

Book Reviews

Gellers, Joshua C. 2017. *The Global Emergence of Constitutional Environmental Rights*. London, UK: Routledge.

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Over the past five decades, many scholars have debated the normative pros and cons of granting legal recognition to the right to live in a healthy environment, a relative newcomer to the library of human rights. Since 1976, this right has spread rapidly across the world, securing constitutional protection and being incorporated into environmental laws in more than 100 nations, and gaining recognition in regional treaties ratified by at least 135 nations (Boyd 2012).

Despite this unprecedented convergence of human rights law and environmental law, few scholars have explored the factors influencing the emergence of these remarkable legal developments, or the practical consequences for people and ecosystems. Joshua C. Gellers, with his slim but idea-filled book, *The Global Emergence of Constitutional Environmental Rights*, is at the forefront of an exciting new wave of empirical scholarship.

Constitutions are the highest form of law in all contemporary legal systems, and also serve, at least in theory, as an important reflection of a nation's most deeply cherished values. Meanwhile, the world faces profound ecological problems caused by human activities. For these reasons, Gellers' focus on the processes, factors, and players involved in constitutional recognition of environmental rights is eminently justified. At its heart, the book seeks to answer a simple but significant question: "Why do some countries have constitutional environmental rights while others do not?" (p. 2).

To answer this question, Gellers develops a model, which he calls the "world cultural framework," drawn from theories in political science, sociology, and law. This framework suggests that an international normative context (based on individualism, rationalization, and universalism) exists and is drawn upon by actors (bureaucrats, lawyers, judges, policy-makers, and activists) to influence outcomes at the national level.

To test the utility of his proposed framework for analyzing constitutional environmental rights, Gellers skillfully employs a combination of quantitative and qualitative research methods. On the quantitative side, he uses various global data sources to test a series of hypotheses, drawn from the international relations literature, about the factors leading states to incorporate environmental rights in their constitutions. His results indicate that constitutional environmental rights are more likely to be found in countries with higher numbers

of international civil society organizations, higher levels of democratic governance, and poor human rights records. Thus the emergence of constitutional environmental rights appears to validate his model, as it is significantly influenced by both international norms and domestic political concerns.

This quantitative global analysis is complemented by qualitative assessments of the emergence of constitutional environmental rights in Nepal and Sri Lanka, two nations selected for their demographic similarities. Through country visits and interviews with lawyers, activists, academics, and government officials, Gellers compares the processes and factors that led Nepal to include the right to a healthy environment in its 2007 constitution (and modified in 2015) and that resulted in Sri Lanka not doing so. Again, the results are consistent with his hypothesis that constitutions are determined primarily by the influence of domestic factors, but within an international normative context.

In Nepal, environmental issues enjoyed a prominent public profile and the active support of civil society, leading to the adoption of environmental rights by constitutional drafters. In Sri Lanka, little attention was paid to the environment during the original constitution drafting process during the 1970s or in a subsequent process that led to a draft constitution in 2000, which was never adopted. Political debates in Sri Lanka focused on devolution of power and other issues perceived as pressing problems, with less emphasis on either human rights or environmental issues.

Interestingly, in both Nepal and Sri Lanka, courts followed a series of judicial precedents from India's Supreme Court, ruling that even when the right to a healthy environment is not explicitly mentioned in a constitution, it is implicit in other fundamental rights, such as the rights to life and health. The Nepalese court decision not only predated the inclusion of the right to a healthy environment in the 2007 constitution, but the judge responsible for the decision later chaired the committee making decisions about the content of the constitution. While Gellers identifies this judge's role as "of no small consequence," it perhaps deserved greater attention, as it suggests the critical role that specific influential individuals may play in constitutional drafting processes.

In the Sri Lankan case study, Gellers depicts the judiciary's recognition of an implicit constitutional right as part of a broader set of legal developments (a long history of environmental law, robust legal framework, and judicial openness towards environmental litigation) that diminished the perceived importance of establishing an explicit right to a healthy environment in the constitution.

Overall, this book is a significant contribution to the growing literature on constitutional environmental rights. Gellers' empirical, mixed-methods approach sets the bar high for other scholars seeking to tackle the many remaining questions in this field. Gellers closes with useful recommendations both for governments implementing these rights and for scholars studying the emergence and effects of these rights.

Reference

Boyd, David R. 2012. *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights and the Environment*. Vancouver, BC, Canada: University of British Columbia Press.

Dempsey, Jessica. 2016. *Enterprising Nature: Economics, Markets, and Finance in Global Biodiversity Politics*. Malden, MA: Wiley Blackwell.

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Enterprising Nature is a detailed and thoughtful exploration of the tensions underpinning neoliberal biodiversity conservation efforts. The book reports on Jessica Dempsey's multi-sited ethnography and intellectual history of the global conservation movement, as well as her many prior years of engagement as a practitioner. The book provides a wealth of empirical detail explored with clarity, and the analysis is thought provoking. Dempsey delivers three key insights into the project of enterprising nature that help explain its utopian outlook and arrested development. That is, the ongoing pursuit of forms of conservation that try to make themselves entrepreneurial and relevant to markets persistently fail to operate in ways that are envisioned in the realms of science and economic modelling dedicated to this idea.

