

BOOK REVIEW

THE ILLUSORY NATURE OF ENVIRONMENTAL PROTECTION IN A MARXIST-SOCIALIST POLITY: THE CASE OF POLAND

MICHAEL J. KELLY*

Review of Daniel H. Cole,** *INSTITUTING ENVIRONMENTAL PROTECTION: FROM RED TO GREEN IN POLAND*, MacMillan Press Ltd., London; St. Martin's Press, Inc., New York (1998).

It spurts yellowish-brown from the tap, laced with heavy metals, coal-mine salts and organic carcinogens. It stains the sink, tastes soapy and smells like a wet sock that has been fished out of a heavily chlorinated swimming pool. Given a few weeks, it will eat a hole in a steel pan. Better to wear rubber gloves while washing the dishes. Better to boil it before cooking. Best not to drink it. Tap water drips daily into the collective consciousness of Warsaw as part of the pernicious legacy of four decades of communism. The water is a long goodbye from a totalitarian system that scorned environmental common sense and poisoned people in the name of the masses . . . each morning's grungy dribble from the tap is a dispiriting reminder that political freedom and free-market economics offer no quick cure for a catastrophically fouled environment.¹

INTRODUCTION

When I told a colleague that I was penning a review of a book on environmental protection in Poland, he looked at me quizzically and asked whether that was an oxymoron, along the lines of "military intelligence." Indeed,

* Mr. Kelly currently serves as Director of Legal Research, Writing & Advocacy at the Detroit College of Law at Michigan State University, where he also teaches international environmental law. B.A., Indiana University; J.D., Indiana University; LL.M., Georgetown University. The author is a former attorney with the Office of Legal Counsel, Indiana State Department of Environmental Management.

** Professor of Law, Indiana University School of Law—Indianapolis.

1. Blaine Harden, *Poland Faces Communist Legacy of Pollution; Water that Burns Skin is a Reminder that Freedom is No Quick Cure for Fouled Environment*, WASH. POST, Dec. 15, 1991, at A33.

that was the case in Poland, as well as the rest of the Soviet Bloc, until the 1990's; severe environmental degradation was a way of life in that part of the world. An explanation of why there was an abject failure to protect the environment under Soviet-style regimes is what this book is about. Here, Professor Daniel Cole uses Poland as a "case study" to explain the causes and note the effects of socialism's failure to protect the environment, and to show that this failure "was inevitable given certain features of Marxist-Leninist ideology, the socialist economic system and single-party rule."² In other words, Poland is employed as a microcosm through which we can see the whole picture with a clearer understanding of what went wrong, and why.

Professor Cole's organizational scheme reveals a clever approach to this topic, and I found the "road-maps" that he uses to introduce each chapter very helpful. After dedicating the first two chapters to a description of Communist Poland's ecological crisis and the history of environmental law in that country, Cole quickly moves on to his "explanatory chapters" (three through six), which detail four causalities for the ultimate failure to protect the environment: (1) the un- or non-enforceability of environmental laws; (2) Communist Party politics; (3) state-controlled socialist economics; and finally (4) Marxist ideology. These are, I believe, the most interesting parts of the book, as they describe the underlying reasons for Communist Poland's failure to protect its environment. Cole does a fine job of reducing somewhat tricky and convoluted concepts into understandable and logical analysis. While I might be inclined to reverse the ordering of these chapters, the information that they disseminate is important.

Chapters seven and eight round out the book with an examination of environmental protection in post-Communist Poland and some institutional suggestions. Those suggestions in the last chapter, centered on increased property rights, capitalistic pricing mechanisms and rule of law theory, effectively unmask Professor Cole as a savant of the free-market environmentalism school. Consequently, one can look back with a view to the entire work from that perspective. Nonetheless, this should not detract from the value of the book on the whole, whatever the reader's political leanings. The book is an excellent case study of environmental protection issues in Poland both during and after the communist regime, and Cole does a superior job of demonstrating how environmental protection rhetoric in a Marxist-Socialist state rang hollow for so many years.

