

**Yale Law School,
Yale School of Forestry and Environmental Studies
Yale Divinity School
F&ES 808b, REL 926**

A Communion of Subjects: Law, Environment, and Religion

Instructors: Douglas Kysar, Mary Evelyn Tucker & John Grim

Class Time: Tuesday 4:10-6 p.m.

Classroom Location: ISPS A001

Course Vision and Structure

Thomas Berry once wrote, “The universe is a communion of subjects, not a collection of objects.” We might also insist that the *university* is a communion of subjects, not a collection of disciplines. In our scholarship and teaching we are motivated by a desire to avoid the canalization of knowledge-seeking into separate, rigidly demarcated disciplines. We draw freely and with care from multiple intellectual traditions, including history, theology, philosophy, anthropology, economics, political science, and legal studies. The programs that we direct at Yale – the Forum on Religion and Ecology and the Center for Environmental Law and Policy – both aim to create spaces within which scholars, students, and practitioners from diverse backgrounds and departments can interact.

We are building upon these interdisciplinary strengths by instituting a new course at Yale primarily for students in the Schools of Divinity, Forestry, and Law, with space reserved for students from each school to ensure a diverse class roster. The course will focus on the scholarship and practice of leading figures who work at the intersection of law, environment, and religion. These figures will be brought to Yale to participate in a discussion series that will form the core of the course.

In preparation for the speakers’ visits, teams of students will be assigned to study deeply the writing and actions of a designated speaker. Class sessions

during this preparatory phase will resemble a traditional graduate seminar, with readings and discussion designed to stimulate engagement with the most challenging and vital questions facing the “communion” of law, environment, and religion.

Procedure for Student Engagement

During the core phase of the course, speakers will be brought to campus to interact with students in multiple ways. The central activity during the visit will consist of an in-depth interview led by a member of the student team assigned to a designated speaker. Questions will draw on the student’s close reading and preparation. The aim will be to stimulate conversation that both summarizes the speaker’s body of work to date and forces the speaker to confront limitations and imagine next stages. The interview will be videotaped and edited for release via Youtube, Vimeo, and other sites. Yale Law School recently installed high-end recording equipment in its faculty lounge to enable us to easily capture these events. Time will also be reserved after the interview session for the remaining students in the class to interact with the speaker off the record.

As an additional engagement opportunity, a second student will conduct a podcast interview with the speaker at Yale’s audio recording studio, which offers its services free of charge to content providers in order to build up Yale’s Itunes University offerings. This interview will not duplicate the video session but will instead engage the speaker in a more personal conversation about their life history, values, and worldviews. One of the conceits of the academy is often that such subjective elements have little bearing on one’s intellectual work. As a result, too little attention is paid within the university to the role of family, community, religion, and other critical biographical factors in shaping one’s ideas. We believe that opening this black box could be of great benefit to students, as they might more easily imagine connections between their own life situations and those of our eminent guests.

Course Goals

In addition to the central goal of promoting novel conversation about the nexus of law, religion, and the environment, we aim to achieve multiple institutional benefits from this course. In our experience, courses with diverse student enrollment provide an excellent means for promoting interdisciplinary collaboration. Students become ambassadors for their programs, helping other students in the class as well as faculty to better understand a sister school's research and approach. At the same time, both students and faculty are forced to view their own field with a degree of circumspection and self-criticism that may be unnecessary when one stays within a disciplinary silo. The networks that are formed through interdisciplinary courses become critical bridging mechanisms between schools and departments even after a course is finished. For instance, participants continue to inform each other of important events that might otherwise be overlooked, and faculty end up serving on committees or advising papers for students who might otherwise not have reached out to the faculty member. The overall connectivity of the programs is enhanced by creating dozens of new "nodes" through which information and energy can travel.

Students will take the responsibility of leading the interview discussions with the invited speakers. By empowering students to engage with our speakers as collaborators we create space for surprise and growth in the teaching environment, a prospect of great appeal to us and, we believe, to students as well. And although this "royal jelly" of direct collaboration will be reserved for Yale students, we will share the product widely through online dissemination of the seminar and podcast sessions.

Course Questions

Questions raised at the intersection of law, religion, and the environment are profound and varied. Possible themes to be explored through the course will ultimately depend on the slate of speakers chosen but could include:

- Can the environment be saved without commodifying it? Does the

nonhuman world need to be conceived, measured, and monetized as a store of “natural resources” and “ecosystem services” in order to receive serious political attention? Or do such representations serve to undermine cultural values that ultimately underlay the desire to protect and respect the nonhuman world?