First, Dempsey illustrates that enterprising nature, the idea of assigning a monetary value to nature, is contradictory. The processes of valuing nature are riddled with contradictions. But exactly how these contradictions play out and with what political and material implications is often harder to pin down. *Enterprising Nature* provides a fascinating picture of how such tensions fuel all sorts of political economic and politicized knowledge problems. There are multiple contradictions, or tensions, as Dempsey prefers to put it, throughout the book: for instance, the dualist notions of nature-culture and intrinsic-extrinsic values in Western environmentalism. Drawing on anti-colonial critiques, Dempsey contends that this kind of distinction is a product of Western Enlightenment thinking and conservation strategies that are insensitive to the values and economies of people in the South (p. 33–35). It seems the most fundamental tension that Dempsey explores arises between capital and non-human nature. She notes that because externalization of nature is essential to political economic power, any “efforts to alter externalization mean[s] confronting these formidable forces” (p. 235). However, efforts to realize enterprising nature have studiously avoided a confrontation with capital.

Second, Dempsey demonstrates that enterprising nature is hard work, and mostly unsuccessful. Convincing states and capital to internalize nature (even an “enterprising nature”) has proven difficult. Others have made this important point, but few in the same detail and focus on the politics of environmental knowledge discussed here. Much to the chagrin of many advocates, environmental

valuation techniques lack a coherent economic logic. Dempsey observes, via her interviewees, that not all valuation techniques are explicitly intended to commodify nature. Major problems defining units of analysis worry experts who themselves hold little political or economic power, and green financial innovations are stymied by state inaction. These dynamics lead Dempsey to observe that the promise of de-politicization through enterprising nature is utopian. She writes:

The so-called “pragmatists” hold onto an impossible dream wherein, once conditions are right, all social, economic, and ecological values can be accounted for within a single analytical system—aligning global, socioecological needs, national interests, and economic growth (p. 52).

Instead, Dempsey’s analysis shares ground with other critics of the “anti-political” effects of neoliberal environmental governance (Bryant 2016; McCarthy 2012; Pearse 2018). The tragedy of liberal environmentalism is premised on the smooth operation of rational politics. But socio-ecological and political economic realities do not permit such an end-of-history vision to come about.

Third, Dempsey illustrates how the intellectual projects of enterprising nature “articulate” with imperial and capitalist agendas. The intellectual origins of ecosystems science in the connection between biotechnology and the US government departments’ agendas for trade and intellectual property reform is a case in point (Cooper 2008), as are the multiple corporate ventures, trade fairs, and business-sponsored conferences detailed in the book. Dempsey’s theorization of the neo-colonial organization of knowledge production and circulation is less developed. She describes the “southward gaze” of mostly Global North biodiversity market entrepreneurs (p. 167) and discusses the reception of de-colonial environmental thought in the North. For instance, she argues that responses to Vandana Shiva’s “disruptive” critiques of Western science and green developmentalism have been contradictory: dismissive at many points, and glowing at others. Nevertheless, she might have more explicitly critiqued and theorized these North-South tensions as born of problems endemic to the unequal global structure of environmental knowledge.

Dempsey’s knowledge politics invites more questions about positionality and global inequalities embedded in environmental knowledge. Following Anna Tsing’s approach to ethnography of global connection (Tsing 2005), she identifies her position in “the middle of things,” that is, in the middle of global networks of biodiversity experts and entrepreneurs across the globe. The social practices and organization of knowledge documented in this book are implicitly framed as occurring within the global North (including sites of elite knowledge-brokering in Southern nations). Her focus on mobile expert networks is interesting and important. But there is a larger set of people involved in global ecosystems, enrolled in a neo-colonial division of intellectual labor. I’m thinking here of the research assistants, rural people, and less mobile Southern scientists engaged in collective efforts behind the datasets and other forms of

knowledge necessary for enterprising nature. Theory from the North dominates the generation of knowledge, but gathering it relies upon participants in bureaucracies and diverse lands of the South (Connell 2007; Hountondji 2002). Investigating the ideas and practices of a broader set of knowledge workers might have invoked a different framing of problems than the ones so strongly influenced by Anglo-European eco-entrepreneurs at meetings in New York.

In summary, this book speaks to political economy debates over nature's commodification as well as to discussions about the neo-colonial organization of environmental knowledge politics. Dempsey's thoughtful analysis is rich with insights into both. In particular, she has documented the fragility of enterprising nature in valuable detail. The knowledges that make up "enterprising nature" in so many respects express capitalist and colonial logics, but they have failed to impose order upon an unruly world, marked by stark inequalities and "uncooperative" natures (Bakker 2003). The elusive character of this environmental-economic project has been beautifully captured. *Enterprising Nature* is a must read for any student of green political economy.