REVIEW

One of the most effective tools that Professor Cole uses to dramatize the extent of the environmental crisis in Poland is the vignette. Chapter One, Poland's Ecological Crisis, is rife with these, and they are employed creatively to illustrate the underlying point that they support. For instance, to bring home the horrific nature of the air quality in the Krakow region, Cole describes the

2. DANIEL H. COLE, *INSTITUTING ENVIRONMENTAL PROTECTION: FROM RED TO GREEN IN POLAND* 3 (1998).

torrential acid rain that literally melts away the stone city: "The rain in and around Kraków was so acidic that it corroded railway tracks Throughout Kraków, centuries-old statues lost their faces; steeples fell off churches; and, by 1989, 'the view down every street [was] disrupted by the scaffolding of workers trying to hold the buildings together.'"³ This chapter goes on to isolate and discuss in greater detail the four main sources of pollution in Poland: industry, mining, poor sewage, and agricultural chemical run-off.

Chapter Two, A History of Environmental Law in Poland, starts by tracing the evolution of environmental law and policy from pre-Communist Poland, through Communist Poland, to post-Communist Poland. While legislative efforts prior to World War II were made to protect certain sectors of the environment, these were largely ignored after the Communist take-over, and not much happened until 1980, when the Environmental Protection and Development Act ("1980 EPDA") was passed by the Sejm, Poland's parliament.

Designed with the twin, seemingly incongruent, aims of environmental protection and exploitation of natural resources, "[t]he 1980 EPDA was a comprehensive statute designed to deal with the whole panoply of environmental media and their problems."⁴ Cole explains that the main promise of the broadly applicable 1980 EPDA was the imposition of an affirmative duty on Communist Poland's central planners to give "due consideration" to environmental protection. However, this promise was left unfulfilled because, in practical use, the 1980 EPDA requirements were reduced to procedural niceties that did not require action beyond this "due consideration," and imposed no mandates whatsoever.⁵

The remainder of Chapter Two is dedicated to a generalized description of the media-specific provisions of the 1980 EPDA, its Title III duties and liabilities, and its Titles V and VII administrative fees and penalties. Cole also discusses Poland's nascent steps toward public participation, the environmental movement and structural administrative changes in environmental protection during the mid to late 1980s. Overall, the first two chapters lay out the background and provide the basis for the succinct, understandable, and very detailed discussion of environmental protection in Communist Poland that follows. Cole makes good use of this springboard to launch into Chapter Three's topic: The 'Enforceability' of Poland's Environmental Laws.

Before proceeding into the theoretical thicket of legal enforceability, the author wisely takes time to nurse definitional considerations in order to build an analytical framework for this issue:

Enforceability analysis asks whether a law *could* be enforced to achieve its objectives, whereas enforcement analysis concerns whether the law is actually being enforced to achieve its objectives. On my definition,

3. *Id.* at 17 (quoting Lloyd Timberlake, *Poland—The Most Polluted Country in the World?*, 92 NEW SCIENTIST 249 (1981)).

4. *Id.* at 43.

5. *See id.* at 60.

a law that *is* perfectly unenforceable is incapable of actual enforcement. A law that is perfectly enforceable still may not actually be enforced for political or economic reasons extraneous to the legal text.⁶

From this premise, Professor Cole proceeds to explain that 'enforceability' is reliant entirely on "what is written into the laws; it is internal to the laws themselves."⁷ Consequently, a law that does not create binding obligations is unenforceable; however, one that does is enforceable. Ambiguity of legislative language is another factor. In the context of Communist Poland, the 1980 EPDA was considered enforceable, even though it was left largely unenforced.⁸

Nonetheless, one interesting provision of the 1980 EPDA was the innovative step of providing legal recourse for citizens against polluters. Structurally, this was done under Poland's Civil Code, wherein legally recognized citizen organizations were allowed to sue in civil court to enjoin activities that threatened the environment. By 1985 six such organizations were listed on the Ministry of Justice's roster of groups authorized to bring suit. However, attempts to avail themselves of this provision were rare because of a variety of political and economic factors.⁹ Like many aspects of environmental law and policy in Communist Poland that Professor Cole describes, this heartening provision proved illusory in practice.

