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A Forum On The Role of Environmental Ethics in Restructuring Environmental Policy and Law for the Next Century

Editor's note: *The Forum on environmental ethics and public policy is presented here in anticipation of the verbal exchange to take place at the APSA panel 18-15 on Thursday, August 28, 1997. As is evident from these essays, the Forum will be lively, provocative, and highly informative.*

A Point of Departure From John Martin Gillroy, Bucknell University

We begin with three assumptions: 1. Environmental ethics is about representing environmental values in policy deliberation and the codification of environmental law. 2. Theory within environmental ethics can be generally categorized as supporting one of two core principles: conservation or preservation of nature by humanity. 3. That both the past and future of environmental policy and law is a creature of arguments built around one of these primary principles. The questions then pertain to 1) what definitions of conservation and preservation will be definitive in 21st Century environmental policy and 2) which will, or ought to, hold primary power in the determination, and/or restructuring, of future environmental law. Where ought we go from here? If conservation is generally described as a consequentialist approach to the relationship between humanity and nature, based on the historic influence of Gifford Pinchot, and concentrating on the instrumental value of nature as a resource (raw materials and media as sinks) to humanity over time, then the prominent variant of conservation which has both historic prominence and seems on the verge of a significant comeback is sustainable yield, or what is now called sustainability. If preservation is generally described as a non-

consequentialist approach to the human--nature interface, based upon the historic influence of John Muir and Aldo Leopold, and concentrating on the intrinsic value of nature as a functional end in itself, then the prominent variants here would be bounded on the spiritual side by deep ecology and on the practical side by hands-on preservation and mitigation of nature where the integrity of natural systems takes prominence in policy deliberation and public choice over instrumental economic concerns. Is this a reasonable map of the landscape of environmental ethics as we move into the next century? What are the priorities for environmental policy in the next twenty years? What principle is necessary to achieve them? Are the principles mutually exclusive? Which principle has been the most influential in forming the environmental and natural resources law we now have? If conservation has been our primary concern, is it time we adopted preservation as the motivating principle of public choice? If so, how do we do this? If not, how is conservation an adequate environmental value for the 21st Century? How should justice in the human community include concern for nature? Need there be Constitutional protection for a right to a decent environment [i.e. *Tanner v. Armco Steel* (340 F.Supp. 532)]?

A Response From Mark Sagoff, University of Maryland

The division drawn by Gillroy in the point of departure is useful and right. Some environmentalists would protect nature for utilitarian reasons, which is to say, to sustain or promote human well-being. Others advocate environmental protection on deontological grounds. They believe that we should preserve the magnificent aspects of nature -- its history, authenticity, or integrity -- for its own sake rather than for ours. Pollution pre-

sents an example of this division. Those who take a utilitarian approach regard pollution as an "external" or "social" cost of production which should be "internalized" in prices to make them reflect the full costs, including to disposal costs, of goods we consume. Those who take a deontological approach regard pollution as a trespass, nuisance, or tort. This more libertarian view associates pollution with boundary-crossing and coercion and would thus minimize or eliminate it to the full extent technology allows.

One might note in this regard that American environmental law is almost single-minded in its rejection of the utilitarian approach. It affirms the libertarian or deontological view of pollution. That is why the Clean Air Act, Clean Water Act, and other basic statutes seek to force technology continually to reduce pollution, whatever the balance of benefits and costs. As economists Maureen Cropper and Wallace Oates (1992) observe, "the cornerstones of environmental policy in the United States," such as the Clean Air and Clean Water Acts, "explicitly prohibited the weighing of benefits against costs in the setting of environmental standards."

The same division between the utilitarian and the deontological arises in relation to the Endangered Species Act. From a Utilitarian point of view, a species is worth what it fetches in a market at the margin -- the incremental amount businesses, environmentalists, or others would pay to protect the habitat of that gopher, warbler, or beetle. In a world where there may be a hundred million species, the marginal value of many of them -- those with no known use, for example -- may not be great. The costs of protecting habitat, however, could be substantial. The Endangered Species Act, however, plainly values the variety of nature in deontological terms. The Supreme Court found in *TVA v. Hill*, 437 U.S. 153 (1978) that this statute explicitly prohibits a cost-benefit test.

