

Book Reviews

Bartley, Tim. 2018. *Rules without Rights: Land, Labor, and Private Authority in the Global Economy*. Oxford, UK: Oxford University Press.

*Reviewed by Graham Bullock
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How effective have transnational standards been in catalyzing improvements in labor and environmental conditions? This is the core question of Tim Bartley's book, *Rules without Rights*, which engages in an in-depth examination of four cases across two countries—Indonesia and China—and two sectors—forestry and apparel/footwear. His research is based on an impressive range of both qualitative and quantitative sources, including 145 interviews with practitioners, audit reports, observations of audits as they were carried out, and several factory-level surveys and datasets.

Bartley concludes that transnational standards such as the Forest Stewardship Council (FSC) and SA8000 (social accountability) certifications have had only limited success in transforming labor and environmental practices. His primary explanation for this outcome relates to the broader theoretical message of the book, which is that both scholars and practitioners need to stop treating the countries in which these transnational standards are being implemented as “empty spaces,” “regulatory voids,” and “areas of limited statehood” (pp. 37–39). Instead, he contends they should be viewed as sites that “are crowded with actors, agendas, and rules,” including local firms competing for contracts, international and domestic non-governmental organizations (NGOs) pushing for reforms, and government agencies enforcing domestic laws and norms.

In Bartley's view, such a recognition enables a more fruitful focus on the intersections between transnational standards and the contexts in which they are being applied. As Bartley convincingly argues, this approach reveals that transnational private regulation “ignores the domestic political economy in which factories and forests are embedded, and it pretends to bypass the state rather than grappling with the messy but essential character of state-based governance” (p. 32). This dynamic is clearly demonstrated in each of the book's four cases, although in different ways.

The two cases in China demonstrate the effects that an authoritarian state can have on the effectiveness of transnational standards. Bartley explores how the “dormitory labor regime” and resistance to allowing freedom of association for workers by the Chinese state have undermined the ability of global brands and their auditors to push factories to meet the standards propagated by the Fair Labor Association and Social Accountability International.

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The same dynamic is apparent in the context of FSC forest certification, which requires workers to be able to “join organizations of their choosing” (p. 129). This is “nearly impossible,” however, given the primacy of the state-backed trade union federation in China (p. 130). Compliance with FSC’s requirements regarding land-use rights is also constrained due to the top-down privatization of forests, government repression of villager resistance, and the lack of NGOs allowed to represent those villagers’ interests. Because of the willingness of auditors to overlook these issues, FSC certification at first grew rapidly in China, but has more recently declined due the government’s support for its own alternative certification regime—another example of how the local context is not an “empty space.”

The Indonesian cases further demonstrate this point by paradoxically showing how not only a dearth but also a plethora of local voices and NGOs has limited the implementation of transnational standards. Bartley explains that “democratization in Indonesia allowed civil society actors to push “for ‘maximalist’ constructions of compliance with private rules” (p. 32), which ultimately have constrained their broader implementation. This is particularly apparent with FSC certification, which has stagnated in the country amid widespread contestation over indigenous and customary land rights.

The labor rights case in Indonesia reveals an additional disconnect between transnational standards and their domestic contexts. While multinational firms and auditors have focused on labor reforms within particular factories, the Indonesian labor movement’s strength lies outside factory walls, in collective action through protests and legislation. It also highlights differences between the labor and forestry cases, which include the greater mobility of apparel/footwear production and the pressures of rapidly changing fashions. Bartley concludes that these factors have contributed to transnational forestry standards being relatively more rigorous than transnational labor standards.

His main conclusion, however, is that despite some successes in both the authoritarian and newly democratic contexts of his cases, private regulation has faced inherent limitations. He ends with an optimistic discussion of the new transnational timber legality regime, which he views as appropriately building on rather than ignoring domestic governance contexts. While well taken, this emphasis points to a weakness of Bartley’s overall analysis, which tends to underemphasize the normative effects of transnational standards. He persuasively shows that their independent and tangible impacts have indeed been limited, but he does not acknowledge or explore the more subtle and indirect effects they may have had on local and national discourses about labor and environmental issues. How have discussions of timber legality been influenced by transnational standards? The book also has more of a focus on the social criteria of these standards and does not attend to their environmental criteria in much detail. Arguably the story would be less pessimistic if it had done so.

Nevertheless, the strengths of the analysis—its theoretical contributions, use of mixed methods, and detailed case studies—far outweigh these weaknesses.