Moreover, a string of overwhelming exceptions that functioned to "swallow the rule" of environmental protection, contributed to the 1980 EPDA's unenforcement. For example, weak financial incentives undercut environmental regulations. Cole notes that "Poland's environmental laws and regulations frequently combined stringent legal standards with relatively weak economic standards (fees) and penalties (fines)."¹⁰ To draw a reverse analogy, we see this problem literally redefined as a goal, relentlessly pursued by conservative politicians here in the United States, with the objective of protecting their industrial and business financial backing by pushing for less stringent pollution standards and fines. However, Cole does not impute any malicious intent on the part of the communist government that ruled Poland until 1989, as I have just done with American lawmakers. In fact, he notes that this problem was most likely unintentional, and a result of the "socialist economic system's inability to price goods and resources accurately."¹¹

The second zone of causative elements explaining environmental failure in Poland is the subject of Chapter Four, Enforcement Problems I: Party Politics.

This is an informed description of the oppressive one-party socialist state's effect on environmental protection in Communist Poland. Here, Cole delves into the four chief institutional obstacles to effective environmental protection found

6. *Id.* at 62 (emphasis in original).

7. *Id.*

8. *See id.* at 67.

9. *See id.* at 77.

10. *Id.* at 85.

11. *Id.*

in any socialist polity: (1) the incongruent friction between environmental law enforcement and legitimizing principles of party rule, such as full employment and industrial production; (2) unbalanced power structures within the party hierarchy, such as industrial/economic ministries over environmental agencies; (3) flaws in the judicial and prosecutorial system, such as unfettered prosecutorial discretion and incompetent environmental investigators; and finally (4) the tight control of environmental information typically found in a totalitarian regime.¹²

Particularly intriguing were Cole's narratives in this chapter. One illustrates the political primacy that industrial production interests took over environmental protection interests (§ 4.3), where financial penalties for excessive pollution were routinely avoided by the exercise of raw power on the part of the industrial ministries. Another narrative focuses on the blatant politicization of the judicial and prosecutorial systems (§4.4), where

[a] prosecutor could suspend any criminal suit or investigation, on his own initiative or on the recommendation of Party superiors, simply by deciding that the activity causing the environmental violation was of overriding importance to the national economy. This constituted a final decision terminating all proceedings, usually even before formal charges were filed. The 'higher necessity' ruling was not subject to judicial review, and it did not have to be published.¹³

The third grouping of reasons for Poland's environmental desecration is contained in Chapter Five, Enforcement Problems II: Socialist Economics. Here, Cole introduces the structure of the socialist economic system, highlighting basic assumptions, such as the abolition of private property rights and the assertion of state/party control over most property as well as the means of production. Then he moves into a detailed explanation of how central economic planning worked. Essentially the operative economic theory was as follows: "Under [state control] of the means of production, central planning was not only a feasible alternative to the market but a more efficient choice. State planners were supposed to provide better-informed economic decision-making than the anarchic marketplace in which millions of independent agents made individualized decisions"¹⁴

In reality, socialist economies were not more efficient than capitalist ones; they were more inefficient in almost every respect due to a variety of reasons.¹⁵ This inherent flaw was exacerbated by the fateful decision of the Soviet Bloc countries to undergo rapid industrialization, plundering their natural resources and processing them in "a rather wasteful way to produce poor quality products using methods of production which appear to have been significantly more

12. *Id.* at 88.

13. *Id.* at 103.

14. *Id.* at 115.