In describing the difference between utilitarian and deontological approaches to environmental protection, biologist David Ehrenfeld (1988), the former editor of *Conservation Biology*, notes that ecosystems will function as well even if rare and marginal species are lost. He has written, "We do not know how many species are needed to keep the planet green and healthy, but it seems very unlikely to be anywhere near the more than quarter of a million we have now. Even a mighty dominant like the American chestnut, extending over half a continent, all but disappeared without bringing the eastern deciduous forest down with it. And if we turn to the invertebrates, the source of nearly all biological diversity, what biologist is willing to find a value -- conventional or ecological -- for all 600,000-plus species of beetles?"

Ehrenfeld asserts the deontological position, in other words, that we should respect and protect species for what they are in themselves, not what they can do for us. The preservation of species properly rests on an ethic of love, affection, and respect for nature -- which, Ehrenfeld suggests, is antithetical to the emphasis on utility. He has written that the value of biodiversity does not depend on "the uses to which particular species may be put, or their alleged role in the balance of global ecosystems." Ehrenfeld argues, moreover, that owing to the changes in our needs and in our technology, instrumental approaches to valuation "are shifting, fluid, and utterly opportunistic in their practical application. This is the opposite of the value system necessary to conserve biological diversity over the course of decades and centuries."

The difference between the utilitarian and deontological approaches to valuing nature has been blurred by various stratagems. First, in many cost-benefit analyses, the views of those who are disposed toward a deontological view of valuation are treated as preferences for which they are willing to pay. Thus, principled political opposition to the cost-benefit approach to environmental analysis is treated as a source of data to be entered into just that kind of analysis. Second, general statements about the value of ecosystems in general are used to impute value to particular species. These species may have no essential role to play or may have many substitutes in those systems, if, indeed, they even belong to such "systems." Existential generalization is also a common strategy. For example, a microbe found in a hot spring has enormous utility. A single instance such as this is used to suggest that the "next" endangered species may be similarly useful.

No economist should accept this kind of existential generalization. For example, that Bill Gates has a net worth of \$10 billion tells us nothing about the value of the marginal unemployed laborer. Yet in environmental cost-benefit analyses, tactics that lead to politically desired solutions are often tolerated. Accordingly, "marginal" pricing very often is simply ignored.

Third, many of our religious or deontological views of nature -- that it forms a Great Chain of Being, for example -- have been incorporated into ecological science, at least insofar as it imputes order or design (equilibria, balances, homeostasis, hierarchy, etc.) to nature. This science, which may be little more than the old time religion with a dollop or recreational mathematics, provides another basis for a utilitarian approach to environmental protection. After all, if every species is a link in a chain (or rivet in the wing of a plane), we must preserve them all. That we would all

starve in a wilderness and that we depend on changing nature -- it is often hostile and has to be conquered -- is politely forgotten. As the systems ecologist Alexander Pope has written:

Vast chain of being! which from God began,
Natures aethereal, human, angel, man, Beast,
bird, fish, insect, what no eye can see . . .
Where, one step broken, the great scale
destroyed. From Nature's chain whatever link
you strike, Tenth, or ten thousandth, breaks
the chain alike (*Essay on Man*).

As long as we can stretch economic and ecological science, we can make utilitarian and deontological arguments come out in basically the same place. At some point, we must begin to see these sciences as simply politics by other means. If economists and ecologists were more intellectually honest than politically correct, the two approaches to environmental protection would pull in opposite directions.

