

Book Reviews

Baber, Walter F., and Robert V. Bartlett. 2015. *Consensus and Global Environment Governance: Deliberative Democracy in Nature's Regime*. Cambridge, MA: MIT Press.

Reviewed by Elizabeth Mendenhall
University of Rhode Island

Walter F. Baber and Robert V. Bartlett's *Consensus and Global Environmental Governance* is the final book in a three-part series about the development of Earth system governance. Where the two previous books introduce and describe the authors' prescription for juristic democracy in global environmental governance, this book confronts powerful objections and forwards specific advantages of a deliberative democratic approach. The overall vision is to have a sufficient number of globally representative juries engage in collective will formation, by ruling on the same hypothetical cases and then aggregating those decisions into a global system of common law. This final book focuses on the concept of consensus: why it is possible and good, and how to achieve it. Key foils include alternate systems of governance: majoritarianism, technocracy, and state sovereignty. Baber and Bartlett believe that "rational governance" (p. xiv) can best be achieved through global-scale democratic deliberation.

For Baber and Bartlett, the fundamental problem with existing global governance is the "democratic deficit" (p. xii). The main advantage of a deliberative approach is that democracy produces legitimacy, which makes rule systems politically sustainable and is therefore a key condition for effectiveness. The book connects iterative and small-scale juristic democracy to the development of a global system of common law through the development and aggregation of consensus, or "collective will formation." Baber and Bartlett draw from both legal theory and the social sciences; their proposed mechanism for mapping and aggregating "considered opinions" combines the method of content analysis with the practice of "restatement" from the common law tradition.

What happens to the resulting body of constructed legal norms and principles is not entirely clear. In chapter 3, it is the "raw material for a process of codification" (p. 47) through traditional international negotiation. In chapter 8, juristic democracy supplements administrative discretion with "rule making via hypotheticals" (p. 148), as an alternative to case-by-case adjudication. In chapter 9, it provides a stock of principles upon which international tribunals can draw, "a substitute for the stare decisis doctrine" (p. 168). The broad utility of the consensus drawn from citizen juries can thus leave the reader with a sense of incompleteness; the starting point is described in great detail, but the finish line of rule making and implementation remains obscure.

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Consensus and Global Environmental Governance is an important resource for theorists and architects of Earth system governance. It provides a modular and concrete mechanism for global decision-making that builds legitimacy into the process via the mechanism of citizen juries. The literature on jury size and jury-style deliberation is surveyed in great detail, and the ability of juries to make rational, representative decisions is well defended. But the book would benefit from acknowledging a key difference between trial and citizen juries: the former interpret the rules of a pre-existing legal order, whereas the latter develop principles and norms to serve as the basis of a new common law. Many of the same findings regarding group dynamics and diversity probably apply in either case, but the problem structure and decision-making tasks are different. Can citizen juries generate consensus norms that successfully confront complex environmental problems? Baber and Bartlett suggest that any problem can be simplified and explained by expert witnesses, just as issues are in court. If juries are to produce “ecological rationality,” “ecological sustainability,” and “ecological democracy,” then they will need to understand ecological systems. But is the opinion of a forensic scientist or the guidance of a judge really comparable to the explanation of an ecologist, climatologist, or oceanographer? Baber and Bartlett do not address this issue, because for them effectiveness is more about the provenance of a decision than its specific content.

A key advantage of juristic democracy is its ability to avoid or neutralize biases in decision-making. Baber and Bartlett lambast the arguments of “difference democrats,” or those who assert that deliberation and the requirement of “public reason” are hostile to diversity. A recurring rejoinder is the argument that researchers can compose specific juries—either representative or “enclave”—to address the risk that decisions will reinforce existing social and economic power relations. But there are other features of juristic democracy that seem to assume neutrality, instead of achieving it by design. Cases drafted by “the social scientist or environmental governance professional” (p. 25) must be “properly structured” to be “directly analogous” to real-world situations and as concrete as possible, while remaining hypothetical. Baber and Bartlett provide no guidance for evaluating whether a constructed case is valid as a test of the competing positions, except to say that repeated deliberations with slightly varied cases can help determine which aspects of a case explain deliberative outcomes. Juries will be provided with “well-balanced information” that is “grounded in reliable research and valid inference,” and also “the arguments of actual stakeholders” (pp 47, 25). But what happens when the arguments of actual stakeholders rely on unreliable research? And who determines what is “balanced” or who is a “stakeholder”? These important questions, and who answers them, may impact how democratic the deliberation of citizen juries really is. Baber and Bartlett offer three general solutions—transparency, peer review, and “a diverse set of disinterested deliberators” (p. 137)—but do not apply them to these specific requirements.

