

difference, with environmental interests more easily represented in policy decisions with proportional representation such as that found in the EU. Vertical and horizontal concentrations of authority represent the second and third elements related to “institutions.” These elements focus on the distribution of decision-making opportunities within the various systems. For example, the more horizontal checks and balances of the United States allowed for various points of political access to decision making used by Kyoto opponents to block ratification. Similarly, the more vertical or federated systems allowed Canadian provinces to stifle national domestic policy efforts at mitigation while adding efforts in the EU. For the final factor, “international influences,” the editors present three elements: diplomatic bargaining, moral pressures from transnational actors, and global business competition or economic networks that make abatement policies factor into comparative (dis)advantages. Following the US failure to ratify Kyoto, which threatened the treaty’s viability, that reality aided Russia, Japan, and even Canada’s ability to negotiate better terms for ratification. Moral pressures for late ratifiers to sign the protocol came from a number of other governmental and non-governmental actors invested in the treaty, such as the EU and environmental organizations. While limited space does not allow for a complete summary of all the nuanced findings from the interactions among the countries, outcomes, and the factors laid out in the framework, I found the analyses and findings to be quite plausible and supported by the data.

The volume is organized simply, but more importantly, the editors were successful in having their framework more or less systematically adopted in each chapter. In their introduction, the editors provide a clear overview of their topic, their rationales, and their framework for investigation. This first chapter is followed by the seven case studies by the editors and several contributors. In the conclusion, the editors return with a summary of their essential findings, organized around their established framework.

This scholarship demonstrates how integrating comparative politics with international relations can lead to greater conceptual and empirical understanding of why certain efforts are successful or not in attempting to solve collective action problems. The results clearly support the editors’ fundamental point that domestic politics matter within an international context. The volume also attests to the important role the social sciences can play more generally in complementing the work of climate scientists. International and domestic politics do matter, and their understanding is likely critical for any progress on future agreements.

If I had to identify a flaw in an otherwise fine volume, it would likely regard the editors’ concluding thoughts. Extrapolating from their supported hypotheses, they offer

two arguments: (1) that policymakers should simply do the right thing and support policy action that addresses climate change and ignore the political fallout from their actions; and (2) that greater citizen activism should be mobilized to support climate change agreements and domestic abatement policies. Here, they note that sustained public support for addressing climate change turned out to be the most powerful finding of their study. These points are simple and straightforward, but the juxtaposition between them and the nuanced findings generated from their larger analysis is a bit startling. Would political sacrifice stir up popular support or simply eliminate those with conscience as Garrett Hardin argued long ago? It is not obvious to me at least how one generates greater citizen interest and activism to be begin with. I do not believe it has not been from the lack of trying. The editors provide no guidance. Of course, left out of these concluding thoughts is the reality of either argument. Most policymakers are not that noble and are engaged typically in self-preservation, ironically one of the essential factors noted by the editors in their volume. Although touched on in the US chapter particularly, what is being experienced otherwise is a growing, well-funded, and highly organized effort to do just the opposite—to fight climate change by challenging the science and intentionally confusing the public to negate any space for policy action. Climate change in the United States has become highly politicized among the warring political parties, a growing partisan media on what has become an ideological issue and not simply a material one. Public support for policies that address climate change is declining in many countries, including those whose publics have traditionally supported such policies. There is also mounting evidence that anti-climate-change-policy forces are organizing efforts globally. (See Dunlap and McCright, “Climate Change Denial: Sources, Actors and Strategies,” in Constance Lever-Tracey, ed., *Routledge Handbook of Climate Change and Society*, 2010). So instead of growing legions of climate change voters, the opposite may become true. Until the voting populous experiences climate-related natural disasters, like those that recently happened in Australia to shift sentiments in that country, the world may be in for continued if not greater political stalemate.

The Human Right to a Green Future: Environmental Rights and Intergenerational Justice. By Richard P. Hiskes. New York: Cambridge University Press, 2009. 182p. \$95.00 cloth, \$31.00 paper.

Climate Change Justice. By Eric A. Posner and David Weisbach. Princeton: Princeton University Press, 2010. 240p. \$27.95. doi:10.1017/S1537592710003543

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Do persons have moral rights against the sort of harm that is expected to result from environmental problems

like climate change, or are imperatives of environmental protection contingent upon their respective efficiency in promoting social welfare? If regarded as a rights issue, anthropogenic climate change would be subject to deontological constraints that trump considerations of costs; hence, cost–benefit analyses of environmental harm, which do not invest abatement efforts with this trumping power, are thus vulnerable to objections that resources spent on mitigation efforts might more effectively promote welfare if deployed elsewhere.