A Response From Joel J. Kassiola, San Francisco State University

It seems to me that the most important impact environmental ethics should have, and, hopefully, will have, upon environmental public policy and public law is the demonstration of the need to combine a vigorous commitment toward and implementation of social justice, specifically, the reduction, if not elimination, of the growing gap between the world's rich and poor, along with the required concern over the Earth's environment, including the other living creatures of the planet. In this manner, John Gillroy's question: "How should justice in the human community include concern for nature?" is reversed to read: how can an ethical appreciation and concern for the environment enhance social justice within the nation-state and globally? Although some sympathetic critics of environmental thought and accompanying social movement have stressed the need to end environmental racism and classism, for example, social ecologists, and environmental justice advocates, it is crucial, to have contemporary environmentalism fully informed by ethical consciousness about the central issues of environmental ethics if this movement for social change is to be both effective and morally worthy of our support in the upcoming twenty-first century. The kinds of ethical issues I have in mind here are: anthropocentric versus biocentric or ecocentric ethics; the human species-nature relation; respect for other wild and domesticated living creatures' survival and appropriate treatment by humans; and consideration of future human and non-human creatures' quality of life, all of which I believe encompass Gillroy's distinction between conservation and preservation.

It is essential for a morally acceptable environmental movement and ecologically-sustainable social order that the necessary protection and enhancement of the en-

vironment not be used to harm the current poor and powerless of the world as well as the future inhabitants of Earth, which I take to be the core meaning of "sustainability". Moreover, environmental ethics can play an important role in getting the world's population, and, especially the policy-making elites, to appreciate the point that the current, gross, global inequality can probably only be reduced by an environmental movement that prescribes and helps achieve a fundamental change in human values from the dominant industrial ones that reign supreme today: the morally questionable values, and their accompanying social institutions and practices of: individualism, competitive materialism, anthropocentrism, instrumentalism toward and dominance of non-human nature, as I have argued elsewhere (1990). Simply put: Earth Days are not enough! What we need is a true value revolution producing a social transformation, like the kind Western civilization experienced during the Industrial Revolution, although the latter general social revolution is normally not presented in this manner with the emphasis placed upon the technological innovations associated with the industrial machine and culture.

To my mind, the immense, paramount and unavoidable challenge confronting both humankind and the environmental movement for social change is how to convince the world's rich that they must be more ecologically and community-sensitive in order to change their values so that what are now viewed as losses or harm to their values will not be so considered under a new normative paradigm. An illustration of this transvaluation might be helping the poor to reach mere minima of life, such as, clean drinking water and sufficient calories and nutrition, even if that means greater taxes or less income for the rich, one less vacation or higher energy or pollution taxes. Currently, under the hegemonic industrial value system all egalitarian and environmentally-preserving policies appear as total detractions to one's interest and it is not until the latter is redefined to include the health of the Earth, poor people, and other non-human living beings, that a genuine morally-consistent, ecologically-effective, environmental movement can be created as a means to creating a socially just world. Such long-standing and powerful values as national sovereignty and property rights will have to be ethically assessed and, perhaps, redefined or subordinated to more morally-weighty, environmentally-based values and policies. Here the moral imperative must trump many of our current legal understandings and policy routines.

Is this agenda, informed as it is by environmental ethics, impossible, and, therefore destined to failure? Are we doomed to abide by the dominant industrial social paradigm and value-structure, expressed clearly in Western legal systems, with its lethal ecological consequences and unacceptable ethics? Let me add one more

daunting but perhaps most important question to this list: how can we create a globally just social order that is also environmentally sustainable?

I do not have the full answer to these most profound questions facing humanity today but I do know that all of the energy, creativity and commitment that political philosophers, environmental philosophers, legal scholars, and social theorists can muster will be needed if we are to answer them successfully. Furthermore, following this successful theoretical work, the agreed-upon ideals, derivative institutions and policies will need to be implemented by elected policy-makers, members of the judiciary, bureaucrats, and executive agency staff if the ideals are to become real. Nonetheless, this administrative and institution-building process must await the outcome of the environmental ethical debate and the creation of a public consensus on a new set of values. Time is clearly running out for this environmental ethical or normative revolution to occur. Indeed, it will not be an easy transformation to effect and the present generation of thinkers and implementors may not complete this vital task, but neither can we ignore nor disengage from this essential ethical and political activity for this reason: although it has been said many times previously in other contexts, and not at all times accurately, it is true in this case, at this time: the world's fate hangs in the balance.

