

Oklahoma Bar Association

From the Selected Works of Darla W. Jackson

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The Human Right to a Green Future: Environmental Rights and Intergenerational Justice (Book Review)

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Hiskes, Richard P. *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*. New York: Cambridge University Press, 2009. 171p. \$90.

Reviewed by Darla W. Jackson

¶27 Richard Hiskes is a professor of political science at the University of Connecticut and serves both as editor of the *Journal of Human Rights* and associate director of the Human Rights Institute. Impressed by these credentials and enthusiastic about the prospect of “new conceptualizations” (p.i) of human rights and intergenerational environmental justice, I embarked on a journey through Hiskes’s latest book, *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*. Unfortunately, I found the journey somewhat arduous. Although the book’s table of contents promises an entire chapter on “Instituting Intergenerational Environmental Justice,” there was scant discussion of practical implementation in what appears to be more a survey of the human rights theory underlying support for environmental justice.

¶28 In the course of presenting his survey, Hiskes references the work of Edith Brown Weiss, the Francis Cabell Brown Professor of International Law at Georgetown University Law School and an author whose work received the Certificate of Merit Award for creative scholarship from the American Society of International Law in 1990. First published in 1989, Weiss’s *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*¹² remains the standard work on environmental concerns relevant to present and future generations. While Hiskes discusses Weiss’s work, he neglects the work of Paul A. Barresi,¹³ a well-known critic of *In Fairness to Future Generations*.

¶29 A comparison of the Hiskes and Weiss texts reveals why Weiss’s book remains the standard. Weiss’s work is well organized and flows logically from one point to the next. Although it develops a theoretical framework for intergenerational equity, significant portions of the book also address implementation strategies, and an appendix outlines provisions on environmental rights and duties contained in the constitutions of various nations. In contrast, *The Human Right to a Green Future* lacks such practical detail. For example, while Hiskes discusses in chapter six the importance of constitutional status to environmental rights, his analysis of potential sources of environmental rights in national constitutions is quite limited and relies primarily on the U.S. Constitution. Equally problematic is that *The Human Right to a Green Future* at times proves difficult to follow. Particularly in the early chapters, Hiskes displays a tendency to address issues only briefly and then provide references to other portions of the book that have more fully developed analyses. While brief comments supported by such references are

12. EDITH BROWN WEISS, *IN FAIRNESS TO FUTURE GENERATIONS: INTERNATIONAL LAW, COMMON PATRIMONY, AND INTERGENERATIONAL EQUITY* (1989). Similar ideas are presented in a lecture by Weiss that is available on video. Edith Brown Weiss, *The Principle of Intergenerational Equity*, http://untreaty.un.org/cod/avl/ls/Weiss_EL.html (last visited May 7, 2009).

13. Paul A. Barresi, *Beyond Fairness to Future Generations: An Intragenerational Alternative to Intergenerational Equity in the International Environmental Arena*, 11 TUL. ENVTL. L.J. 59 (1997); Paul A. Barresi, *Essay, Advocacy, Frame, and the Intergenerational Imperative: A Reply to Professor Weiss on “Beyond Fairness to Future Generations,”* 11 TUL. ENVTL. L.J. 425 (1998).

to be expected in an introduction, extensive use of this organizational style is distracting. In addition, I often found that I needed to read a significant portion of a chapter before I understood its central theme. To overcome this problem, I began reading the conclusion to each chapter first.

¶30 Further problems with the Hiskes text include the dense nature of the book's language and the author's presumption that his readers are familiar with the work of lesser-known political and human rights theorists. In addition, rather than including footnotes or endnotes for each chapter, Hiskes utilizes a parenthetical reference style. While this citation style is not unusual in interdisciplinary works, it can be off-putting for those accustomed to the footnotes utilized by legal scholars.

¶31 In his acknowledgments, Hiskes states: "Several pieces of the following argument were presented at the American Political Science Association annual meeting, and early versions of them appeared in *Human Rights Quarterly*, *Human Rights Review*, and *Public Affairs Quarterly*" (p.x). He indicates that comments on these earlier pieces helped to improve the development of the ideas in his book. However, in my reading of one of the *Human Rights Quarterly* pieces from 2005,¹⁴ I found a more concise and readable presentation of some of the same ideas included in the book. This leads me to wonder if Hiskes actually benefited from the comments of others, or if the feedback simply distracted him from his original, well-formulated ideas.

¶32 Despite its limitations, this book is not without merit. While not particularly useful as an introduction to the concepts of intergenerational justice in an environmental context, it is nonetheless an informed and well-researched book that draws from work in several different disciplines. Although law students and practitioners will likely prefer the Weiss book, academic law libraries looking to improve the depth of their collection in theoretical works or to increase the multidisciplinary nature of their collections in general may wish to consider purchasing *The Human Right to a Green Future*.

Lacovara, Philip Allen, ed. *Federal Appellate Practice*. Arlington, Va.: BNA Books, 2008. 955p. \$325.

Reviewed by John Dickinson Moore

¶33 *Federal Appellate Practice* is a major new contribution to a critical field of law, and it is priced accordingly. On the cover, where the author's name is usually found on BNA books, is the name of a law firm—Mayer Brown LLP. Clearly, the book is intended to serve, in part, as an advertisement for Mayer Brown's Supreme Court and Appellate Practice Group, but keep in mind that it is one of the largest and most experienced groups of its type in the United States. Although individual chapters were written by different lawyers based on their particular expertise, the book has an overall consistency of tone and purpose that is readable and practical, lightened from time to time with a little wit.

14. Richard P. Hiskes, *The Right to a Green Future: Human Rights, Environmentalism and Intergenerational Justice*, 27 HUM. RTS. Q. 1346 (2005).