

## **LLM Report – Ben Mylius – 2014 South Australian Law Foundation Fellow**

My year in the LLM program at Yale Law School has been a huge adventure. I've learned much, explored many different ideas, and gotten to know a diverse variety of extraordinary people.

### **Courses and activities**

I was able to complete a wide variety of courses and activities as part of the flexible LLM schedule. I took courses in jurisprudence, democratic theory, globalisation, sustainability, law environment and religion, and semiotics (the latter three via collaborations with the departments of Forestry/Environmental Studies and Anthropology, respectively), as well as completing independent research projects with two different Law School professors. I was also able to serve as Earth Jurisprudence Chair of the Yale Environmental Law Association; to present my work at the Graduate Community's *Works in Progress* Symposium, with commentary from several university faculty members; to serve as an Editor of the Yale Journal for Law and Humanities; to present my work, with Law School support, at the *Seizing an Alternative: Towards an Ecological Civilization* conference in Claremont, California; and to join an interdisciplinary team for a place-based studies project in the Canyonlands National Park, the most isolated national park in the lower 48 United States.

### **Highlights of the LLM year**

The year has had many highlights. I would like to focus on five: interviewing Professor Jedediah Purdy, of Duke Law School, as part of the *Law, Environment, Religion* course I took in the Spring semester; working with Professor Daniel Esty to develop the history, philosophy, and ethics component of a course on Sustainability to be taught in the undergraduate College during the Fall; developing my own research agenda through my independent research with Professor Douglas Kysar; broadening my interdisciplinary abilities through contact with students in the Forestry, Anthropology, and Divinity Schools; and undertaking the above-mentioned interdisciplinary project in the Canyonlands National Park.

#### **1. interviewing Professor Jedediah Purdy, of Duke Law School**

I undertook this interview as part of the course that was perhaps my favourite course this year: the crossdisciplinary *Law, Environment, Religion* course, which involved students from the Forestry, Divinity, and Law Schools. We spent the first six weeks of the course reading in-depth the work of six leading environmental thinkers at the intersections of these disciplines, and the second six weeks interviewing them on video and for podcasts. Professor Purdy is one of the US's leading younger generation of academics and activists writing on environmental politics and history, and so it was a real privilege to be able to engage him in such a wide-ranging conversation. The interview is available at [https://www.youtube.com/watch?v=VR\\_fnm3liu0](https://www.youtube.com/watch?v=VR_fnm3liu0)

#### **2. working with Professor Daniel Esty to develop the history, philosophy, and ethics component of a course on Sustainability;**

Another highlight of my time in the program was the opportunity to work, did, through the *Sustainability* course I took over the Spring semester, on the

development of curriculum for an undergraduate course by the same name that will be taught this coming semester at Yale College. I focussed on the preparation of framework lectures for critical thinking, environmental ethics, and environmental history, working closely with Professor Esty. The project was a fantastic opportunity to apply the skills I was able to develop in Adelaide, for teaching and engaging students with ethical and intellectual questions, and I'm excited to track the progress of the undergraduate course as it gets underway this coming semester.

### **3. developing my own research agenda through my independent research with Professor Douglas Kysar;**

One of the reasons I chose Yale Law School was its focus on theoretical and independent work. Throughout the year I took the opportunity to work independently with several professors in order to develop the research I proposed as part of my Fellowship: research into the assumptions underlying our thinking in jurisprudence about the relationship between human systems and ecological systems, and the ways in which these assumptions influence, constrain, or hinder our ability to develop legal theory that is engaged in the real world. I am starting to consider questions about how different frameworks of environmental knowledge – for example, Rockstrom and Steffen's planetary boundaries work – might come to be understood as parameters or horizons within which human legal systems must function at some overarching level, in order for their own validity and the survival of the communities they serve. I developed a piece of work over the first semester on the conception of human agency that I propose currently informs legal positivism, and broadened this in the second semester via a second piece of work exploring how human exceptionalism may underlie our understanding of norms in our theories of law. I am enthusiastic about further broadening and deepening these lines of inquiry as part of my work towards a PhD. I was pleased to be able to present the first paper as part of the Law School's *Works in Progress* Symposium in April, and to present part of the second at a conference in California in June. A shortened version of the first paper has also now been published in *Minding Nature*, the Journal of the Centre for Humans and Nature in New York; it can be accessed at

[http://www.humansandnature.org/filebin/pdf/minding\\_nature/may\\_2015/EcologicalIndifference.pdf](http://www.humansandnature.org/filebin/pdf/minding_nature/may_2015/EcologicalIndifference.pdf).

### **4. broadening my interdisciplinary abilities through contact with students in the Forestry, Anthropology, and Divinity Schools;**

It took me a little time to find the communities in other parts of the university which were doing thinking in line with my interests and ideas, but once I found them, my engagement with the people in those communities proved to be the most personally and intellectually rewarding aspect of the experience overall. Part of the challenge of graduate study in law, I believe, must be making a sustained attempt to critically evaluate one's own knowledge and ways of thinking, to see these in their context, and if necessary to 'unlearn' some of these ways of thinking in the service of developing a more sophisticated perspective on law and its existence in the world. Many long, sometimes challenging, and always exciting conversations with others from very different disciplines, about the law and otherwise, has given me a huge boost of momentum to continue in the work I am doing.

## **5. undertaking the above-mentioned interdisciplinary project in the Canyonlands National Park.**

Finally, I had the opportunity at the end of the year with several students from other disciplines, as mentioned above, to travel to Utah and be part of an interdisciplinary place-based studies project in the Canyonlands National Park. Our project centred upon the idea that, where interdisciplinary work is proposed as a solution to ecological problems, this proposal is sometimes made with the implicit assumption that – even if one discipline cannot ‘cover the field’ – it will be possible for several disciplines to do so when they combine their knowledge . We were curious to explore the possibility that this might not be so, to explore how our disciplinary paradigms were similar or different in their approaches to place, and to consider how they might be informed by sustained consideration of specific, concrete places. The time we spent in the National Park, interviewing locals, rangers, ranchers, and each other, really was extraordinary, and I will be working with the others to develop the products for the project (including a website and some teaching materials for a course) over the coming months.

### **Future Plans**

I am excited to continue developing my expertise, and my work in developing ideas and alternatives in ecological jurisprudence. In particular, I am enthusiastic about accessing training in the natural sciences, as well as political philosophy and environmental studies, in order to bring a fresh perspective to those disciplines, as well as integrating insights from them into my legal and jurisprudential work. I will be working this coming semester with Law School students and faculty in affiliation with the Yale Law School Environmental Protection Clinic, an interdisciplinary seminar that addresses environmental law and policy problems on behalf of client organizations such as environmental groups, government agencies, and international bodies, to assist in the preparation of clinic requirements and the coordination of student work on cases the Clinic is currently processing. I will also be applying for PhD programs with a view to beginning this in August-September 2016.

### **Thankyous**

I want to extend a sincere thanks to the staff, members, and supporters, of the Law Society of South Australia, and the Law Foundation in particular: the confidence you placed in me and the support you were able to provide for my studies were a crucial part of my success this year. In particular, I would like to thank Justice Kelly and Mary Walters, whose support of the Fellowship Program has been outstanding. I am excited to continue acting as an ambassador for South Australia, and the South Australian legal and academic communities in particular, in the work that I do, and I am looking forward to pursuing my ideas and my intellectual and professional journey into the future.