Baber and Bartlett demonstrate that their proposed system of Earth system governance is desirable. But the book does not establish that global juristic

democracy is plausible. The authors suggest that the “inherent democratic legitimacy” of their method would “bypass states” and create a new rule-making system “fully complementary with other governance approaches and strategies” (p. xv). Environmental problems would be treated as questions of distributive justice, potentially rebalancing international political advantages. But Baber and Bartlett do not acknowledge or answer arguments about the durability of great power politics in this book, and the result is a proposal that appears more idealistic than it really is.

Kashwan, Prakash. 2017. *Democracy in the Woods: Environmental Conservation and Social Justice in India, Tanzania, and Mexico*. Oxford: Oxford University Press.

Reviewed by Kimberly R. Marion Suiseeya
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How can we explain when and why states strengthen, weaken, or maintain the status quo for peasant land rights? According to Prakash Kashwan, it is not simply a question of getting the incentives right or improving capacity for implementation. Instead, the answer depends on the historical, contextual evolution of forestland institutions, coupled with the everyday practice of democratic politics.

In this exceptionally detailed and ambitious study, Kashwan sets out to explain the divergence of forestland institutions in three cases—India, Mexico, and Tanzania—by crafting a rich historical account of the interactions between colonial legacies, populist politics, and contemporary global environmental politics. The core puzzle of the book is that states making seemingly similar economic-environmental trade-offs when deciding how to govern forestlands end up with divergent—and often counterintuitive—institutions. Critical of institutional analyses that exclude politics, where factors such as the effects of political mobilization and state welfare programs are considered contextual factors exogenous to institutional analysis, Kashwan adopts a power-centric approach. The goal is to explain three types of divergences: statutory protection of peasant land rights, delegation of forestland control, and domestic responses to international policies. The framework deployed, the political economy of institutions, brings two types of representation politics into institutional analysis—the strategic contingencies that shape elite incentives for representation and the mechanisms of political intermediation—to advance an argument that elected officials play a unique role as political intermediaries in addressing forest conflict. As such, *Democracy in the Woods* is as much about the politics of representation as it is about forest politics and their outcomes.

The argument unfolds in three main parts. First, through an extraordinarily detailed history of the precolonial and colonial forestland regimes in each case, Kashwan demonstrates how the colonial legacies of territorial control continue to

shape contemporary forest institutions. Where forests were seen as an important source of power for nation-states, as in India and Tanzania, forest institutions have served to weaken the voice of peasants by creating policy-making monopolies in government agencies. Where forests were historically seen as a resource to be used for the production of social goods, however, as in Mexico, peasant control over forestlands has remained strong and has contributed to their enhanced political voice in forest governance. In the second part of the book, a quasi-ethnographic approach to land reform politics illustrates how states can capitalize on competing visions of land rights to align and reinforce economic and environmental forest agendas. For example, instead of responding to peasant demands for tenure security in India and Tanzania, political elites adopt technocratic approaches to address forest conflicts as a means to both enhance their power and weaken peasant representation. Kashwan then brings these two perspectives together through comparative policy analysis to demonstrate how domestic mechanisms of political intermediation—how interests are aggregated into or excluded from policy processes—explain how Tanzania and India have resisted institutional reforms to share REDD+ benefits with forest communities, to continue to limit these communities' political voice. In contrast to these two states' technocratic approaches to forest governance, which removes democratic representation from forest policy-making, Kashwan finds that Mexico's system of corporatism has resulted in enhanced political voice for forest communities in REDD+.

For scholars of global environmental politics, this book not only articulates the importance of comparative work for uncovering historically contingent variables that shape institutional possibilities, but also situates such research in the broader global context of international environmental agreements that propel many developing countries into particular institutional trajectories. For REDD+ proponents, perhaps one of the most significant contributions that *Democracy in the Woods* makes is the argument that politics—not just institutional design—matters. By showing how technocratic approaches to REDD+ contribute to reduced representation in forest policy-making, Kashwan forces REDD+ proponents to confront its political power in shaping democratic practice in forest communities.

While *Democracy in the Woods* presents a highly detailed and rich account of the forestland regimes in India, Mexico, and Tanzania, at times the analysis is frustratingly complex. The institutional histories are fragmented throughout the book, with each chapter accounting for some part of each case, requiring the reader to piece together all of the elements of any one case. This is perhaps a casualty of a complicated comparative analysis that seeks to capture political dynamics over time, geography, and scale. Additionally, by vaguely referring to his explanatory variables as “political and economic” factors, Kashwan risks readers quickly assessing the book as a study of institutional path dependence rather than an argument about the importance of democratic practice for institutional change.

Importantly, particularly for students and scholars interested in methodological innovation, Kashwan does not fully embrace political ethnography. Instead he buries his own voice by largely drawing from existing studies, even in the case of India, where he spent years conducting field work. As the interpretive turn in political science continues to gain ground, ethnography offers a potentially powerful methodology for helping explain complex political phenomena. But care is required when deploying ethnographic work—a place where this project falls short. This critique does not diminish the quality of research presented, but rather suggests that the study is more accurately represented as engaging multiple methods to advance historical and institutional analysis.

