

László Fodor, *A falu füstje* (Book Review)

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The book *A falu füstje* (literally: ‘Smoke of the Village’) is a comprehensive monograph on the most recent research of one of Hungary’s leading environmental scholars, László Fodor. This book is the result of a research project Fodor has closed, in which he applied new approaches and new methods. Monographs, articles and book chapters authored by Fodor play an important role in the development of Hungarian environmental law.

This volume is an important milestone in László Fodor’s scholarly work, in fact, it can be understood as a synthesizing monograph, providing an insight into the transformation of approaches applied in environmental law. While Hungarian environmental law scholars have different academic roots and backgrounds, a pattern can nevertheless be observed. Environmental jurisprudence is a relatively young discipline, and the development of its dogmatics is based on various disciplines in liberal democracies.¹ German and Austrian scholars emphasize that environmental law has two major roots. Firstly, the public bodies play a central role in the enforcement of environmental law, therefore, environmental jurisprudence is strongly linked to administrative law and administrative sciences, indeed, it can be interpreted as a specific area of administrative law.² Secondly, environmental law is also linked to private law jurisprudence, partly to the tort law and mainly to a special area of law: agricultural law.³ The third root of environmental jurisprudence has been international law, due to the inevitable internationalization of environmental law and burgeoning development of international law regulation in environmental protection.⁴ This pattern also appeared in the development of Hungarian environmental jurisprudence.⁵

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1 Daniel M. Steinway, ‘Fundamentals of Environmental Law’, in Thomas F. P. Sullivan (ed.), *Environmental Law Handbook*, Government Institutes, Lanham (MD, US), 2011, pp. 1-4.

2 Rudiger Breuer, ‘Umweltschutzrecht’, in Eberhard Schmidt-Assmann (ed.), *Besonderes Verwaltungsrecht*, De Gruyter, Berlin, 2005, pp. 556-559.

3 Gottfried Holzer & Ernst Reischauer, *Agrarumweltrecht*, Springer Vienna, Wien, 1991, pp. 12-16.

4 Pierre Marie Dupuy & Jorge E. Viñuales, *International Environmental Law*, Cambridge University Press, Cambridge, 2018, pp. 4-8.

5 Thus, Hungarian environmental law scholars have different backgrounds. One major group has a strong connection to agricultural law, e.g. László Fodor (University of Debrecen), Csilla Csák and János Ede Szilágyi (University of Miskolc). Another group has a link to administrative law and administrative sciences, e.g. Gyula Bándi and Judit Pump (Pázmány Péter Catholic University), or Gabriella Szamek (ELTE Law School). A third group is rooted in international and European law scholarship, e.g. Marcel Szabó (Pázmány Péter Catholic University), Katalin Sulyok (ELTE Law School) and Attila Pánovics (University of Pécs).

Environmental issues cannot be treated solely through legislation, therefore, research into policymaking and economics is also prominently featured in the relevant international academic literature. Similarly, the protection of the environment is a complex phenomenon, in which the significance of (natural) sciences cannot be overstated.⁶

Fodor's monograph can be interpreted as both a synthesizing book and a monograph on a specific sub-system of environmental law. First of all, it is a synthesizing volume, because this book is evidence that the approach and perspective of the researcher has partly changed. Fodor used to belong to those Hungarian scholars whose research was based on the dogmatics and approach of agricultural law, but the main aim of this book was to review (local) environment policies from a broader perspective. In his book, the author applied the approach and methods of administrative jurisprudence, a complex policy analysis approach as well as empirical methods and comparative jurisprudence.

Thus, the first part of the book is an introductory and methodological part, which sketches the main methods and theoretical background of the analysis of local environmental policies. This part lays down the 'multi- and interdisciplinary approach' of the research, presenting its main elements. The second part focuses on the connections and links between the actors of local environmental policies: the subjects of the research. The third part of the monograph discusses the 'tools' of local environmental policies. The fourth part can be interpreted as an 'odd one out', because it investigates a major element of local environmental policy: the protection of air quality. Only this policy is analyzed in detail, and it seems, that this sector was the core and basis of the research. The fifth part summarizes the findings of the book, containing the concluding remarks and the evaluation of the empirical and theoretical research.

It is clear, that Fodor sought to contribute to the broadening of the analysis of environmental policies. Namely, the monograph is not a 'purely' jurisprudential work, it is more generally a policy analysis. This complex analysis of legal regulation and implementation of environmental policies fits smoothly into international and European academic trends. This complex policy analysis was developed mainly in the US academic literature and it has a large following.⁷ These monographs focus on the analysis of legal rules, and their actual implementation, reporting also on the attitude and actions of public bodies in enforcement. The review of local – or, in the US literature, local and state level – environmental policies have formed a part of these general analyses. Then, during the 1980s the review of local (municipal) environmental activities and policies became the central topic of independent monographic books. In particular, it became a key topic in those countries, where the municipalities enjoy broad competences and environmental policy had become an urgent and widely debated area of public action. As such, important policy research has been conducted in

6 Robert V. Percival *et al.*, *Environmental Regulation. Law, Science and Policy*, Wolters Kluwer, New York, 2018, pp. 3-6.