- Do we need a second Enlightenment? Does the Enlightenment ethos, with its commitment to individualism, anthropocentrism, liberalism, nationalism, and rationalism, stand in tension with the goal of global environmental sustainability? Can commitment to a master value such as environmental sustainability coexist with commitment to pluralism? Can reason and empiricism make all the knowledge we need in order to live sustainably? Do faith, mystery, and transcendence have a renewed role to play in the twenty-first century?

- Can environmentalism succeed without embracing a culture of life? Have mainstream environmental organizations avoided framing their goals in such terms because of the polarizing influence of abortion in American politics? What might be lost or gained if the environmental movement articulated its goals and commitments in terms of a fundamental reverence for life?

- Is the *Anthropocene* inevitable? Can alternative cosmologies continue to provide meaning and guidance in the age of climate change and other planetary scale human experiments? Is there a relationship between these experiments and a particular cosmology that helped enable them?

Course Requirements

Students are expected to attend class and participate in the discussions and interview processes.

Students will prepare research reports and questions on the speakers' life work and writings related to the major themes of the course.

Students will post online responses to the speakers' interviews.

Course Grading

Participation in Class Discussions 20%

Research Report on Interviewees 30%

Interview Questions 15%

Postings online on ClassesV2 20%

Oral presentations 15%

The grading system is:

Honors (H) = Exemplary (97)

Honors minus (H-) = Excellent (90)

High Pass plus (HP+) = Very Good (87)

High Pass (HP) = Good (83)

High Pass minus (HP-) = Satisfactory (80)

Pass (P) = Acceptable (73)

Fail (F) (0)

Withdrew (W)

Students may request to be graded Credit/No Credit by following the proper procedures to do so. If you chose this option, all work must be turned in on time and must earn of at least HP- quality.

Speakers and Readings

James Anaya, Regents' and James J. Lenoir Professor of Human Rights Law and Policy, University of Arizona, United Nations Special Rapporteur on the Rights of Indigenous Peoples

James Anaya, *International Human Rights and Indigenous Peoples: The Move Toward the Multicultural State* (Walters, Kluwer, Law & Business 2009)

Douglas Kysar, Joseph M. Field '55 Professor of Law, Yale Law School

Douglas Kysar, *Regulating from Nowhere: Environmental Law and the Search for Objectivity* (Yale University Press, 2010)

_____, The Consultant's Republic, Book Review, *Break Through: From the Death of Environmentalism to the Politics of Possibility* (Harvard Law Review 2008) <http://harvardlawreview.org/2008/06/the-consultants-republic/>

Thomas Lovejoy, Professor, George Mason University

Thomas Lovejoy, *Species Leave the Ark One by One* (Princeton University Press 1986)

_____, Can We Defy Nature's End?, *Science* (2001)

_____, *Global Warming and Biological Diversity* (Yale University Press 1992)

_____, BBC Reith Lecture on Biodiversity (2000)

Jedediah Purdy, Robinson O. Everett Professor of Law, Duke University

Jedediah Purdy, American Natures: The Shape of Conflict in Environmental Law, 36 *Harvard Environmental Law Review* 169-228 (2012)

_____, Our Place in the World: A New Relationship for Environmental Ethics and Law, 62 *Duke Law Journal* 857-932 (2012)

_____, The Politics of Nature: Climate Change, Environmental Law, and Democracy, 119 *Yale Law Journal* 1122-1209 (2010)

_____, Climate Change and the Limits of the Possible, 18 *Duke Environmental Law & Policy Forum* 289-306 (2008)

Linda Sheehan, Executive Director, Earth Law Center

Linda Sheehan, *Exploring Wild Law: The Philosophy of Earth Jurisprudence* (Wakefield Press 2011)

_____, *Rule of Law for Nature* (Cambridge University Press 2013)

_____, *Wild Law in Practice* (Routledge 2014)

Mary Evelyn Tucker and John Grim

John Grim & Mary Evelyn Tucker, *Ecology and Religion* (Island Press, 2014)

Paul Waldau, Professor and Director of Anthrozoology Program,
Canisius College

Paul Waldau, *Animal Studies* (Oxford University Press 2013)

_____, *Animal Rights* (Oxford University Press 2011)