

Law & Governance Fall 2015 Seminar Draft Course Outline

Student seminar organizers: Phoebe, Courtney, Matt

Faculty advisors: Peter Brown, Jon Erickson, Geoff Garver, Robert Godin, Kinvin Wroth

Maximum number of students: 6-9

Course delivery: Hybrid in-person and online

Course title: Law and Governance for the Anthropocene: Seeking New Foundations

Course description: As a graduate student-led research seminar within the Economics for the Anthropocene partnership, this course is grounded in the perspective that social systems require fundamental transformations to shift toward a mutually-enhancing human-nature relationship. Students will build from the understanding of humans and society existing within a larger ecosphere to critically examine the extent to which systems of law and governance reflect or negate this human-earth relationship. This graduate research seminar provides a forum and platform for a deep consideration of existing and potential systems of law and governance in the Anthropocene. Students will review and critique various perspectives and proposals for achieving a fundamental transformation of law and governance, and identify critical gaps in understanding and research. A working paper on systems of property rights will be written and used as an example to guide the development of a research agenda on law and governance in the Anthropocene for the E4A project as a whole.

Learning Objectives:

1. Gain a conceptual understanding of law & governance, their relevance to the Anthropocene, and the need for new ontological and epistemological foundations.
2. Critically review dominant conventional frameworks for law and governance: How are they insufficient and why are they orphans?
3. Explore and develop alternative frameworks of law and governance at various scales in light of contemporary science and new foundations including:
 1. a pre-analytic worldview of ecological economics/human-earth relationship that supports reform of law and governance
 2. a recognition of embeddedness in energy/material flow leading to a reconsideration of human's place in the universe.
 3. methodological implications and methods available for inquiry within the re-grounded disciplines of (ecological) law and governance.
4. Develop conceptual pathways for reform based on an explicit theory of social transformation.

Course Outputs:

- Joint class paper(s) or chapter contribution to coordinated effort across three E4A courses
- Research agenda for future law and governance work as a part of broader E4A project
- Deep critique of disciplines
- Cross-discipline integrated seminar
- On-going research cluster, with active collaboration with partners?
- Knowledge mobilization?

Modules:

1. **Global Environmental Governance in the Anthropocene** [1, 2, and 3]
 1. **Guest Lecturer:** James Meadowcroft
 2. What is Law? What is Governance? How are they defined in the context of the Anthropocene? [1]
 3. Critical review of conventional Environmental Governance [2]
 4. Earth System Governance [3]
 5. Scale approaches to Governance in the Anthropocene [3]
2. **Ecological Law, Rights and Rules** [2 and 3]

Guest Lecturer: Linda Sheehan

 1. Adaptive Governance
 2. Resilience-based governance
 3. Planetary, regional, and local ecological boundaries
3. **Values, Norms, Ethics and Knowledge** [1, 2, and 3]

Potential Guest Lecturer: None

 1. Conventional Earth and Human Rights [1 and 2]
 2. Alternative Earth and Human Rights [3]
 3. Defining sustainable development [3]
4. **Property-Rights Systems** [1 and 3]

Potential Guest Lecturer: Peter Burdon

 1. Common Law [1]
 2. Civil Law [1]
 3. Alternatives: Commons, Indigenous, etc. [3]
5. **Human Actor, Communities and Organizations** [2 and 3]

Potential Guest Lecturer: Bob Bartlett

 1. The role of individuals, communities, organizations in enacting and implementing law
 2. Deliberative and Participatory Governance
6. **Institutions and Network Structures**

Potential Guest Lecturer: Asim Zia, Chris Koliba

 1. Conventional institutional arrangements for environmental governance [1]
 2. Alternative institutional arrangements for environmental governance [3]
 3. Scale and network structures for environmental governance institutions [4]

Course Structure:

- First Half (objectives 1-3): course meets weekly through first half of course
 - Three weekly meeting hours divided up as:
 - Hour 1 - Paper Discussion (lead by one student)
 - Hour 2 - Guest Speaker Discussion (facilitated by same student)
 - Hour 3 - Discussion oriented towards research agenda and paper topics
- Second Half (objective 4):
 - Weekly check-ins and workshops of ideas and research
 - The first couple weeks will be three hour research conversations, brainstorming and debates
 - This will then transition into writing/workshopping of topics and collaborative papers

- In-person class meeting at UVM / Gund with online option
- Connection to Economics/Finance and Ethics orphan seminars:
 - Three points of contact during the course across the three seminars
 - Synthesis including potential output
- Research methods
 - Legal/document analysis
 - Governance network
 - Social ecological simulation (in accordance with Asim Zia's UVM lab)

Knowledge mobilisation and social transformation

- Knowledge mobilisation will occur through a version of the final paper intended for the public (this may be through a newspaper or blog, contribution to an MOOC, or similar forum)
- Social transformation will be addressed through policy recommendations in the collaboratory paper
- E4A community partner engagement

Potential Collaborators:

- Water Sustainability Project @ Polis
- Center for Earth Jurisprudence
- Water Governance Facility
- Vermont Law School

Evaluation Component:

Percentage of Grade:

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| 1. Participation (individual in class and leading class discussions) | 30% |
| 1. Peer assessment (15%) | |
| 2. Mentor's assessment (15%) | |
| 2. Syllabus Revision (group) | 10% |
| 3. Research Agenda (group) due November 16th | 20% |
| 4. Papers (individual or group) | 40% |
| First Draft due November 9th (10%) | |
| 1. Final due December 1st (30%) | |