Syllabus

New Frontiers in Environmental Policy

ENV 5346
Spring 2016, 2 credit seminar

Mondays, 3:35-5:15 PM
Oakes 210

Professor Melissa Scanlan
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Office Hours: Please don’t hesitate to email me to set up an appointment. I look forward to meeting with you. mscanlan@vermontlaw.edu

I. Overview

This seminar explores the proposition that successfully coping with today’s environmental threats requires deeper challenges to our prevailing system of political economy than mainstream environmentalism in the United States has been willing to mount. It develops the idea that a new American environmentalism is needed and with it new environmental policy and law that go beyond the traditional realm of environmental affairs. The nature of the modern corporation and its role in politics and in an increasingly globalized marketplace; consumerism and commercialism and the lifestyles they offer; the overriding priority routinely accorded economic growth; social injustice and its links to environmental prospects; the anthropocentric, materialistic and contempocentric values that currently dominate in American culture; and the prospects for a new environmental politics are among the topics that will be examined. The question will be raised whether it is desirable and possible to transition to a new economic model where the priority is to sustain human and natural communities, and, if so, what new policies and politics might promote such a transition.

II. Learning Objectives

• Explore areas that are mostly now outside the scope of environmental law and policy, but which are likely to be increasingly important to environmental outcomes.

• Demonstrate substantial knowledge of how to transform the market, corporations, consumerism, and measurements of wellbeing, to support environmental protections.

• Deepen understanding of how economic and political systems impact environmental conditions.
• Hone essential professional skills of complex law/policy interpretation, problem solving, oral presentation, and analytical and persuasive writing.

III. Readings

Required Texts
1) Speth, *America the Possible* (Yale, 2012)
2) Klein, *This Changes Everything* (Simon & Schuster, 2014)

Optional Texts
1) Speth, *The Bridge at the Edge of the World* (Yale, 2008)

Other required and optional readings are posted on TWEN (look for “optional reading” folder in course materials) or a link is provided here. Optional readings are for those who have the inclination to learn more about the topic. I will not expect you to have read the materials labeled “optional” before class discussion, but you’re welcome to reference these or any other supplemental resources you may have during class discussion. Another resource for you is our New Economy Law Center website.

I. The Crisis of the Old Order

Week 1 – What’s the Problem, and How Bad Can It Get? (1/13/16)
Judging from real-world conditions and trends, current national and international approaches to environmental protection are not working well. Our seminar begins this week with a look at the data and trends.

Readings:
2. Klein, *This Changes Everything*, pp. 1-26

Optional reading:
Week 2 – What’s Behind the Problem? (1/25/16) **Guest Lecture by Gus Speth**
If destructive trends are to be reversed, it is important to understand the underlying drivers of environmental deterioration. Exploring these forces and the shortcomings of existing efforts to cope with them is the subject of this week’s seminar.

Readings:
2. Klein, *This Changes Everything*, pp. 64-95.

Optional reading:
2. “Time to Face the Depth of the Systemic Crisis We Confront”

II. Dreaming Up Something New

Week 3 – New Frame, New Economy (2/6/16)
The failure of today’s environmentalism to successfully turn the tide for the environment has spurred some to urge a new environmentalism including a reframing of the environmental issue in terms that look beyond regulation and traditional approaches to the need for a new economy and a new economics.

*Note: final paper topics due today!*

Readings:
4. See [www.neweconomy.net](http://www.neweconomy.net).

Optional reading:
1. “National People’s Action: Long-Term Agenda to the New Economy”
   [http://npa-us.org/files/long_term_agenda_0.pdf](http://npa-us.org/files/long_term_agenda_0.pdf)

### III. Law and Policy for a New Environmentalism

**Week 4 – New Paths (2/8/16)**

Current levels of dissatisfaction with environmental progress nationally and globally run high, and that has spurred a search for new ways forward. This week we start examining some of the proposals offered for new approaches within environmental law.

Readings:

Optional reading: The "sharing economy" has become contested territory. On the one hand, there are those who see it like Orsi, and there are others, like Friedman, who see the concept as just another phase of commercialism.