15. *See id.* (expounding upon the reasons socialist economics were inefficient).

capital- and labour-intensive than need be."¹⁶

Moreover, because Poland's investment in environmental protection, as a percentage of gross national product, was far lower than its sister Soviet-style states (0.43% from 1981-1985, as opposed to 1.0% for Romania, 1.1% for Hungary and Bulgaria and 1.2% for the USSR), not to mention the western democracies (1.8% for the U.S., 1.9% for West Germany and Sweden and 1.6% for France), Poland suffered worse effects of environmental degradation than the rest.¹⁷ However, perhaps most importantly, Cole points out that the structural features of Poland's socialist economy actually prevented it from shifting over to intensive modes of production as opposed to extensive ones.¹⁸ Flexible capitalist economies had made this shift naturally; however, the extensivity problem for inflexible, centrally planned socialist economies was one that could not be overcome. The result was that the socialist economies over time grew more wasteful (less intensive), and by the 1980s had to invest more than three times the input to achieve the same output as the capitalist economies.¹⁹ The unavoidable consequences were dramatically increased pollution and greater waste of natural resources. Compounding these difficulties was the consistent failure of an economy based on Marxist principles to value resource scarcity.²⁰

A central tenet of Marxist philosophy is that only labor has value; labor is what adds value to any commodity. Therefore, natural resources, in their natural state, had no inherent value, and were thus offered up for production without any costs incurred. Under this theory, exploitation proceeded unchecked in pursuit of the socialist goals of full employment and full production. One point that Professor Cole failed to explore here is how Poland's exploitation compares to natural resource exploitation in the United States, where historically and even today, government controlled grazing rights on plains areas, timber rights in national forests, etc. are sold off to private interests for exploitation consistently far below market price.²¹

Beyond pricing mechanisms, Cole goes on to explain how regulatory conflicts of interest can play a significant role in continued environmental degradation in socialist economies where the state/party is both the regulator and the regulatee (owner of the polluting source). Here, he does draw an analogy to the United States and the dichotomy we have experienced with respect to nuclear energy:

16. *Id.* at 121 (quoting Włodzimierz Brus, *The Implications of Modern Technology for Socialism: Comments on Michael Harrington's Paper*, in *THE SOCIALIST IDEA: A REAPPRAISAL* 183 (L. Kołakowski & S. Hampshire, eds. 1974)).

17. *See id.* at 130.

18. *Id.* at 153.

19. *See id.* at 137.

20. *See id.* at 140-41.

21. *See generally* Simon H. Ginsberg, *Economic and Environmental Challenges to Natural Resource Trade*, 10 *EMORY INT'L L. REV.* 297 (1996); Todd M. Olinger, *Public Rangeland Reform: New Prospects for Collaboration and Local Control Using the Resource Advisory Councils*, 69 *U. COLO. L. REV.* 633 (1998).

Private nuclear plants in the USA are subject to stringent regulation by the independent Nuclear Regulatory Commission (NRC). By contrast, publicly owned nuclear facilities, managed by the Department of Energy (DOE), are largely exempt from NRC licensing and enforcement. The DOE has often been accused of withholding information, falsifying documents and underreporting threats. For example, when the US government's Hanford nuclear reservation emitted 340,000 curies of radiation into the air above Washington and Oregon between 1944 and 1947, tens of thousands of exposed residents were never warned. They did not even learn of their exposure until 40 years later; the first public disclosure came in 1986 By contrast, the 1979 accident at the privately owned Three Mile Island (TMI) nuclear power plant in Pennsylvania was attended by massive media coverage, which led to a public outcry about nuclear safety, federal investigation of the accident and new nuclear safety regulations.²²

Cole uses this example to draw the conclusion that "the U.S. government has policed private nuclear power far better than its own nuclear facilities."²³ However, while the point is well-taken, I would note that between 1944 and 1979, much has changed by way of media monitoring of government action as well as citizen willingness to protest government action, or inaction as the case may be; not to mention the likelihood that regulations have evolved dramatically.

Again, this chapter ends with a blanket absolution for the moral culpability of the Polish communist government's failure to achieve environmental protection. Good faith pursuit of socialist economic objectives inevitably and unfortunately lead to an appalling level of environmental degradation. But, Cole explains that it was the structure of the socialist economy that led to this downfall, and the obstacles raised to block environmental protection "were not intended or designed to obstruct environmental protection, but that was their effect."²⁴

This is the most dense chapter in Cole's book, perhaps necessarily so, because economics is a subject not given to easy explanation, and is one that requires many numbers, charts and statistics to back up its assertions—all of which Cole supplies in abundance here. To his credit, the author has not permitted the heavy material in this chapter to bog down the reader, but rather has struck a good balance between sophisticated analysis and abbreviated explanation.