A Response From Bob Pepperman Taylor, University of Vermont

John Gillroy suggests that we can think of the "landscape of environmental ethics as we move into the next century" as divided between "conservationists" and "preservationists". I would like to suggest, instead, that there is a much more significant division emerging in the field between those we might call "monists" or "foundationalists" and a newer group of "pragmatists". The monists or foundationalists represent what has become a conventional posture toward environmental ethics in the last twenty years or so: the attempt to develop a "biocentric" or "ecocentric" theory, often built on a theory of the intrinsic value of (various parts of) nonhuman nature. The components of these theories are now familiar to all of us: condemnation of anthropocentrism; the criticism of Western values, science, "world views," Christianity, etc., and the claim that we can trace our environmental problems to the anthropocentrism of these traditions; a hostility toward modern science, even while, paradoxically, an ethical theory is constructed on the model of scientific ecology; the view that if we can only develop an appropriately "holistic" environmental ethic, environmental problems will disappear, or at least won't be as damnably troubling and difficult as they are now. The names associated with this general approach to environmental ethics -- P. Taylor, Callicott, Rolston, Wenz, Merchant, Devall and Sessions-- are widely recognized and influential in the field.

A growing number of contributors to the environmental literature appear to be increasingly uncomfortable with this approach to environmental ethics. Bryan Norton and Anthony Weston are just two of the most visible members of this movement, but there is a large recently published anthology of articles on "environmental pragmatism", as well as other scattered papers in a similar vein. Many of these authors suggest that the search for intrinsic value in nature is beside the point, and that environmental ethics might be more influential in policy debates if it becomes less esoteric, polemical, metaphysical, and monistic. In a widely read paper, Norton (1995, 343) writes that "the goal of seeking a unified, monistic theory of environmental ethics represents a misguided mission," and that this folly is at least part of the reason that environmental ethicists have been unable to "offer useful practical advice by providing clear management directives regarding difficult and controversial problems in environmental planning and management." The growth of this pragmatic turn in environmental philosophy has produced a somewhat shrill response by some of environmental ethics' more conventional practitioners. J. Baird Callicott (1995, 22) has called Norton an "environmental anti-philosopher" and has asserted that a nonanthropocentric environmental ethic is not only a necessity, but has already been "persuasively articulated" by Leopold, Naess and others. (1995, 24)

It is important to note that the distinction I'm suggesting between "monistic" and "pragmatic" environmental ethics is not parallel to the conventional distinction between conservationists and preservationists, or even between anthropocentrists and biocentrists. The pragmatic turn in environmental thought is perfectly compatible with both preservationist and conservationist concerns, and it is also compatible with a wide respect for creatures and natural objects other than human beings. What is at stake, I think, is more of an attitude toward the conception of philosophical debate and the role of ethical thought in helping to shape public policy. Here are some general views of the pragmatic approach to environmentalism that set it apart from much of the thrust of contemporary environmental ethics:

*Rejection of the "anthropocentrism vs. biocentrism" debate as arid and unproductive.

*Rejection of the view that we need to discover new values and new "world views." This rejection reflects an impatience with the popular and grossly oversimplified intellectual history in the environmental ethics literature that locates our environmental problems in "western values," Christianity, Baconian science, etc.

*Although science cannot solve our ethical problems, and we must be careful not to succumb to the ar-

rogance of science and expertise, it is nonetheless true that science must inform our understanding of our environmental problems and their solutions.

*Philosophical method or metaphysics will not solve our environmental problems, or even necessarily give the clear answers environmental ethicists often think they will. To think it will is to misconceive the power of metaphysics to resolve problems of "practical ethics."

*While it is not true that the discovery of a "correct" environmental ethic will solve all our practical ethical problems, it is true that a bad environmental ethic can get in the way both conceptually and politically.

These pragmatic attitudes toward environmental ethics have, the following positive implications for the relationship between environmental thought and environmental politics in the future:

*The philosophical problem we face is not to "discover" new environmental principles. Rather, the problem is to argue vigorously, in light of the practical consequences of our actions, about the way our values do and should inform the actions that impact the environment. Thinkers and activists should concentrate on explaining how we might adjust our behavior in order to bring it in line with the values we hold and share, and on reevaluating these traditions of value in light of new environmental problems as they emerge.

