

THE HUMAN RIGHT TO A GREEN FUTURE: ENVIRONMENTAL RIGHTS AND INTERGENERATIONAL JUSTICE

This book presents an argument for environmental human rights as the basis of intergenerational environmental justice. It argues that the rights to clean air, water, and soil should be seen as the environmental human rights of both present and future generations. It presents several new conceptualizations central to the development of theories of both human rights and justice, including emergent human rights, reflexive reciprocity as the foundation of justice, and a communitarian foundation for human rights that both protects the rights of future generations and makes possible an international consensus on human rights – beginning with environmental human rights. In the process of making the case for environmental human rights, the book surveys and contributes to the entire field of human rights theory and environmental justice.

Richard P. Hiskes is Professor of Political Science and Senior Political Theorist at the University of Connecticut. He is the Editor of the *Journal of Human Rights* and Associate Director of the Human Rights Institute. He is the author or coauthor of four other books, most recently of *Democracy*, *Risk*, and *Community: Technological Hazards and the Evolution of Liberalism* (1998). Professor Hiskes has published works on a variety of topics within political theory, human rights theory, environmental ethics, and science and technology policy. He has published articles in many journals, including *Review of Politics*, *Human Rights Quarterly*, *Public Affairs Quarterly*, *Human Rights Review*, *Hume Studies*, Women and Politics, *Policy Studies*, and others.



The Human Right to a Green Future

ENVIRONMENTAL RIGHTS AND INTERGENERATIONAL JUSTICE

RICHARD P. HISKES

University of Connecticut





CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo, Delhi

Cambridge University Press 32 Avenue of the Americas, New York, NY 10013-2473, USA www.cambridge.org Information on this title: www.cambridge.org/9780521696142

© Richard P. Hiskes 2009

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2009

Printed in the United States of America

A catalog record for this publication is available from the British Library

Library of Congress Cataloging in Publication data

Hiskes, Richard P., 1951-

The human right to a green future : environmental rights and intergenerational justice / Richard P. Hiskes.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-521-87395-6 (hardback) – ISBN 978-0-521-69614-2 (pbk.)

1. Environmental law. 2. Human rights. I. Title.

к3585.Н57 2008

344.04′6–dc22 2008027687

ISBN 978-0-521-87395-6 hardback ISBN 978-0-521-69614-2 paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate. Information regarding prices, travel timetables, and other factual information given in this work are correct at the time of first printing, but Cambridge University Press does not guarantee the accuracy of such information thereafter.



For Anne D., Anne, and Ben, in gratitude for The Presence of the Past and Future.



Contents

Acknowledgments		page ix
	Introduction	1
1	Environmental Human Rights and Intergenerational Justice	5
2	Emergent Human Rights, Identity, Harms, and Duties	26
3	Reflexive Reciprocity and Intergenerational Environmental Justice	48
4	Cosmopolitan Ethics, Communal Reciprocity, and Global Environmentalism	69
5	Toward a Global Consensus on Environmental Human Rights	92
6	Human Rights as Inheritance: Instituting Intergenerational Environmental Justice	117
7	Conclusion: Environmental Justice and the Emergent Future of Human Rights	143
References		153
Index		161

vii



Acknowledgments

All books are, like this one, emergent products of the author's relationships with many others over the course of many years. It is never really possible to acknowledge all the intellectual debts one owes for what appears on subsequent pages, but here is where one attempts the impossible, always in the hope that important contributors are not excluded.

In a significant sense, this book is the product of the Human Rights Program at the University of Connecticut. Although little more than a decade old, the vibrancy, intellectual insight, and enthusiasm encountered daily in interchanges with students, faculty, and staff of the program have richly stimulated the research behind this book and many other current projects at the University. Director Richard A. Wilson, therefore, deserves special gratitude for all that he has accomplished in his short tenure. Thanks also to members of the University administration whose foresight, imagination, and support made the program a reality.

Also deserving of special mention are Professors Alanson Minkler and Shareen Hertel, originators and hosts of the campus-wide intellectual salon, the Economic Rights Group (ERG). I owe a large intellectual debt to all the ERG participants, who discussed, ridiculed, respected, and otherwise fruitfully critiqued the arguments that populate the following pages.

The University of Connecticut provided needed support in terms of time and finances, notably in awarding me the Provost's Research Fellowship. The Department of Political Science, and particularly its Head, Professor Howard Reiter, was gracious in encouraging my scholarly and administrative moves into both the field of human rights and into the campus program. Within that program countless students, both graduate and undergraduate, have influenced the development of the ideas represented in this book. I thank them all. I also benefited from comments offered orally and in print from



X

Cambridge University Press
978-0-521-69614-2 - The Human Right to a Green Future: Environmental Rights and Intergenerational Justice
Richard P. Hiskes
Frontmatter
More information

Acknowledgments

audience members at the University of Connecticut Humanities Institute, before whom I made the first public presentation of this project.

Several pieces of the following arguments 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*. I am grateful both to panel audiences and to anonymous reviewers for their contributions.

Finally, in this endeavor as in all others of my adult life, discussions with my fellow human rights scholar, life partner, and intellectual better half, Professor Anne Hiskes, have been the *sine qua non* of any achievement represented here.