The final chapter of the four dealing with the elements that wrought such environmental woes in Poland, is Chapter Six, The Ideological Dimension: Marxism and the Environment. Here, Professor Cole goes to great lengths to draw connections between Marxism as a coherent philosophy, as applied by Lenin and the Soviets, and the resultant environmental consequences. He does

22. COLE, *supra* note 2, at 149.

23. *Id.*

24. *Id.* at 153.

so both creatively and convincingly. In fact, I would predict that this will be the most often cited portion of his book, as it clearly offers the most versatile transferability to other works because it goes beyond strictly the Polish experience.

In this chapter, Cole dissects, in depth, the writings of Marx and Engels to spotlight the flawed assumption that environmental problems would simply vanish under the socialist state as an extension of Marx's labor value theory.²⁵ He relies on dramatic and persuasive illustrations, like the destruction of the Aral Sea from over-irrigation ordered by short-sighted central planners,²⁶ and even offers a brief look into eco-socialism as a newly enlightened transformation of Marxist philosophy.²⁷ But Cole's most effective point is the correlation between common ownership and common interest:

In theory, social ownership means that everyone owns and is responsible for preserving resources; but in practice it has meant that no one owns or is responsible for anything. More than 2,000 years ago, Aristotle wrote 'that which is common to the greatest number has the least care bestowed upon it.' Today this observation is known as the 'tragedy of the commons.'²⁸

From there, Cole launches into a soliloquy on Garrett Hardin's famous 1968 work on the ultimate fate of common property—over-exploitation in the name of self-interest.²⁹

Chapter Six is well argued and tightly reasoned. It lays the foundation for socialist-Marxist philosophy, concentrating on the intersection of this philosophy with environmental concerns and the disastrous consequences that followed. I believe, however, that this chapter would have been better placed at the beginning of the four "explanatory" chapters. Such re-positioning would have allowed for greater assumptions, especially regarding Chapter Four on Party Politics and Chapter Five on Socialist Economics. Consequently, I would recommend that the reader digest Chapter Six before Chapters Four and Five for a clearer perspective of the whole. That said, the information in these middle chapters is well assembled and invaluable for an understanding of what went wrong in Communist Poland to cause the environmental problems Poles now face.

The final two chapters wrap up the over-arching analysis, and offer some insight into Poland's current environmental course and where it may go. Chapter Seven, Environmental Protection in Transition, provides the reader with a thumbnail sketch of how environmental protection has evolved in Poland from roughly 1990 to 1995. After a succinct description of the "shock therapy"

25. *Id.* at 167.

26. *Id.* at 161-62.

27. *Id.* at 179-81.

28. *Id.* at 162 (quoting ARISTOTLE, *Politica*, in *THE BASIC WORKS OF ARISTOTLE* 1113, 1148 (Bk. II: ch. 3) (R. McKeon, ed. & Benjamin Jowett, trans., 1941)).

29. *Id.* at 162-63.

economic reforms adopted by the newly democratic Polish government and designed to institute a modern welfare state, surpassing a *laissez-faire* economy,³⁰ Professor Cole starts to debunk the misconceptions surrounding this transitional phase, such as that inflation and unemployment were inherited from the old system when they were really converted from a hidden factor into an open one.³¹ Perhaps most striking are the numbers and charts Cole uses to demonstrate that while the economy grew, emissions and pollution dropped.³²

Structurally, Poland's Administration changed as well. In 1989, the new government created a Ministry of Environmental Protection, Natural Resources and Forestry that quickly developed a National Environmental Policy establishing short-term, mid-term and long-term goals.³³ Moreover, an Environmental Law Reform Task Force was convened to draft new legislation.³⁴ This body, however, decided that the most efficient road to travel was to amend the existing 1980 EPDA and not promulgate new law. Subsequently, the EPDA has been amended seven times rather than replaced, and despite criticisms about piecemeal legislation, its enforcement appears to be having a positive impact.