*Flamboyant, hateful, alienating and overly specialized environmental rhetoric is more counterproductive than useful. This is especially true, given the obvious (and documented) sympathy the public has for environmental protection. Environmentalists should tap this sympathy rather than insult it.

*Democracy is not the enemy of environmentalists, although monistic environmental ethics may be the enemy of democracy. There is a growing distrust of all approaches that attempt to replace public deliberation with the analysis by and power of experts -- be this the appeal to the expertise of cost-benefit analysts or of environmental ethicists who discover the "truth" even though this truth can't or won't be seen by their fellow citizens.

The hope is that the pragmatic turn in environmental thought will allow for a much more fruitful and democratic relationship between environmental policy formation and environmental ethics. Such a turn requires a more humble understanding of the role and potential of philosophical analysis. It also promotes, however, a much more vigorous respect for democracy than is currently found in much environmental ethics, and an optimistic belief that our ethical and political traditions provide us with the tools that would be required for making significant progress in resolving our environmental problems.

A Response From Robert Paehlke, Trent University

Historically, conservation and preservation have been seen as opposing approaches to environmental ethics and policy. They are also, and perhaps as much, potentially complementary perspectives. Preservation is more essential than ever for those very limited lands which remain relatively untouched by human purposes and actions. Even in Northern Ontario, one of the less utilized regions of the least populous nation in the world, recent maps indicate that the few remaining areas without roads are very modest indeed as a proportion of this vast area. Preservationist principles -- including biodiversity, ecological richness, significance, and connectedness -- are imperative to the biological future of the planet. North Americans bear a special responsibility in this regard as some relatively undamaged areas at least exist here.

Conservation principles regarding the efficient, balanced, and restrained use of 'resources' -- and the protection of the ecological integrity of those natural spaces from which they are drawn -- are also more critical than ever. Conservation principles are contrasting principles (to preservation), but are also principles more appropriate to other spaces -- those lands on which extensive resource extraction and/or human settlement has already occurred. Such lands can be reclaimed, for and by nature, but they will never again be preserved as natural. It would be foolish to pretend that humankind can live without extensive resource extraction, though we can and must learn to make due with considerably less each than is the present North American norm. There is no doubt that resources -- especially forest, fish, and energy resources -- have been and continue to be extracted at rates well beyond nature's capacity to supply them sustainably. To cite two Canadian examples, the Atlantic cod fishery which sustained Newfoundland for five centuries is in ruins; the massive lumber industry of British Columbia is cutting the remains of a vast original coastal forest far too rapidly.

However, the legal and policy resolution of both these sets of values, if they are to prevail other than through vast ecological tragedies, lies more in urban than in wilderness policies. Human decimation of both wilderness and resources is rooted, in part, in our extensive numbers, but perhaps even more in the form and character of our settlement patterns. The whole of the planet is the 'footprint' of the cities of North America and, to a lesser extent, Europe and Asia (Wackernagel and Rees 1996). Our cities and suburbs sprawl out onto former wilderness and former agricultural and resource-producing lands. Agricultural production and resource extraction is driven to the furthest reaches of the continent and the whole of the planet.

Much of nature is driven from our sight in an ironic quest of humans, especially North Americans, to get nearer to it. With perhaps equally great cost to nature, buildings are abandoned, or torn down and replaced with great rapidity, whenever urban core functions change. This process proceeds with little regard for the embedded resources and nature which these structures embody. Together, building materials, energy and materials intensive transportation systems, and urban sprawl, are the root cause of much of the destruction of nature -- the failures of both conservation and preservation.

In the preservation and restoration of our cities, then, lies the preservation of wilderness. In more compact cities more than half of trips will be made on foot, by bicycle, or via public transit. No North American city achieves this standard. Many European cities do and do it without sacrifice in the quality of urban life (to say the least). Compact cities devote less space and materials to roads and parking, more space can be green space. Further, agricultural output is nearer to hand, reducing transport distance for both incoming produce and outgoing recreational travel. Finally, adaptive re-use of existing structures is the key to reducing the size of the urban footprint on what wilderness spaces remain -- next to energy and agriculture, the extraction of building materials is easily the greatest of the many human impositions on nature.