These weaknesses should not detract from the study's important contributions. Although the book's attention to social justice is, in some ways, tangential, the importance of drawing attention to the role of political voice in forest governance should not be overlooked. The tendency to focus on distributive justice—for example, via land tenure reform—often comes at the expense of other dimensions of justice, including procedural and recognitional justice. *Democracy in the Woods* challenges readers to question the nature of—and potential pathways to—justice for forest communities.

Buntaine, Mark T. 2016. *Giving Aid Effectively: The Politics of Environmental Performance and Selectivity at Multilateral Development Banks*. New York: Oxford University Press.

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What measures do international organizations take to improve the environmental performance of their aid programs? How do they determine which ones work and which ones don't? Mark T. Buntaine makes an important contribution to solving these puzzles with a sharply focused study of concessionary lending by multilateral development banks (MDBs). His purpose is both analytical and prescriptive, and his book is thought-provoking in both regards.

Buntaine argues that the environmental effectiveness of MDBs is limited by what he calls the "approval imperative." He reminds us that MDBs—as agents of major donor states—are strongly motivated to quickly approve lending that they can represent to their principals as environmentally improving, and measure their success in terms of allocations and disbursements.

His story of MDB environmental performance is not all bad news. MDBs can learn from negative outcomes by devising new accountability mechanisms and safeguards, as exemplified by the World Bank's reaction to US and civil society pressures following the ill-fated Narmada Dam project in India in the early 1990s. Still, there are problems of agency to overcome, since donor states exercise little direct control over whether and how such reforms actually affect critical decisions about project approval and evaluation. To locate, analyze, and

address these problems, Buntaine scrutinizes the inner workings of MDB project allocation decision-making.

For Buntaine, the key to overcoming the approval imperative is greater “selectivity,” defined as institutional practices that “increased the allocation of projects with a successful record and decreased the allocation of projects with an unsuccessful record” (p. 2). Stated this way, selectivity is difficult to oppose, but the definition does not indicate how the criteria for success are determined, measured, prioritized, and applied to future decisions. Buntaine’s research focuses on the application to future decisions, to support an argument for what other fields might call an “evidence-based approach” to project approval.

MDBs enjoy substantial discretion in selecting and managing projects, which can be either an asset or a liability to their principals. So, Buntaine argues, greater selectivity can be achieved most efficiently by incentivizing MDB staff to use their discretion to design, approve, and implement lending portfolios that reflect the environmental lessons of past projects. The use of such evidence may slow the design and approval processes, but it should realize net gains in efficiency by improving compliance with environmental safeguards and discouraging the approval of environmentally damaging projects that would later need to be modified or repaired.

Four empirical chapters analyze MDB processes and policies with the potential to increase selectivity. They track the contributions to agent accountability, information flows, and selectivity made by safeguard policies such as environmental impact assessments; interventions by civil society, including the use of public complaint mechanisms such as the World Bank Inspection Panel; and they explain why mandated project evaluations are more effective than strategic planning for increasing selectivity.

Buntaine compares data from four MDBs (the World Bank, Asian Development Bank, African Development Bank, and Inter-American Development Bank). Qualitative data from interviews with MDB officials suggest ways that information on project outcomes currently affects decision-making by MDB personnel and donor states, and data from large numbers of projects that address local and global environmental challenges are then used to test those suggestions. Each chapter contributes to our understanding of how information on project outcomes does or could incentivize greater selectivity.

Buntaine also acknowledges the downside of selectivity: the tendency to reward the successful and marginalize the neediest. His answer is for MDBs to become more selective *within* country portfolios. MDBs should not seek to improve their environmental records by steering more aid to countries that are better governed and more capable of effective project implementation, but should use data on outcomes to identify and fund the types of projects most likely to succeed in a given recipient country. Buntaine’s contention that this would increase aid efficiency is supported by his analysis, although not everyone will find it an equitable approach to the environmental challenges facing the world’s poorest regions.

The book is impressive for the data it presents in support of a set of feasible policy recommendations. Its shortcomings stem, in part, from simplified and inconsistent use of principal-agent theory (P-A) and a somewhat rigid rational-actor approach. Buntaine uses P-A to describe the delegation of authority from member states to MDBs, but the relationships he describes are more complex and protean than his simple diagram suggests. For example, he does not account for delegation that occurs within donor states or between donor states and their representatives on MDB boards. Nor does he consider the very real possibility (dramatized by the 2008 economic crisis and the 2016 US elections) that donor states may quickly alter their commitments and will themselves wrestle with competing bureaucratic interests, slack, and shirking within and among their policy-making establishments.

Nevertheless, Buntaine has written a book of great interest and value to students, scholars, and practitioners of global environmental governance, foreign aid, and international organizations. His analysis is a counterweight to the sometimes casual assumption by global environmental governance scholars that institutional reform and treaty-making signify environment-improving developments in their own right. By doing so, he takes readers closer to the level where development projects are actually implemented and environmental performance can best be evaluated.