Nevertheless, one stumbling block over which the new government fell was privatization of state/party operated industries. As Cole admits

privatization of Poland's mammoth, pollution-belching state enterprises has proceeded at a snail's pace, plagued by financial scandals and political/ideological debates over the state's proper role in the economy. As of December 1994, only thirty-six percent of the more than 8,000 state-owned enterprises in Poland had been privatized³⁵

When the slow privatization process began, the government had no policy to cover environmental issues, and in fact only addressed such concerns when, and if, they were raised by potential western buyers.

To deal with this problem, the Privatization Ministry and the Environmental Protection Ministry created an Interministerial Environment Unit in 1992 to develop policies for resolving environmental issues that arise in the context of privatization.³⁶ Thus far, the impact is considered positive. However, if such foresight had been brought to bear at the beginning of the process, perhaps many more problems could have been resolved expeditiously. Cole offers an

30. *See id.* at 187.

31. *Id.* at 188-89.

32. *Id.* at 208.

33. The short-term goal (3-4 years) was to eliminate imminent threats to human health; the mid-term goal (3-10 years) was to "reverse declining environmental trends by ratcheting-up Polish environmental standards to western levels;" and the long term goal (25-30 years) was to implement sustainable development policies throughout the economy. *See id.* at 195.

34. *See id.*

35. *Id.* at 202 (citing UNITED STATES GENERAL ACCOUNTING OFFICE, REPORT TO CONGRESSIONAL COMMITTEES, POLAND: ECONOMIC RESTRUCTURING AND DONOR ASSISTANCE 46-59 (1995)).

36. *See id.* at 203.

unnecessary apology for the Polish government on this score, noting that “there was no pre-existing blueprint for Poland’s political-economic transformation,” and that “[w]e should not be surprised or overly dismayed by the Polish government’s failure to foresee every issue, no matter how significant.”³⁷ While I understand his point, I cannot help but think that, were I a Pole, it would be fairly easy for me to deduce that the greatest source of pollution making my life miserable was coming from the large state/party controlled industries, and that cleaning them up should be part of the process of selling them off. If this was not done, I would indeed be “overly dismayed.”

The rest of the chapter is dedicated to charting the increase in environmental investments, technological innovations, and international assistance in Poland. Cole also takes a politically intriguing look into the birth, fragmentation, and continued evolution of Poland’s non-governmental organizations in the environmental movement. However, one of the author’s most interesting points is one of the last. Cole correctly identifies potential European Union (“E.U.”) membership as a prime motivator for Poland instituting environmental protection post haste. Part of acceding to the E.U. is harmonizing one’s laws with those of the E.U.; and the E.U. has fairly stringent environmental protection standards. It will be fascinating to see, and I hope that Professor Cole offers a subsequent article on this, whether there is a broad disparity in five years between the progress in Eastern Europe on environmental protection in aspiring E.U. member states such as Poland, Hungary and the Czech Republic, and those who will not soon be members such as Bulgaria, Romania and the Ukraine.

Finally, in Chapter Eight, Institutional Implications, Cole rounds out the book with a plate-full of suggestions that he offers as prescriptions to help alleviate some of Poland’s chronic environmental pains. These include resolution of the conflict of interest problem raised in Chapter Five by “(1) privatizing polluters and resource users, (2) decentralizing environmental law enforcement powers, and (3) disseminating environmental information among government agencies, non-governmental organizations and the public at large.”³⁸ Other well-considered recommendations include negating the effects of Marx’s labor value theory through realistic valuation of scarce resources and engendering/nurturing the “rule of law” as a universal concept, so that law actually trumps political machinations.³⁹ I believe Cole’s solutions will probably prove effective.

