



# The Economic Dynamics of Environmental Law

*David M. Driesen*

# Economic Dynamics Of Environmental Law

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## **Economic Dynamics Of Environmental Law:**

*The Economic Dynamics of Environmental Law* David M. Driesen, 2003 A study showing that environmentally beneficial technical innovation would be more effective than economic efficiency as the organizing principle of environmental public policy

*Economic Dynamics of Environmental Law* David M. Driesen, 2013 The *Economic Dynamics of Environmental Law* proposes an alternative to static efficiency based analysis and policy prescription focusing primarily upon the environmental law example It argues for an approach that takes change over time seriously In particular an economic dynamic exists that tends to diminish environmental quality over time principally through increased consumption and population growth For that reason environmental policy should compensate for these tendencies by encouraging pro environmental innovation which the free market often fails to foster The literature has blurred attention to the innovation problem by failing to acknowledge the tension between fostering innovation beneficial for the long term and regulation aimed at short term efficiency Environmental policy cannot foster innovation by treating each regulatory decision as a separate transaction governed by principles of allocative efficiency Rather environmental policy makers should aim to address this larger picture by securing a sufficient number of environmentally positive decisions to countervail numerous private decisions that tend to degrade the environment This book employs an institutional economic framework placing some emphasis on Douglas North's idea of adaptive efficiency to analyze how to think about the environmental law's economic dynamic It critiques cost benefit analysis emissions trading and free trade based restraints on environmental protection It uses the free market as a model not of efficiency but of a dynamic encouraging innovation and adaptation in the face of uncertainty And it urges consideration of a variety of reforms based on economic dynamic analysis This book contends that its economic dynamic theory offers a viable alternative to policy prescription based on a neoclassical economic framework in a variety of areas and includes an application of the theory to the law of regulated industries

*The Economic Dynamics of Law* David M. Driesen, 2012-06-18 This book offers a theory of law and economics focused on change over time and aimed at avoiding systemic risks

**Environmental Law, Policy, and Economics** Nicholas Askounes Ashford, Charles C. Caldart, 2008 The past twenty five years have seen a significant evolution in environmental policy with new environmental legislation and substantive amendments to earlier laws significant advances in environmental science and changes in the treatment of science and scientific uncertainty by the courts This book offers a detailed discussion of the important issues in environmental law policy and economics tracing their development over the past few decades through an examination of environmental law cases and commentaries by leading scholars The authors focus on pollution addressing both pollution control and prevention but also emphasize the evaluation design and use of the law to stimulate technical change and industrial transformation arguing that there is a need to address broader issues of sustainable development Environmental Law Policy and Economics which grew out of courses taught by the authors at MIT treats the traditional topics covered in most classes in environmental law and

policy including common law and administrative law concepts and the primary federal legislation But it goes beyond these to address topics not often found in a single volume the information based obligations of industry enforcement of environmental law market based and voluntary alternatives to traditional regulation risk assessment environmental economics and technological innovation and diffusion Countering arguments found in other texts that government should play a reduced role in environmental protection this book argues that clear stringent legal requirements coupled with flexible means for meeting them and meaningful stakeholder participation are necessary for bringing about environmental improvements and technological transformations

Beyond Environmental Law Alyson C. Flournoy, David M. Driesen, 2010-02-26 This book offers a vision for the third generation of environmental law designed to enhance its ability to protect our environment The book presents two core proposals an Environmental Legacy Act to preserve a defined environmental legacy for future generations and an Environmental Competition Statute to spark movement to new clean technologies The first proposal would require for the first time that the federal government define an environmental legacy that it must preserve for future generations The second would establish a market competition to maximize environmental protection The balance of the book provides complementary proposals and analysis The first generation of environmental law sought broad protection of health and the environment in a fairly fragmented way The second sought to enhance environmental law's efficiency through cost benefit analysis and market mechanisms These proposals seek to create a broader more creative approach to solving environmental problems

Poverty Alleviation and Environmental Law Yves Le Bouthillier, Miriam Alfie Cohen, Jose Juan Gonzalez Marquez, Albert Mumma, Susan Smith, 2012-01-01 The alleviation of poverty and the protection of the environment are both critical challenges for the vindication of basic human rights for all of humankind This relationship is however not necessarily an easy one While there is an inextricable link between poverty and the degradation of the environment a sophisticated analysis of a problem needs to deal with those cases where the need to increase economic opportunity for poor communities may appear to conflict with fragile ecosystems or the preservation of traditional practices This collection provides the most sustained engagement with these problems Drawing on the expertise of a range of distinguished authors this book presents the reader with an integrated global engagement with these problems In doing so it represents a landmark effort towards the creation of a coherent literature to deal with one of humankind's most pressing challenges Dennis Davis Judge of the High Court South Africa The complex uneven and challenging relationships between poverty alleviation and environmental regulation are impossible to trace in a single book but this collection brings a carefully selected set of policy relevant context responsive practical legal analyses to bear in a fresh examination of the present and future challenges involved This is a timely contribution in the search for regulatory responses that alleviate rather than exacerbate the myriad forms of adaptation apartheid now so painfully evident in the relationship between poverty injustice and environmental degradation Anna Grear University of Waikato New Zealand The subject of poverty cannot be ignored by

environmentalists as the poor are the most affected by the diverse impacts of environmental degradation and climate change such as on water natural resources and cultural heritage sites In addition slum dwellings exacerbate the plight of the poor The book is a collection of diverse topics by renowned environmental legal experts which deal with the relationship between the alleviation of poverty and the protection of the environment Each writer addresses the challenges raised in various issues and recommends solutions which range from linking with human rights the need for public participation the role of environmental courts and other mechanisms Koh Kheng Lian National University of Singapore This timely book explores the complex relationship between the alleviation of poverty and the protection of the environment There is every reason to believe that these issues are in many ways interdependent However this book demonstrates that there are situations where alleviation of poverty and the protection of the environment appear to be in a fraught relationship The contributing authors illustrate that the role played by law in this relationship whether at the international or national level will vary depending on the situation and will be more successful at pursuing environmental justice in some cases than in others This interdisciplinary study will appeal to academics and students in environmental law and other environmental disciplines environmental policymakers and NGOs interested in issues of poverty environment and indigenous peoples *EU Environmental Law, Governance and Decision-Making* Maria Lee, 2014-01-12 A vast and diverse body of EU law addresses an enormous range of environmental matters This book examines a number of areas of substantive EU environmental law focusing on the striking preoccupation of EU environmental law with the structure of decision making It highlights the observation that environmental protection and environmental decision making depend intimately on both detailed specialised information about the physical state of the world and on political judgments about values and priorities It also explores the elaborate mechanisms that attempt to bring these distinctive decision making resources into EU environmental law in areas including industrial pollution chemicals regulation environmental assessment and climate change *Historical Dictionary of the Green Movement* Miranda Schreurs, Elim Papadakis, 2020-02-26 There are very serious environmental problems facing the planet Biodiversity loss has reached unprecedented levels Climate change is progressing so rapidly that within this century we are likely to see substantial sea level rise There has been dramatic loss of tropical rainforests Plastic pollution is killing wildlife and polluting our oceans Various movements old and new are addressing these green issues Civil society activism has taken on new strategies with the emergence of new technologies and global networks of green activists have formed A new generation of green activists are emerging and boldly criticizing the status quo At the same time in some parts of the world green movements that looked like they were beginning to gain a political foothold or were even doing quite well are in retreat The reasons are complex Some suffer from lack of funding and hostile political and legal environments Others are being attacked by populist politicians who see green activism as a threat The second edition of *Historical Dictionary of the Green Movement* contains a chronology an introduction and an extensive bibliography The dictionary section has over 300

cross referenced on green movements green politics green trends and major environmental agreements and events This book is an excellent resource for students researchers and anyone wanting to know more about the green movement *The A to Z of the Green Movement* Miranda Schreurs,Elim Papadakis,2009-09-21 Human beings have been concerned about nature and their place in it for millennia Disquiet about the consequences of human action on the natural environment date back to the ancient Greeks and Romans The efforts of the green movement can be traced back to the 19th century In this period individuals groups and organizations began campaigning for the conservation and preservation of natural areas and the protection of wildlife species Efforts to combat pollution also began It was not until the 1960s however that the green movement in its more modern incarnation emerged The green movements that arose at this time maintained the concerns with conservation preservation and industrial pollution held by earlier generations but added to their agenda new issues including justice equality participatory democracy and sustainability The A to Z of the Green Movement provides a detailed and comprehensive overview of green parties and movements green issues and green concepts This is done through a chronology an introductory essay a bibliography and hundreds of cross referenced dictionary entries on countries in the world where green parties or proto parties have formed green movement organizations major international environmental conferences and green concepts This useful reference will be greatly valued by students academics journalists and policymakers alike **Climate Change Liability** Michael Faure,Marjan Peeters,2011-01-01 This book sheds new light on the growing issue of using liability as a tool for both preventing and compensating for the damage caused by climate change Michael Faure and Marjan Peeters have brought together a selection of expert contributors who explore a variety of both national and European perspectives on the topic Climate change liability is no longer only a theoretical idea since climate changelitigation has become so hotly debated and this book examines to what extent it can be used for mitigation and adaptation issues Chapters discuss the potential role of liability within various legal systems like the national systems of the USA and The Netherlands but also EU and ECHR law Liability is outlined in a broad perspective since not only compensation for damage suffered by plaintiffs is discussed but also the need for prevention in order to obtain a reduction of greenhouse gases

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