Bartley's overarching message of the need to pay more attention to the intersection between domestic governance and transnational standards is unassailable. Future research can build on this important work by analyzing these intersections in other countries and sectors, and by further developing a systematic way to comprehensively assess the effects of transnational standards—not only on specific factories, forests, and supply chains, but also on the domestic contexts in which they are embedded.

Kaiser, Wolfram, and Jan-Henrik Meyer, editors. 2014. *International Organizations and Environmental Protection: Conservation and Globalization in the Twentieth Century*. New York: Berghahn Books.

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Kaiser and Meyer approach their edited book with an idea rooted in liberal institutionalism: "IOs mattered for environmental protection in the global twentieth century" (p 7). They primarily use archival research. Different contributions in the book discuss how IOs in modern history have played the crucial role of policy entrepreneurs by developing the international environmental agenda, bringing various stakeholders together, and providing science-based policy solutions. The book traces the origins of international environmental institutions and initiatives such as the United Nations Environment Programme (UNEP) and sustainable development goals against the backdrop of the United Nation's Conference on the Human Environment (Stockholm Conference) in 1972. The book also focuses on how other international organizations like the European Union and the OECD institutionally and normatively transformed themselves to address environmental concerns during that era.

Several chapters in the book reference each other to give this collection a sense of cohesion. It is also refreshing to note that the book eschews focusing on the formal structure of the environmental IOs, instead focusing on different aspects of global environmental governance such as individual treaties, environmental organizations, and economic intergovernmental organizations.

In all of these arenas, a few common themes of discussion emerge: the role of scientific information and elite networks, the shaping of international environmental discourse, the role played by key individuals, and a constant tussle between IOs and national political agenda.

The chapters by Meyer, Enora Javaudin, and Michael Manulak analyze the temporal changes in concepts of "environment" and "objective scientist" during the second half of the twentieth century. Until the 1950s, the predominant understanding of "environment" was limited to nature conservation. The scope of "environment" expanded with the release of seminal works such as *Silent Spring*

(Carson 1962), *Population Bomb* (Ehrlich 1968), and *Limits to Growth* (Meadows et al. 1972) that highlighted unprecedented levels of human impact on the “natural” environment. This new generation of scientists such as Rachel Carson and Paul Ehrlich transformed the role of scientific experts from apolitical “technocratic internationalists” (p. 319) to significant political actors in international environmentalism, and the IOs offered them extensive fora for political engagement. The Declaration on the Human Environment released after the Stockholm Conference solidified the role of scientific knowledge in identifying and addressing environmental problems and created a space for the “environment expert” (p. 91).

In their chapters, Manulak, Iris Borowy, and Stephen Macekura explore the role of IOs like the OECD and UNEP in bridging the ideas of environment and economic growth. Around the time of the Stockholm Conference, interventionist economists like Gamani Corea and Mahbub ul Haq argued against any constraints on the economic development of the Global South. Their claim that poor countries’ environmental problems were developmental problems informed the position of the Global South and led to a serious rift between North and South at the Conference. In order to reconcile the idea of environmental protection and economic growth, the OECD’s environmental committee in 1979 and later the Brudtland Commission (1987) laid out the notion of “sustainable development” make one word: wherein environmental protection and economic development could complement each other. These early discussions over differentiated treatment for the Global North and the Global South, and co-benefits from environmental protection and economic growth, are embedded in the current international environmental discourse and have actively influenced negotiations on international environmental agreements.

Several chapters in the book underline the role of individuals within IOs in globalizing environmental concerns. Maurice Strong, who led the Stockholm Conference and later became the first executive director of UNEP, played a critical role in encouraging scientific and political communities’ interface with IOs. Similarly, Barbara Ward, an economist by training, was instrumental in shaping the discourse around sustainable development and, as Luigi Piccioni’s chapter outlines, was responsible for bringing the Catholic Church to the table at the UN to discuss environmental and developmental issues.

In their introductory chapter, Kaiser and Meyer explain that the findings of the book in general “demonstrate the limited usefulness of notions of international politics as a ‘two-level game’ of interaction”(p. 9) between domestic politics and international negotiations. Instead, they claim that global environmental politics in different issue areas have been driven by normative contestations within the epistemic community. While this may have been true in the 1960s and ‘70s, it is a tough case to make in present times, when domestic populist movements in many countries like the United States, the United Kingdom, Brazil, and Poland have gained support by destabilizing international institutions. The book’s chapters on the Antarctic Treaty and the IPCC outline the eventual supremacy of narrow political concerns in IOs.

The book weaves a positive narrative on the role of IOs in promoting the international environmental agenda exclusively from a western perspective. The editors recognize this bias and blame it on practical impediments such as “segmented nature of research” and limited access to archival materials (p. 326). However, given the available research on the Non-Aligned Movement (a significant bloc in the ‘70s) and the western ideological hegemony of the IOs, the absence of any substantial discussion of IOs’ role in advancing international environmental politics with respect to the Global South is glaring.