The question takes on additional importance as the “why” of normative justification for environmental protection drives the “what” of appropriate policy objectives and responses to its primary threats. Not only do approaches based in rights or justice lend more rhetorical urgency to such problems when compared to those based in welfare or utility—as the former posits a unique bad to be avoided at all costs, while the latter depends on a general good that can be promoted in various ways—but they tend also to justify significantly stronger commitments to environmental protection. Because rights and justice frames are more demanding, they have been more frequently invoked by scholars and activists on behalf of strong policy action on climate change. Such frames have also encountered resistance from powerful states, which are at least in principle more favorably inclined toward welfare-maximizing or efficiency imperatives.

These competing normative approaches to environmental protection are on display in these two important recent books, with Richard P. Hiskes grounding imperatives to avoid environmental degradation in human rights and intergenerational justice, and Eric A. Posner and David Weisbach doing so through a “welfarist” approach that might be termed Paretianism, since it requires Pareto improvement but not welfare-maximizing alternatives to the status quo if they make any party worse-off. Although neither works out in detail how extensive a set of environmental protections would be required by their approach, their contrasting stringency is suggested by Posner and Weisbach’s justification for aiming to “balance” ethics and feasibility.

As the authors write in *Climate Change Justice*, justice-based approaches often “demand too much from the rich world” and so “threaten to derail a climate change agreement, thus hurting most of the nations and people who are pressing those very arguments” (pp. 4–5). The feasibility constraints built into their Paretianism are initially defended as pragmatic rather than ethical, designed to overcome political opposition rather than rectify philosophical shortcomings in alternative normative approaches, but later transform into a freestanding alternative to deontological or utilitarian ethics. Despite initially claiming Paretian outcomes to be “consistent with the requirements of justice” (p. 5), they later concede that there may be “no reason to think that the resulting outcome will be

ethically ideal, or even close,” but that “there is strong reason to think the outcome will be better than the status quo” (p. 188). By contrast with Posner and Weisbach’s pragmatically modest ambition, Hiskes claims in *The Human Right to a Green Future* that “environmentalism needs a new and more muscular political vocabulary grounded in today’s central political ideals of human rights and justice,” claiming that environmental protection imperatives that are “rooted in these power words of contemporary politics . . . cannot be ignored in any election or by any government” (p. 2).

Both books are motivated by the conviction that stronger environmental protection measures are urgently needed and the judgment that normative principles can assist in their design. Hiskes invokes human rights as the “mechanism for intergenerational justice” (p. 6) that constitutes what he takes to be their proper end in protecting against “emergent” risks, where rights-based injunctions against transgenerational environmental harm also serve the salutary benefit of preventing environmental externalities within each generation. Posner and Weisbach likewise expect improved environmental outcomes to result from their “limited but important moral vision” of “states cooperatively advancing the well-being of their populations, and hence the global population, by agreeing to limits on greenhouse gas emissions” (p. 6).

In each case, their respective normative constructs drive the accounts of social change associated with each approach and underscore their practical and theoretical limits. Posner and Weisbach stipulate that powerful states will reject any climate treaty that opposes their national interests, while assuming that such realist premises leave room for at least some productive international treaty on climate change mitigation; as such, the authors articulate a more plausible path toward what would surely be a more modest treaty than is defended by approaches based in rights or justice. Hiskes essentially inverts this preference for political viability over philosophical appeal, convincingly arguing that environmental rights represent logical extensions of current human rights doctrine and require stringent action to safeguard the interests that such rights protect; yet, at the same time, he naively maintains that human rights and intergenerational justice discourses “cannot be ignored” during elections or by governments. Hiskes, and Posner and Weisbach, might thus be viewed as taking sides in the fundamental dispute about whether the perfect or the overly accommodating serves as the biggest obstacle to the good.