   [http://www.thesolutionsjournal.com/node/237157](http://www.thesolutionsjournal.com/node/237157)
4. Zegart, “Want to Stop Climate Change? Take the Fossil Fuel Industry to Court,”
   *The Nation*, April 21, 2014

**Week 5 – The Corporation Transformed (2/15/16)** *Guest Lecture by Yola Carlough, Senior Associate and Community Development Manager at B Lab*

Another dimension of change sought by the new environmentalism is transformation in the corporate sector. This goal has two expressions: one is to insist on responsible behavior and limits to corporate power and the other is to seek new business
forms, including new forms of ownership, where social and environmental performance is built into corporate incentive structure and governance.

Readings:
1. Speth, America the Possible, pp. 107-125.

Optional reading:
1. Speth, The Bridge at the Edge of the World, pp. 165-182
   http://www.nytimes.com/2013/07/06/opinion/the-legacy-of-the-boomer-boss.html
3. de Graaf, “From the New Economy to the Cooperative Commonwealth”

Week 6 – The Market Transformed (2/22/16)
We live in a market economy, and even in proposals for far-reaching change, the market typically remains at the core of economic activity. How can the market be transformed so that it works for the environment and society rather than against it?

Readings:
1. Speth, America the Possible, pp. 103-107
2. Klein, This Changes Everything, pp. 338-366

Optional reading:
   http://oecдобсервер.org/news/fullstory.php/aid/5279/Planetary_limits_social_needs_and_economics_for_the_Anthropocene.html
Week 7 – Consumerism Transformed (2/29/16)

Mainstream environmental organizations have not stressed the links between consumerism and environmental deterioration; generally they have not emphasized the need for lifestyle changes. Should this approach give way to a challenge to consumerism?

Readings:
3. Speth, America the Possible, pp. 134-141.

Optional reading:

Week 8 – Growth Transformed (3/14/16)

Limits to Growth got the discussion of economic growth and the environment off to a start in 1972, but it may not have been the best start. The issue is returning as many see little prospect for sustaining the environment in the face of current growth patterns and rates.

Readings:

Optional reading:
**Week 9 – Indicators of Well-Being and Quality of Life (3/21/16)**

Stinging critiques of society’s prime measure of progress today, gross domestic product (GDP), are now commonplace. We tend to get what we measure, so we’d better measure what we want.

**Readings:**

**Optional reading:**

**Week 10 – Glocalization and Social Justice (3/28/16)**

Many observers see the answer to the combined challenges of environmental sustainability, strong democracy, and social equity in the revitalization of life at the local level. And at all levels of government, the degree of social justice and equity can powerfully affect environmental outcomes.

**Note:** draft of final paper due to Prof. Scanlan today (optional)

**Readings:**

**Optional reading:**

**Week 11 – The International Context of Change (4/4/16)**
What new policies and approaches should be pursued within the context of U.S. foreign policy and diplomacy in order to (1) dramatically improve international environmental performance and (2) provide a more favorable international context for the pursuit of new economic policies and goals in the United States, as covered in previous classes.

**Readings:**

**Optional reading:**

**IV. New Movement**

**Week 12 – A New Politics (4/11/16) Guest Lecture by Paul Burns, VPIRG**
American politics as we know it today cannot deliver well the incremental approaches of today’s environmentalism, much less systemic, transformative change. How do we fix a broken politics?

**Readings:**
4. Watch video of *Tom Steyer’s Commencement* Address at VLS, May 16, 2014, and note comments regarding political strategy.

**Optional reading:**

**Week 13 – Furthering Transformation in Values and Culture (4/18/16)**
Most mainstream environmentalism assumes it can succeed working within the framework of current values and habits of thought – the dominant culture. For many others, this is a highly doubtful proposition.

Readings:

Optional reading:
1. Frantz, “Tapping into Core Social Motives to Drive Sustainability Transformation,” *Solutions Journal*, May 2014 http://thesolutionsjournal.org/node/237146?page=19%2C0%2C0%2C0%2C0%2C0%2C3

**Week 14 – Speculations and Scenarios (4/25/16)**
This will be a great in-class debate to wrap up the semester. We will assign roles one week ahead of time.

Readings: