COURSE OVERVIEW: Climate change and other global threats are increasingly illustrating the limits of our existing environmental laws to stem degradation. This course posits that environmental declines will continue until we address a fundamental assumption underlying our legal system: that humans are separate from the natural world and may treat it as property to be exploited, rather than as a connected ecological partner. The course will critically examine the sources of this assumption and its impacts on preventing us from achieving a healthy, thriving planet. It will then describe legal, economic and other governance systems that recognize the inherent rights of the natural world to exist, thrive, and evolve, and it will discuss how such systems can be implemented to advance lasting sustainability. Specific applications will be highlighted, debated and practiced. Ethics/Philosophy

COURSE MATERIALS: There is one required book, *Wild Law*, and a Supplemental Materials packet. The book will be distributed (free) in class, and the packet may be purchased at the bookstore. A TWEN site will be established for this course for the remaining readings. Students are responsible for downloading the readings off TWEN as indicated and checking the TWEN site regularly for updates.

CLASSROOM PRESENTATION: Students will be divided into small groups, and each group will be assigned a role in examining the application of legal rights to a chosen ecosystem facing specific threats. Groups will be given time in class to plan together. On the last day of class, each group will give a short presentation incorporating rights of nature arguments in the context of an actual administrative hearing on the health of a selected, threatened ecosystem.

SHORT PAPER: Each student will write a short (3 pages maximum, double- spaced) paper, to be turned in on July 15th, assessing a student-selected environmental law, court decision or policy against “Earth Law.”

FINAL EXAM: The Final Exam will be a take-home, open-book, limited-time exam administered through the TWEN site. You may take the exam anywhere you have internet access. Additional details regarding the exam will be provided in class and on the TWEN site.

GRADING: Grading for the course will be determined as follows:

- **Final Exam:** 60% of total grade
- **Classroom Presentation:** 15% of total grade
- **Short Paper:** 10% of total grade
- **Classroom Participation:** 15% of total grade. This is a new and evolving area of the law. Questions, comments, and analysis in class from students add significantly to the learning process and are very strongly encouraged.
SYLLABUS

Supplemental Materials (SM) Packet, to be made available at Bookstore
Other materials available on TWEN (includes Westlaw)

Note: advance reading is required for first class

SUGGESTED, Schumacher, E.F., Small Is Beautiful (Harper & Row 1973); Nash,
(EXCEPT AS (Univ. of Wisconsin Press 1989); Kelly, Marjorie, The Divine Right of Capital
INDICATED): (Berrett-Koehler Publishers 2003); Thomas Berry, The Great Work (Bell Tower
1999); Thiele, Leslie Paul, Indra’s Net and the Midas Touch (MIT Press 2011)

OFFICE HOURS: TBD and by appointment
EXAM: Open-book, take-home, anonymous grading

MONDAY, JULY 7: THE LIMITS OF CURRENT ENVIRONMENTAL LAWS

This class will examine environmental threats worldwide, assess the limitations of current
environmental laws in addressing them, discuss the goals we want our laws to achieve, and identify
relevant foundational assumptions underlying environmental laws and overarching governance systems.

Required Reading:

TWEN Giagnocavo, Cynthia et al., “Law Reform or World Re-form: The Problem of
TWEN Koons, Judith, “At the Tipping Point: Defining an Earth Jurisprudence for Social and
Ecological Justice,” 58 Loyola. L. Rev. 349 (2012), Sec. III.B., pp. 371-79
SM Sierra Club v Morton, 405 U.S. 727, 741-55 (1972) (Douglas dissent)
SM Univ. of Stockholm Press Release, “Planetary Boundaries: A Safe Operating Space for
Humanity” (Sept. 23, 2009), http://multivu.prnewswire.com/mnr/stockholmresilience/40125/
SM Endangered Species Act; Clean Water Act regulations; Calif. Env’l Quality Act –
excerpts (Skim)
SM Declaration of Independence
SM Sheehan, Linda, “Earth Day Revisited” (2011)
WL Pages 35-49, 62-68

TUESDAY, JULY 8: HOW DID WE GET TO “PEOPLE OVER NATURE”?

This class will review historical events leading to the modern-day, foundational governance assumption
of “nature in service to humans,” assess the development of overarching systems that reinforce those
assumptions further (including the development of corporate personhood), and introduce rights for
nature as an element of alternative governance systems.

Required Reading:

Environmental Law,” 83 Yale Law Journal 1315, 1315-17, 1325-1336 (June 1974)
**WEDNESDAY, JULY 9: HOW DO WE SHAPE A NEW LEGAL SYSTEM?**

The class will begin with a showing the one-hour film, *Journey of the Universe*. This class will step back and examine the question – “How ought we to live?” In answering this fundamental question, the class will assess ethical theories for acting, review legal jurisprudence and its role in shaping law, evaluate the support of natural law for governance systems that promote environmental rights, examine other approaches that lend decision-making and analytical assistance (indigenous governance, precautionary principle, ethical theory), consider the role of science, and assess the impacts of various approaches on overall human well-being. Discussion is expected to continue into the following class.