Posner and Weisbach’s title is somewhat inapt, since the bulk of the book’s content goes not to articulating a vision of climate justice but to criticizing alternative approaches based in either distributive or corrective justice, and they conclude that “justice does not have much to say about the design of the climate treaty” (p. 88). Curiously, their case against justice-based approaches rests primarily upon

philosophical objections, rather than on the feasibility constraints in which they first frame their argument. The problem with applying distributive justice principles to a climate treaty, they suggest, is that egalitarian justice aims primarily to redistribute wealth, distracting from the core imperative of international climate policy, which should be to “reduce emissions as cheaply as possible” (p. 74). Ultimately, their rejection of distributive justice approaches turns on this specious characterization of current scholarship, combined with mention of “empirical evidence” demonstrating that climate change mitigation policy “is unlikely to be a good vehicle for redistribution” in that it is “badly targeted and expensive” (p. 75). Similarly, they dismiss applications of corrective justice principles by describing them as punitive rather than restorative, and suggesting that they rely upon conceptions of collective responsibility “that have been rejected by mainstream philosophers as well as institutions such as criminal and tort law” (p. 101). Given ample discussion of such issues elsewhere, such perfunctory and sweeping dismissals of existing climate justice work disappoint, particularly since they are unnecessary for advancing the authors’ fundamentally practical thesis.

Nonetheless, Posner and Weisbach should be commended for their accessible prose, clear organization, and cogent analysis. Their aim is not to directly engage scholarly opponents in debate, and indeed they make reference to the burgeoning climate justice literature only in one footnote, never in the text. Rather, their objective is to construct a normative theory that takes seriously practical constraints on the development of international climate policy, and to consistently apply that theory to several divisive issues in climate change policy and politics on behalf of a reasonably strong climate change agreement. While the chapters on burden sharing offer less novel insight into normative issues that have been more thoroughly discussed elsewhere, the authors’ strengths are on display in chapters on economic policy instruments and the question of discounting costs and benefits for future generations. Similarly, their attempt to join the ethical with the feasible represents an important challenge, if not an entirely successful response, to a scholarly literature that typically emphasizes one at the expense of the other.

By contrast, Hiskes employs a deontological framework that enjoins anthropogenic harm as a violation of human rights, regardless of mitigation costs. He situates his call for the expansion of existing human rights discourse to environmental protection within the scholarly literatures on human rights, identity, and global ethics, which are copiously engaged throughout. Building upon Tim Hayward’s case for the legal instantiation of such rights in his *Constitutional Environmental Rights* (2005), Hiskes takes a more difficult tack than Hayward’s relatively straightforward extension of individual security or subsistence rights to environmental harm, arguing instead

for group rights of future generations that apply against current compatriots. Each of these departures from the conventional framework of human rights invites criticism and complicates his project; yet, by raising the level of difficulty, these departures also make his extensionist project more impressive and the surrounding discussion richer. He defends group rather than individual rights, since “future generations can be perceived ontologically only as groups because no specific persons yet exist” (p. 63), suggesting also that the duties associated with such rights might be borne through collective rather than individual forms of responsibility. Elsewhere, he formulates the “emergent” environmental rights as entailing a “collective duty owed by all of society to each individual person to protect his or her rights to clean air, water, and soil” (p. 46), identifying individual right holders but collective duty bearers. Whether positing group rights or collective correlative duties, Hiskes aptly draws upon recent scholarly literature defending both.

By attaching these group rights to future generations, the Hiskes approach runs headlong into Joel Feinberg’s critique that nonexistent persons cannot be rights holders and Brian Barry’s objection that obligations to future generations cannot be grounded in reciprocity, since future persons cannot reciprocate with present ones. In reply, Hiskes argues that current and future generations are bound together in a web of “reflexive reciprocity,” which holds that “respecting the rights of the future redounds to our benefit in a kind of virtual reciprocity—reflexively strengthening our rights today” (p. 49). Because environmental protection measures that we undertake today to safeguard future generations also protect the living against harmful pollution or ecological degradation, he suggests, this trans-generational relationship plays a role akin to reciprocity in effectuating intergenerational circumstances of justice. If this causal relationship holds, however, one might wonder why such contestable rights claims are necessary when the same actions would presumably be enjoined by individual rights of existing people. Finally, since this kind of reciprocity “exists only within cultures across their own generations” (p. 67), the environmental rights of future generations entail duties only for current compatriots, and persons now have rights-based environmental duties only to future conationals. Thus, Hiskes’s theory provides no ground for claiming that persons now have obligations to living or future residents of nations most vulnerable to climate change, as climate justice imperatives require, even if it enjoins relevant harmful actions by others means.

