

BOOK REVIEWS

When Environmental Protection and Human Rights Collide: The Politics of Conflict Management by Regional Courts by MARIE-CATHERINE PETERSMANN [CUP, Cambridge, 2022, 318pp, ISBN: 978-1-316-51580-8, £85.00 (h/bk)]

In this book Marie-Catherine Petersmann retraces the evolution of the legal order for environmental protection, and its gradual merging with human rights concerns, creating what has been described as a ‘synergistic’ relationship. However, Petersmann considers the conflicts between environmental protection and human rights to be more complex than is usually portrayed in the literature. Including a rich bibliography, a complete and updated table of case law, and a precise and exhaustive index of terms used, Petersmann’s work provides a fresh vision of the links underlying the environment and human rights, presenting the discerning reader with an innovative view of these relationships. Written in a clear and elegant yet lively style, the author paints an original picture, highlighting various situations which show that the relationship between environmental protection and human rights is more complex than is usually acknowledged. To illustrate these conflicts, and then present the—unsatisfactory—solutions found by the various regional human rights courts observed, the author explores the arguments and jurisdictional strategies used in the environmental jurisprudence. The aim of the work is to understand how these conflicts, which Petersmann considers neglected in the literature, are resolved in practice.

Petersmann starts from the following premise: there are two ways of looking at the relationship between the two fields. On the one hand, there is the view that the strengthening of environmental principles raises the standards of human rights protection. In the author’s view, this vision is almost ‘idyllic’, and overlooks another reality that is characterised by tensions and conflicts between the two fields. Indeed, on the other hand, human rights violations occur when environmental protection policies are deployed against certain populations. In Petersmann’s view, this more problematic aspect of the links between environmental protection and human rights deserves to be highlighted.

The book examines the arguments and documents put forward by the parties to the cases—legislation, argumentation strategies, expert interventions, images, videos and indicators used to reinforce certain claims or reject others. The analysis of legislative instruments relating to the protection of the environment and human rights, the doctrinal debates surrounding their interpretation and the case law relating to their application is motivated by the desire to understand which representations of the environment are enshrined and applied in human rights judgments. In this sense, it is a book about the approaches of regional human rights courts in relation to the environment and the protection of human rights. In turn, the central question

raises others, such as the arguments, techniques and compromises used by judges to rule on this type of conflict, and questions aimed at better understanding the representation of the environment itself, and how this is handled by the various courts.

The book is divided into two parts. The first deals with 'Constructing Synergies: Framing the Environment–Human Rights Interface'. The second is about 'Conflict Mediation through Universalisation'. The author's aim is clearly stated in the introduction. At stake is the need to reassess the nexus between environmental protection and human rights in public international law, which has been distorted by an ideal of harmony grounded in a distinctively modernist ontology and epistemology. It is this process of mutual re-description of environmental and human rights protection as synergistic that the book seeks to trace and problematise. In doing so, the general ambition is to enable a different legal language and approach to the care of the planet beyond mere human concerns.

The first part looks at trade-offs and tensions, and presents the different ways in which the issues of environmental protection and human rights have been dealt with in case law and doctrine. The idea that runs through the various chapters of this part is the image of a synergy between the two subjects. The author concludes this section by explaining that the issue has not been approached realistically and emphasises the conflicts inherent in overlaps between the two issues. Simply highlighting the synergies between the two areas has not recognised the difficulties posed in practice by the search at all costs for a reconciliation between environmental protection and human rights protection—satisfactory solutions for the protection of human rights have not been found. She opens the second part of the book by pointing out that these tensions still persist and, far from being resolved, they are buried by jurisprudential practice under the guise of different conceptual strategies.

The second part deals with the resolution of the conflicts and tensions described above. To support her argument, Petersmann has chosen a series of specific cases concerning, in turn: minorities; indigenous peoples; Roma and other ethnic and cultural minorities. The thesis is that the various courts called upon to resolve these conflicts tend, on the one hand, to give precedence to the protection of the environment over that of human rights (in this case, the rights of these specific minorities). On the other hand, the author argues that, in order to do so, judges use reasoning based on arguments of universalism and general interest. In her view, under the guise of protecting the environment, judges are in fact conveying Western models of society and human rights, with little regard for the cultural and social diversity that these minorities represent. It is almost a question of 'disguising' the imposition of a model of society, based on a uniform, Western culture, equal for all, in order not to respect certain human rights of these minorities (culture, property). This 'standardising strategy' develops and imposes itself subtly through arguments based on environmental protection, which is thus elevated to the rank of

universalisable general interest. The author explores how the vernacular and adjudicative processes of human rights protection provide a potent and often problematic framing of environmental issues.

An exploration of the ‘other side’ of the human rights and environment connection, usually described as harmonious and synergetic, has long been needed, and Petersmann has succeeded in providing it in this book. One might suggest that slightly more diverse examples might have been employed, since she has chosen those that ‘push’ the reasoning of judges to their argumentative ‘limits’ in terms of environmental protection, in defiance of the protection of the rights of certain minorities. On this point, the author, in her criticism of a ‘universalist’ vision defended by judges, perhaps forgets that environmental protection jurisprudence is also a difficult path.

Of major interest to all those working in human rights or environmental protection, this work argues its thesis clearly, regardless of whether or not the reader subscribes to her overall vision. Petersmann’s elegant style and insightful analysis make this a fine work, full of interesting and profound reflections on the evolution of environmental law as applied by regional human rights courts, the real-life relationship between these two issues, and, finally, a future perspective on the link between the protection of nature and human rights.

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Regulating Free Speech in a Digital Age: Hate, Harm and the Limits of Censorship by DAVID BROMELL [Springer International Publishing, Cham, 2022, 229pp, ISBN: 978-3-030-95549-6, £64.99 (h/bk)]

In *Regulating Free Speech in a Digital Age*, David Bromell successfully combines both practical approaches and the application of international human rights law to trace the complexity of ‘hate speech’ regulations and reveals their implications for well-balanced policymaking. As an advocate of an open society where value-conflicts and even offending expressions are recognised as constituting elements of pluralistic democracy, Bromell sheds critical light on the concept of ‘hate speech’, which he deems ‘imprecise and misleading’ as it encompasses extremist and hateful, yet lawful speech (151).

His arguments are presented over ten chapters, divided into Part I (Regulating Harmful Digital Communication) and Part II (Hate, Harm and the Limits of Censorship). Part I provides a detailed explanation of the nature of digital platforms and their impact on democratic opinion formation. The principle of attention economy and the lack of transparency of algorithms damage democratic discourse by amplifying information that aligns with our existing

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