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Bulkeley, Harriet, Matthew Paterson, and Johannes Stripple. 2016. *Towards a Cultural Politics of Climate Change: Devices, Desires, and Dissent*. Cambridge, UK: Cambridge University Press.

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If climate change is one of the burning issues of our times, the debate on climate change is turning out to be one of the most polarizing. Deep skepticism of

climate change has come to characterize the political discourse in several countries, and has increasingly come to mark the presidency in one of the largest emitters of carbon dioxide in the world, the United States of America. Against the backdrop of this stark and inflamed political climate, *Towards a Cultural Politics of Climate Change* comes as a breath of fresh air. It provides a framework for understanding what aids or impedes the transition from a high-carbon-society to a low-carbon-society.

The book presents case studies from the United States, Europe, and Australia that ask critical questions about who makes or does not make the transition, why they do so, and what pitfalls mark these transitions. The book explores how devices, desires, and dissent interact to reproduce climate change subjectivities.

“Device” refers to the “objects, technologies, and techniques through which everyday life in high-carbon, decarbonizing, and low-carbon societies is organized” (p. 9), including techniques and technologies for reducing carbon footprints, technologies of government, and other assemblages of objects and techniques. “Desire” denotes “the affective and visceral dimensions of social life” (p. 9), encompassing hopes, fears, joys, sorrows, and anxieties, as well as their myriad expressions. “Dissent” explores “the contestation around these devices and desires,” connecting “questions of culture explicitly to the clash of visions and power central to the understanding of politics” (p. 9). Dissent, as articulated in this book, includes not only active forms of resistance but also the everyday, mundane, and incremental ways in which individuals, households, and communities express their dissatisfaction with devices and desires.

This book is not as much about the spectacular and dazzling as it is about the commonplace and routine. It is about how devices like laws, technologies, and institutional frameworks collide with the desires of individuals, households, and communities, and how these entities then use everyday tools of protest and resistance—the broken law, the un-complied-with rule, the rejected proposal—to push back and dissent.

The chapters contain examples of the interplay at different levels of political structure. For example, a proposal to design houses without under-floor heaters in Denmark encountered political opposition from those who wanted those heaters; the government relented even though it resulted in houses that were heated both less efficiently and less well. A 2006 program to make new houses in the UK “zero-carbon” ran into difficulties as private organizations conflicted with less stringent government definitions and caused friction with builders and planners who had originally supported the concept.

Other themes in this book are the importance of grief, the unfolding of epistemic struggles in every day work, and the devices and desires of the firm in governing urban carbon economics. Each chapter in the book adheres to the larger framework of exploring the intricate connections between devices, dissent, and desires. In doing so, the book places culture at the center of climate change politics, on the same pedestal as economics and social science, and demonstrates that climate change is much more than loss of habitat or

livelihood. Climate change is also about a threat to one's identity and a challenge to one's notion of comfort. In addition, it is about "leaving behind linear time" and exploring the dynamic interactions between decisions and consequences (p. 92, 93).

The book makes a conscious effort to move beyond individual subjectivities and explore households, the firm, and the community. In doing so, it posits that any technology of government has to take into account multiple subjectivities that interact constantly and dynamically. This point is of special importance from a policymaking perspective, for it offers insight into how policies that aim to achieve low-carbon societies must look beyond individual level interventions to achieve sustainable transition.

The book challenges the widely held notion that if certain barriers were removed, it wouldn't take much for societies to move from being high-carbon to low-carbon. Rather, various processes contribute to the continuation of a high-carbon order. This perspective pushes us to think beyond simply removing barriers and also focus on the relationships and processes that make it possible for high-carbon societies to persist and thrive.

A noteworthy dimension of this book is its engagement with a wide range of theories and methods that the contributing authors have used to construct their arguments. Methods include organizational ethnography, interviews, and a critical review of policy documents, websites, and publication material. The theories employed are equally varied, ranging from actor network theory and framing analysis to organizational development and carbon economics, to the idea of governmentality. These approaches offer future researchers options for the theoretical and methodological directions to take when working on cultural political aspects of climate change.

The scope of this book is broad, and it takes a novel approach to understanding climate change politics. However, a book of this breadth should have included case studies from the Global South. Given that countries like India and China are among the leading emitters of carbon dioxide and also among the leading investors in climate change technology and governance, such an omission seems conspicuous. In addition, the book only touches briefly on the critical aspects of social and economic inequities. While discussing cultural politics of climate change, it is important to explore how devices, desires, and dissent interact with social and economic cleavages like class and gender in reproducing climate change subjectivities.

Notwithstanding these concerns, this book is an important contribution to a growing body of literature exploring the cultural politics of climate change, and it comes at a particularly precarious time. The many issues covered offer rich insights and signposts for future research about how countries of the Global North are striving to lower their carbon footprints.