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

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BY JO-ANNA BRIMMER

After reading Margaret Atwood’s *Oryx and Crake*,² 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.”³ 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

¹ [Catastrophe].
³ 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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**BY NURI FRAME**

Although largely overshadowed by its more prominent European counterpart, the International Criminal Tribunal for Rwanda (ICTR) has played a critical role in the development of international criminal law over the past decade. L.J. van den Herik’s book explores the impact of the Rwanda Tribunal, particularly the contributions it has made in defining and developing the law of genocide, war crimes, and crimes against humanity in the context of an intra-state conflict. Her comparative analysis contextualizes the tribunal’s work within the framework of the recent, and ongoing, developments in international criminal and humanitarian law.

The focus of the work is a detailed reading of the case law of the ICTR, which considers its judgments in light of general norms of public international law, the tribunal’s statute, and the complementary jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY). The first two chapters provide a brief overview of the