Whether grounded in human rights discourse or welfare economics, imperatives to treat contemporary environmental problems as issues of basic justice among persons and peoples usefully remind readers of the nature and challenges of contemporary environmental politics. Sharing an ecological system that transcends borders and spans generations requires that we recognize our interdependence

and aim to formulate policies to sustainably manage that system through terms that are fair to all and that recognize the interests and vulnerabilities of each. Both of these books demonstrate the potential value of scholarly analysis in seeking viable but normatively defensible resolution to protracted environmental conflicts, and acknowledge the responsibility of scholars to engage their conceptual tools and insight with the messy realities of the political world. Posner and Weisbach might be accused of conceding too much of the aspiration for global justice to *realpolitik* in their theoretical starting points, and Hiskes of not conceding enough to it in his, but the proper balance between philosophical elegance and practical applicability is bound to be elusive, and the effort to strike it is nonetheless advanced by work that rests of either side of the scale's pillar. Those interested in the creative tension between the demands of justice theory, the complexity of environmental problems, and the challenges of international politics will find much to consider in each of these works, which combine earnest desire for reasoned agreement and progressive change with keen insight and provocative policy prescriptions. While these are two quite different books, their divergent styles and premises concerning the politically possible complement each other, and together illustrate the rich theoretical landscape on which environmental politics is now contested.

Climate Change Policy in the European Union: Confronting the Dilemmas of Mitigation and Adaptation?

Edited by Andrew Jordan, Dave Huitema, Harro van Asselt, Tim Rayner, and Frans Berkhout. New York: Cambridge University Press, 2010. 304p. \$105.00 cloth.
doi:10.1017/S1537592710003555

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For more than two decades, the world's governments have been engaged in international diplomacy to manage global warming. Those efforts, so far, haven't achieved much in part because most governments have not been willing to devote much effort to the task. Among the few notable exceptions are members of the European Union (EU). The EU was a relative latecomer to the mission of global warming, but since the 1990s, it has emerged as a reliable leader. Today, many in Europe think that global warming is one of the defining regulatory activities of the EU.

EU policies are consistently among the most aggressive efforts worldwide to control the emissions that cause global climate change. The EU is also in the lead in preparing to adapt to likely climate changes at home and helping other countries brace for the huge changes that will arise in a warmer world. The EU has translated this leadership in its own efforts into a big influence on the design of international institutions. For better or worse, many of the key elements of prominent international agreements in this

area—such as the Kyoto Protocol and the Copenhagen Accord—reflect EU ideas.

This new book edited by Jordan et al. offers a careful assessment of how the EU makes policy related to climate change. It is part of a large EU-funded project that focuses on the design, politics, and effectiveness of EU strategies to adapt to climate change and regulate (“mitigate”) warming emissions. Written for specialists, it covers a broad landscape and is well informed.

The Jordan et al. book introduces many arguments, but four stand out as particularly important. First, EU policymakers have faced a wide array of challenges in the policymaking process. Those challenges—what Jordan et al. call “dilemmas”—included the need to set the agenda and choose policy instruments that would keep political forces supportive of regulation. One challenge stands out in this volume: sharing the burden of costly regulation. The chapters in this book show that the EU's credibility on climate change has risen as its member governments and bureaucrats have discovered ways to share burdens so that climate policy was politically tolerable within the EU. A few EU countries—mainly in the northwest—care a lot about climate change. The rest don't. The EU's burden sharing reflects that. As the EU has expanded in size, so has the number of members that are less wealthy and less prone to support costly regulatory policies; for students of politics, such as Jordan et al., that change in membership reveals how burden-sharing rules must accommodate the underlying differences in preferences and capabilities.

Second, Jordan et al. show that the EU's ability to forge a policy has depended only in part on rising concern about climate change. The really important factor has been success with the broader mission of creating a common European market. When the EU forged a renewable energy strategy (RES), for example, it built the strategy on the idea that more renewable power would increase Europe's energy security, generate jobs, and also lower warming emissions. But the EU wasn't successful in forging much of a common approach until its members had agreed, notably in the 1990s, to give much more power to Brussels. Even then, the policies that have resulted are far from a tightly integrated, Brussels-driven scheme. They are an amalgam of central goals (with a big dose of burden sharing to adjust each country's own effort) and autonomy for member states to act as they see fit.

Third, the compromises needed to craft a common EU policy are especially evident in the emission trading scheme (ETS)—an American idea that Brussels adopted in the late 1990s as the centerpiece of its strategy for controlling emissions. Most economists prefer taxes, and the EU tried taxes with a proposed carbon/energy tax in the early 1990s. But at that time, any such fiscal measure would require unanimous consent, and that doomed the tax. Politically, the ETS was much easier to craft because as an environmental policy, it needed only majority support. Even then,