In an effort to put the nail in the coffin of Marxist-socialist thought environmentally, Cole anticipates and then poses a series of unanswerable questions to newly emergent neo-Marxist socialists and eco-socialists. His questions range from “[H]ow might socialist property institutions and central planning be structured to avoid (in practice as well as in theory) the regulatory conflicts of interest that hampered environmental protection efforts in previously existing socialist states?”⁴⁰ to “[I]n the absence of competitive markets, how

37. *Id.*

38. *Id.* at 227.

39. *See id.* at 241.

40. *Id.* at 249.

might future socialist societies spur technological innovations for environmental protection?"⁴¹

On a supplemental note, one area that this book does not explore, except to touch on the issue,⁴² is the text and effectiveness of environmental provisions in the Poland Constitution itself. Constitutional investiture of environmental protection provisions has been an interesting phenomenon to observe in Eastern Europe, and I would recommend the 1997 article by Ryan Gravelle in the *Virginia Environmental Law Journal*⁴³ as additional reading alongside Professor Cole's otherwise very complete and well put-together book. Moreover, I would turn the reader to an article by Mark Kristiansen in the *Administrative Law Review*⁴⁴ for further reading on environmental protection and the privatization process in Poland.

CONCLUSION

While Daniel Cole's book is, overall, an excellent treatment of environmental law in Poland, it is perhaps a book whose time has not yet come. The historical analysis of environmental law and policy in Communist Poland that Cole offers paints a very complete picture, both in breadth and depth. His thoroughness is to be applauded. Moreover, his description of the current climate in Poland on environmental issues is also quite detailed, and, to the best of my judgment, very accurate. However, publication of this seminal work only eight years out from the collapse of the communist state and the rise of democratic Poland, leaves Professor Cole in the unenviable position of predicting the path that Poland is likely to follow along the lines of environmental law. Therefore, the subtitle of this book "From Red to Green in Poland," is considerably weighted more toward an analysis of the "red" than the "green." This is a function of the fact that there is simply more material available from a Communist Poland that lasted for forty-five years than a newly emergent non-Communist Poland, that has only existed for eight.

The laws that have been passed are largely untested, and environmental policy in Poland clearly has a way to go before it begins to gel. In fact, no clear consensus has yet emerged about the ultimate shape of environmental policy in this newly democratic country. Arguably, this book would have been able to offer a more complete comparison and analysis ten to twelve years along in the political/social/legal evolutionary cycle than it could possibly hope to accomplish at this early date. So, perhaps a different nomenclature for the book's subtitle would have solved this problem, one basically of expectation. That said, I would note that any collection of works on environmental law in East European states

41. *Id.*

42. *Id.* at 41-42, 213.

43. Ryan K. Gravelle, *Enforcing Environmental Rights in East European Constitutions*, 16 VA. ENVTL. L.J. 633 (1997).

44. Mark Kristiansen, *Incorporating Environmental Law in the Context of Privatization Transactions in Hungary, Poland, and Russia*, 48 ADMIN. L. REV. 627 (1996).

would be incomplete without Professor Cole's book among them. It is the culmination of seven years' hard labor, as evidenced by the detailed anecdotes, analogies and factual descriptions that can only come from such a focused effort as Cole has put into this book.

Moreover, as an environmental attorney, but a layman in the area of Polish environmental law, history and policy, I was able to understand the dilemma, and appreciate the situation faced by the democratic Polish government. This was due solely to Professor Cole's foresight, experience, and ability to present his facts, arguments and analysis in a logical, cogent and coherent fashion, without proceeding to unending notations *ad nauseam* as many ill-advised academics are wont to do.

In short, this book is highly readable, and Professor Cole has acquitted himself exceedingly well in this, his first venture as a book author. I am confident that this highly respectable work, together with the work that Daniel Cole has already done in the field, will help place this newly-tenured Indiana University professor in the growing pantheon of international environmental law scholars that includes Edith Brown Weiss of Georgetown, Sir Geoffrey Palmer of Victoria, David Wirth of Washington & Lee, Jutta Brunnée of British Columbia, David Favre of Michigan State and Lakshman Guruswamy of Tulsa.