pubs/te/MIC/3e/MIC_3e_Ch7.pdf>.

Monographies

Besson, Samantha et al. *The Philosophy of International Law* (UK: Oxford University Press 2010).

Copernic, Nicolas. *Commentariolus*, J-P Verdet dir, *Astronomie et Astrophysique* (Paris : Larousse 1993).

Diamond, Jared. *Gun germs and steel The fates of Human Societies* (USA Norton and Company Inc 2005).

Digby, William. *The general election 1885 India's interest in the British ballot box* (1885).

Eisenstein, Louis. *The ideologies of taxation* (New York Ronald Press, 1961).

Foucault, Michel. *The Birth of Biopolitics*, Lectures at the Collège de France 1978-1979, trans Graham Burchell (New York: Palgrave Macmillan, 2008).

Gingras, Yves et al. *Du scribe au savant* (Québec : Boréal, 1998).

Turner, Jonathan H. *Human Institutions A theory of societal evolution* (UK: Rowman and Littlefield Publishers 2003).

Jewell, Helen. *Women in Medieval England* (Manchester University Press, 1996).

Harvey, David. *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007).

Kuhn, Thomas. *The Structure of Scientific Revolutions*, 2nd ed (Chicago International Encyclopedia of Unified Science 1970).

Lee Richard B & Richard Daly. *The Cambridge Encyclopedia of Hunters and Gatherers* (Cambridge: Cambridge University Press, 2002).

Locke, John. *Two treatises of government*, ed Peter Laslett (Cambridge: Cambridge University Press, 1988).

McClelland, James E & Harold Dorn. *Science and Technology in World History An Introduction 2 ed* (JHU Press 2006).

Pahuja Sundhya. *Decolonising International Law* (Cambridge Cambridge University Press, 2001)

Peter, Robb. *A History of India* (Palgrave Macmillan: 2002).

Popper Karl, Alan Ryan & E H Gombrich. *The Open Society and Its Enemies* (Princeton and Oxford Princeton University Press, 2005).

Schor, Juliet B. *The Overworked American The Unexpected Decline of Leisure Basic Books* (2008) summary online
<http://groups.csail.mit.edu/mac/users/rauch/worktime/hours_workweek.html>.

Taylor, Charles. *A Secular Age* (Harvard University Press, 2007).

Jurisprudence

Delgamuukw v British Columbia, 1997 3 SCR 1010.

Delgamuukw v British Columbia, 1991 3 WWR 97 Trial Decision.

In Re: Certification of the Constitution of the Republic of South Africa, 1996 (4) SA 744 (CC).

Lucas v. South Carolina, 1992 505 U.S. 1003.

Manitoba Fisheries Ltd. v. Canada, 1979 1 SCR 101.

Pennsylvania Coal Company v. Mahon et al., 1922 260 U.S. 393.

R v Marsall and R v Bernard, 2005 SCR 220.

Stop the Beach Renourishment v. Florida Department of Environmental Protection, 2010 130 S. Ct. 2592.

R v Van der Peet, 1996 2 SCR.

The Queen in Right of British Columbia v. Tener et al., 1985 17 D.L.R. (4th) 1 (S.C.C.).

Tsilhqot'in Nation v. British Columbia, 2014 SCC 44.

Législation et déclarations internationales

American Right Declaration of Human Rights, 1948.

"H. Con. Res. 331, October 21, 1988". United States Senate. Retrieved 2008-11-23.

Sites internet

"Awareness, Opinions about Global Warming vary worldwide", (2009) Gallup, <online <http://www.gallup.com/poll/117772/Awareness-Opinions-Global-Warming-Vary-Worldwide.aspx>>.

Encyclopedia, "Serfdom", online: <<http://www.encyclopedia.com/topic/Serfdom.aspx>>.

Hazlett, Thomas W. "The Road from Serfdom" *Reason.com* (July 1992), online: [reason.com](http://reason.com/archives/1992/07/01/the-road-from-serfdom/3) <<http://reason.com/archives/1992/07/01/the-road-from-serfdom/3>>.

NASA, "Consensus: 97% of climate scientists agree" *NASA: Global Climate Change* <<http://climate.nasa.gov/scientific-consensus/>>.

Oxford Dictionaries, "Scientific method" *Oxford dictionaries*, online: [oxforddictionaries.com](http://www.oxforddictionaries.com/definition/english/scientific-method) <<http://www.oxforddictionaries.com/definition/english/scientific-method>>.

Oxford Reference, "Reification", online: Oxfordreference.com
<<http://www.oxfordreference.com/view/10.1093/acref/9780199533008.001.0001/acref-9780199533008-e-1906>>.

Saad Lydia, "A steady 57% in US Blame Humans for Global Warming" *Gallup.com* (18 March 2014), online: Gallup <<http://www.gallup.com/poll/167972/steady-blame-humans-global-warming.aspx>>.

Stanford Encyclopedia of Philosophy, "Scientific Objectivity" *Stanford Encyclopedia of Philosophy* (25 August 2014), online: Stanford.edu <<http://plato.stanford.edu/entries/scientific-objectivity/#ObjAbsNorComValFrelde>>.

Stanford Encyclopedia of Philosophy, "Equality" *Stanford Encyclopedia of Philosophy* (27 March 2001), online: Stanford.edu <<http://plato.stanford.edu/entries/equality/#PriEquJus>>.

Van den Haag, Enerst. "Marxism as pseudo-science", *Reasons Papers* (Spring 1987), online: <http://www.reasonpapers.com/pdf/12/rp_12_3.pdf>.

Médias

"Is economic a science?", (2012 The Library of Economics and Liberty), online: econlib.org
<<http://www.econlib.org/library/Topics/College/iseconomicsascience.html>>.

Kelly Burket, "Westerners fear monumental land grab by Obama administration" (2014 FoxNews), online: <<http://www.foxnews.com/politics/2014/08/19/westerners-fear-monumental-land-grab-by-obama-administration/>>.

Raj Chetty, "Yes Economics is a science", (2013 New York Times), online: nytimes.com
<http://www.nytimes.com/2013/10/21/opinion/yes-economics-is-a-science.html?pagewanted=all&_r=0>.

Paul Krugman, "School for Scoundrels", (2009 The New York Times), online: nytimes.com
<http://www.nytimes.com/2009/08/09/books/review/Krugman-t.html?pagewanted=all&_r=0>.
reviewing Justin Fox new book "Myth of the Rational Man".

Sanger, David. "George Bush will continue to oppose Kyoto Pact on Global Warming", (2001) *The New York Times*, online : <<http://www.nytimes.com/2001/06/12/world/bush-will-continue-to-oppose-kyoto-pact-on-global-warming.html>>.

Terry Miller and Anthony Kim, "It's Economic freedom that will save the Earth" (2010 FoxNews), online: <<http://www.foxnews.com/opinion/2010/01/11/terry-miller-anthony-kim-save-earth-boost-growth-economic-freedom/>>.

The Economist, "Hunter-gatherers: Noble or savage?", (2007), online:
<<http://www.economist.com/node/10278703>>.

The Guardian, "Tackling climate change would grow global economy, World Bank says"
(June 24 2014), online: [theguardian.com](http://www.theguardian.com)
<<http://www.theguardian.com/environment/2014/jun/24/tackling-climate-change-would-grow-global-economy-world-bank-says>>.