

# Book Notes: Catastrophe: Risk and Response, by Richard A. Posner

Jo-Anna Brimmer

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## Citation Information

Brimmer, Jo-Anna. "Book Notes: Catastrophe: Risk and Response, by Richard A. Posner." *Osgoode Hall Law Journal* 44.3 (2006) : 604-605.

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*CATASTROPHE: RISK AND RESPONSE*. BY RICHARD A. POSNER. OXFORD: OXFORD UNIVERSITY PRESS, 2004. Pp. vii + 322. \$61.50 hardcover.<sup>1</sup>

BY JO-ANNA BRIMMER

After reading Margaret Atwood's *Oryx and Crake*,<sup>2</sup> Richard Posner began to think about the risk of catastrophic events and the extent to which law and other social sciences are prepared (or preparing) to respond. Posner's research led him to conclude that there is a lack of serious consideration of such risks, exacerbated by the growing divide between the social and physical sciences. One way to address this gap is by increasing scientific literacy among legal professionals, which Posner suggests is achievable by making basic scientific competency a condition precedent to obtaining a law degree.

Posner's "catastrophe" exhibits a very low probability of occurrence coupled with unimaginably devastating loss. An earthquake or hurricane is insufficient to meet this definition; in *Catastrophe* Posner is more interested in "those [catastrophes] that threaten the survival of the human race."<sup>3</sup> Posner clearly illustrates the four categories of catastrophe with which he is concerned: natural catastrophes including pandemics and asteroid collisions; scientific accidents such as runaway nanomachines or a strangelet disaster at a particle accelerator; unintentional catastrophes including global warming and the exhaustion of natural resources; and deliberate catastrophic events such as bio- and cyberterrorism. While the threat of these events remains slight, according to Posner, the risks are very real and escalating.

Why then do regulators have such difficulty addressing catastrophic risks? Posner suggests that the human brain is ill-equipped to deal with minute probabilities, especially those related to events with which one has no personal experience—the "imagination cost" is too great. Moving beyond the inherent obstacles, analysis of the associated costs and benefits suggests that present efforts are insufficient to

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<sup>1</sup> [*Catastrophe*].

<sup>2</sup> *Oryx and Crake. A Novel* (New York: Doubleday, 2003).

<sup>3</sup> *Supra* note 1 at 6.

prevent the occurrence of a catastrophic event. In response, Posner advances several possibilities for institutional and regulatory reform: create a science court to hear technical cases; establish an international environmental protection agency to coordinate and enforce treaties; confer power on the World Health Organization to provide security against bioweaponry; introduce “extreme police measures” to address deliberate catastrophes; and institute harsher penalties to deter cyberterrorists. His suggestions may not provide solutions, but Posner’s hope is that they will generate debate. Active discourse in this area would be a positive development, but more is required. The threat associated with some of these catastrophes seems safely rooted in the distant future, but others may surprise the world’s population if policymakers remain content to employ a wait-and-see approach. Only time will tell.

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