**Required Reading:**

- **TWEN** Koons, Judith, “At the Tipping Point: Defining an Earth Jurisprudence for Social and Ecological Justice,” 58 Loyola. L. Rev. 349 (2012), Sec. III.B., pp. 367-70
- **SM** Thoreau, Henry David, *Walden* (1854), “Conclusion”
- **SM** Berry, Thomas, “The Meadow across the Creek” (2000)

**THURSDAY, JULY 10: WHAT ARE THE ELEMENTS OF “EARTH LAW”?**

This class will conclude the discussion from the prior class, and then will identify and analyze the key elements of an Earth-based governance system. Legal systems as well as economic, scientific, educational, and other systems will be considered. Upcoming assignments will be introduced.
Required Reading:


WL Pages 95-109; pp. 192-195 (“Universal Declaration of the Rights of Mother Earth”)

Assignment: Paper. Short (3 pages maximum, double-spaced, 1-inch margins and 12-point font) paper that selects a single state or federal environmental statute/statutory provision, environmental regulation, or court decision impacting the environment, discusses its limitations in achieving environmental well-being, and proposes alternative formulations that better reflect ecosystems’ and species’ inherent rights to exist, thrive and evolve. Topic should be checked with professor. Paper is due Tuesday, July 15th.

Assignment: Presentation. Groups and tasks will be assigned for class presentations to be held Thursday, July 17th (see reading assignment under Thursday July 17th).

Monday, July 14: Examples of the Development, Adoption and Implementation of Ecosystem Rights

This class will examine and analyze existing and potential examples of rights-based laws protecting ecosystems and species, at the local, state, national, and international levels. It will also discuss the divergence between certain environmental law systems (e.g., the public trust doctrine and Endangered Species Act protections) and rights-based systems.

Required Reading:

SM Constitución de la República del Ecuador, Title II, Ch. 7 (“Rights of Nature”) (2008)


SM City of Pittsburg, PA, Home Rule Charter, Title 6, Art. 1, Ch. 618, “Marcellus Shale Natural Gas Drilling Ordinance” (Nov. 2010)

SM Petition for Town Meeting Article Warning for Rights of Nature (Vermont, 2013); Vermont Constitution, Section 72


SM Bolivia, Law of the Rights of Mother Earth (Law 071)

SM Santa Monica Sustainability Rights Ordinance (April 2013)

SM Gold, Mark and Linda Sheehan, HuffPost, “Sustainability Bill of Rights” (April 2013)

SM Loggerhead Turtle v. Volusia County, 307 F.3d 1318, 1319-1322 (11th Cir. 2002)
TUESDAY, JULY 15: STRATEGIES FOR MOVING “EARTH LAW” FORWARD

This class will evaluate various opportunities for building an “Earth Law” movement, including through parallels in people’s movements, “law following crisis,” evolution of common law with the mores of society (litigation), evolution of “natural rights,” scientific revolutions, U.S. municipal law, reversal of subsidies, demonstration of benefits, and other methodologies. An introduction to the case study for the in-class presentation will be provided. **Short paper due today.**

**Required Reading:**

| SM | Declaration - Blue Pavilion, People’s Summit, Rio de Janeiro, Brazil (June 21, 2012) |
| SM | “Mapping Co-Violations of Human and Environmental Rights,” earthlawcenter.org |
| WL | Pages 128-130 |

WEDNESDAY, JULY 16: IMPLEMENTING “EARTH LAW”

This class will examine the numerous practical aspects of implementing “rights for nature” on the ground. **Time will be set aside in class for groups to prepare the Thursday in-class exercise.**

**Required Reading:**

| SM | *T.N. Godavarman Thirumulpad Vs. Union of India*, Supreme Court of India (2012) (Skim except bolded areas) |
| SM | Sheehan, Linda *et al.*, Amicus Curiae, *Acción de Protección contra el Proyecto Minero Mirador*, Case No. 17325-2013-0038 (Filed March 4, 2013, Quito, Ecuador) (Skim) |
| SM | Santa Monica, CA “Sustainable City Plan” (2014) – excerpts (Skim) |
| SM | Bolivia, Law of Mother Earth and Integral Development for Living Well (Law 300) |
**THURSDAY, JULY 17: ADVANCEMENT OF LEGAL RIGHTS FOR A SELECT ECOSYSTEM (TBD)**

This lesson will be devoted to in-class presentations incorporating rights of nature arguments in the context of an actual administrative hearing on the health of a selected, threatened ecosystem (TBD).

**Required Reading:**

| L/N/O | TBD (background information on science and policies surrounding selected ecosystem) |