7 There are several synthesizing books on this topic, from among the recent literature *see e.g.* Michael E. Kraft, *Environmental Policy and Politics*, Routledge, Abingdon & New York, 2016.

Germany. These books focused originally on municipal activities, and therefore, the first books had a mainly administrative approach in reviewing the environmental activities of local units.⁸ This municipality-centered approach has gradually changed in the last decades. A complex, multi- and interdisciplinary approach was developed and reinforced, and these books are now environmental policy-centered. A central theme of these recent analyses is the review of local action to fight climate change.⁹

Fodor's monograph fits well into the mainstream of international research and into the major research activities of University of Debrecen, the author's affiliation. A similarly complex and interdisciplinary approach has been applied by Tamás M. Horváth's research group in their research on local and regional public services.¹⁰ This complex approach is used not only by the scholars of University of Debrecen, it is also applied in the educational and research activities of other Hungarian universities, like ELTE Law School.¹¹

The methods and approach of Fodor's monograph were strongly influenced by recent developments in social and even natural sciences. Local environmental policy was analyzed as a special network, applying novel results of network science. However, the literature on network science is not very recent in the book's list of references,¹² notwithstanding the fact that the latest results of this discipline have been gleaned from the most recent monographs and articles published in the field of social sciences. The book's synthesizing approach is a great challenge: owing to the multifaceted nature of his perspective, the author must be familiar with all of the applied methods and approaches. While it is clear that the author is an environmental lawyer, he successfully incorporated the approaches, dogmatics and methods of empirical social sciences, including the tools and methods of different fields of legal studies (e.g. administrative jurisprudence), as well. Therefore, this book fits smoothly into the new mainstream of the analysis of state bodies' activities, with the application of a multi- and interdisciplinary approach.¹³

The book, however, is not only a synthesizing work, but a detailed overview of local environmental policy making. As mentioned above, the empirical method

8 A good example for this approach: Hans-Georg Wehling (ed.), *Kommunale Umweltpolitik*, Verlag W. Kohlhammer, Stuttgart, Berlin & Köln, 1992.

9 See Hubert Heinelt & Wolfram Lamping (eds.), *Policy Choice in Local Responses to Climate Change*, Routledge, Abingdon & New York, 2018.

10 Tamás M. Horváth & Ildikó Bartha (eds.), *Közszolgáltatások megszervezése és politikái. Merre tartanak?* Dialóg Campus, Budapest, 2016.

11 See e.g. the textbook on the provision of public services: Marianna Fazekas (ed.), *Közigazgatási jog. Általános rész II*, Eötvös, Budapest, 2017.

12 E.g. only the first Hungarian language book of László Barabási-Albert is cited by the author, but the latest results of network sciences were also applied in the monograph.

13 E.g. recent analyses of administrative liability are based on a multidisciplinary approach: György Gajdusчек's monograph is based on the methods of social and business studies, and a complex approach is applied in Marianna Nagy's monograph, as well. György Gajdusчек, *Rendnek lenni kellene*, KSZK ROP 3.1.1. Programigazgatóság, Budapest, 2008. and Marianna Nagy, *Interdiszciplináris mozaikok a közigazgatási jogi felelősség dogmatikájához*, ELTE Eötvös, Budapest, 2010.

guarantees that the research focuses not only the applicable legal rules, but also the local practice of their enforcement. As such, Fodor's work is a very significant book: as a detailed analysis of policy-making in an important area of environmental policy. The commonplace theorem of this policy states, 'Think global, act local!'. It is important to show how the Hungarian municipalities think and act. Based on the volume, it can be stated that most of them do not think global, but they are predestined to act local, as such, a sort of local thinking and acting can be observed. Fodor's research is a highly relevant also because it reviews the transformation of local policy-making. The impact of Hungarian re-centralization reforms¹⁴ are well traceable in the analysis, depicting the struggle of Hungarian municipalities scrambling to find their new role in the system.

In summary, László Fodor's book is both significant and intriguing. It is a synthesizing work of an important scholar of Hungarian environmental law, investigating how Hungarian municipalities think and act in the field of environmental law. But also – as a kind of by-product – the monograph can be considered as a chronicle of the redefinition of municipal roles.

14 Ilona Pálné Kovács, 'Miért hagytuk, hogy így legyen?' *Politikatudományi Szemle*, Vol. 22, Issue 4, 2016, pp. 29-30.