Overall, the book makes an important contribution to the literature on transnational environmental history and global history. Moreover, it offers a detailed account of informal processes and networks within international organizations, which should be valuable for other scholars and students in the field IR.

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Ovodenko, Alexander. 2017. *Regulating the Polluters: Markets and Strategies for Protecting the Global Environment*. New York, NY: Oxford University Press.

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In *Regulating the Polluters*, Alexander Ovodenko analyzes why and how local governments have relied on international rules and institutions to mitigate environmental problems. One of his main findings is that, in order to improve the environment, regulators should pay special attention to oligopolistic markets. In other words, regulating oligopolies results in better outcomes for the environment than regulating competitive markets. Although this argument may sound counterintuitive, Ovodenko provides a thorough empirical analysis of environmental policies around the world supporting his hypothesis.

Because of their market power, oligopolies generally have a high influence on political decisions. One may thus think that regulators would have problems holding industries to environmental rules and would rather focus on regulating competitive markets. Yet, in various sectors, providing the right incentives to

oligopolies has helped governments achieve their goals. It is thus preferable to focus on the regulation of oligopolistic markets rather than competitive ones. The positive effects of regulating oligopolistic markets comes from the flexibility that oligopolies have to adjust their behavior, including their production processes. For instance, they have more resources to invest in research and development to adopt cleaner technologies. On the one hand, oligopolies generate large amounts of pollution, but on the other hand, their characteristics make them more able to comply with integrated, standardized, and legally binding agreements.

Regulating the Polluters contributes to the growing and ever more relevant literature that evaluates different approaches to environmental regulation. It highlights the importance of studying the regulation of oligopolistic markets, which has been left aside by the vast studies on environmental regulation of competitive industries. Ovedenko provides moderate (in the case of the legally binding agreements) to strong empirical evidence of the positive effects that regulating oligopolies has had on improving the environment. To this end, he carefully analyzes institutional responses to pollution in oligopolistic industries, and compares them to those in competitive industries. The oligopolies are classified as *oligopolistic discrete markets* (producers with considerable capital resources that sell to consumers with low price-sensitiveness and few substitutes) and *oligopolistic mass markets* (a combination of oligopolistic and competitive markets; that is, few firms with abundant capital resources, and consumers with high price-sensitiveness and more substitutes). Competitive markets are referred to as *competitive mass markets*. To analyze oligopolistic discrete markets, he examines commercial shipping and industrial chemicals and products. For oligopolistic mass markets, he looks at civil aviation and agricultural pesticides. Finally, for the study of competitive mass markets, he considers farming (food), energy, and gold mining.

Regulating the Polluters is an important contribution comparing the effects of environmental regulation across different market structures. The empirical analysis is deep and exhaustive, providing policy makers with an in-depth analysis full of tools and arguments to design and implement effective environmental policies. Although the book provides cases of successful regulation of oligopolies, its counterpart for competitive industries is missing. A natural question to ask is whether this evidence from particular industries is enough to obtain general conclusions. It is important to analyze whether there are cases where competition has resulted in smoother and better (from the environmental authority perspective) implementation of regulations, and whether oligopolies have made this task harder. Even though the empirical evidence provides moderate to strong support to the book's hypotheses, theoretical models (with mathematical foundations) that also support them would be an important addition to the analysis.

Also, the regulator should take into account harmful secondary effects that may arise by regulating oligopolies. As suggested by many authors (see Heyes 2009 for a survey), environmental regulation may result in less competitive markets. The reason is that entry becomes harder for potential competitors.

First, environmental regulations naturally impose additional costs to entry, in monetary and speed terms (for instance, if the firms need to acquire a cleaner technology, or pay/wait for a license or certification). In addition, since large firms have better resources to comply with regulation, it may be in their interest to intentionally discourage entry (which Ovodenko discusses briefly). Environmental policies may trigger predatory behaviors by the incumbents that increase market concentration, with its corresponding negative effects on social welfare. It is also important to keep in mind that stringent regulations may deter innovation instead of incentivizing it (for instance, see Perino and Requate 2012), which would be self-defeating. The environmental authority should thus take into account the potential consequences of policies.

Overall, the book offers important guidelines for environmental authorities. An essential lesson from it is that such authorities should carefully observe the market that will be regulated. *Regulating the Polluters* raises important questions that establish new research directions to complement its analysis and provide a more comprehensive guide to governments.

References

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