John Gillroy also asks us 'how should justice in the human community include concern for nature?' As important as that inquiry is, I would prefer to turn the question around and highlight just a few of the ways in which the concern for nature is impossible without justice -- especially economic and social justice -- within human communities. In the face of economic insecurity, the risk of unemployment and/or the likelihood of hunger or poverty for one's children, conservationist and preservationist concerns regarding nature would seem a luxury more appropriate to other times and other people. The modern environmental movement, as S. Hays observed, is very much the child of post-WWII prosperity. Moreover, if one plots support for environmental protection initiatives against unemployment rates over time, in the days from the 1960s to now, one would see the patterns clearly. Good times economically see a rise in environmental sentiments, bad times usher in diminishing environmental attention and concern.

North American urban sprawl, which imposes ceaselessly on the landscape, on air quality, and on the remains of 'our' forests, is constantly reinforced by the failures of social and economic justice that manifest themselves within our urban cores. It is no coincidence that Detroit has one of the highest crime rates and one of the least residentially dense city centers. Crime and

social breakdown urge all those who have the option into their cars and out of the cities. Seen from the other way around the environmental justice movement has laid bare that so long as there are relatively powerless ethnic (or class) minorities it is often far easier and cheaper to site environmental problems than to solve or avoid them. Moreover, to the extent that unions are undermined to the point where they cannot limit workplace toxic exposures, those toxics will almost inevitably find their way into wider ecosystems some years later. Environmental protection, conservation and preservation are rooted in, and linked to, economic and social justice in many ways, both domestically and internationally.

Both social equity and environmental protection are alternative values to the now universally dominant (market) values and as such require politics, policy and law. Without collective intervention of some kind the economic marketplace tends to favor more and more (on average) those who begin life with advantages. Environmentally this minority can, for the most part, relocate themselves out of harm's way. In the 1990s most Horatio Algiers are downsized in middle age if they aren't still stuck in dead-end service jobs. In a globalized political economy social programs and the public sector are everywhere either all-but-nonexistent, or candidates for the chopping block. Corporations and the wealthy are increasingly able to move beyond the possibility of even moderate levels of taxation. Correspondingly, all politics have become widely suspect and cynicism prevails regarding any form of public intervention or any non-private interest or value. Logos are the only contemporary icons and today's corporations buy their 'organization persons' on short-term contracts.

In this context even leading capitalists (Teddy Goldsmith, George Soros) have their doubts about globalized capitalism (or they are the only doubters to whom anyone pays any attention). Massive unemployment and underemployment become, somehow, a necessary price of 'non-inflationary' prosperity. The obvious fact that only a few economies can be 'competitive' at any one time seems unimportant to decision-makers all playing the same game by the same rules. The doubters are right -- there is no single bottom line (measured as GDP and as capital, equity measured in terms of such things as the universality of the opportunity for meaningful work or the universality of low infant mortality, and sustainability measured in both conservationist and preservationist, anthropocentric and non-anthropocentric, terms). Environmental and social values need to be brought to policy deliberations and the codification of law. They are at once a short term cost to market advance and the only way that the market itself can be efficient and sustainable in the long term.

It is not economically efficient to put a high percentage of the population in jail (although prisoners do command more GDP creation than the merely unemployed). Deforested hillsides contribute to the elimination of salmon runs and lead to the washout of highways and rail lines. The market is a human tool, not a god. It has complex rules established by governments and maintained by societies. Market and society alike are embedded in, and dependent upon, nature. Market rules, when markets are gods, are the rules which most favor the market game itself (short term GDP gains) and those who have won the previous round of the market game.

Perhaps more important than codifying and improving environmental law (from the Endangered Species Act to the Clean Air Act) is the transformation/modification of the broad rules which govern the market and sustain society. Shift taxation increasingly from the payrolls to energy and (raw) materials extraction. Assure stable full employment through modest adjustments in maximum and standard work time patterns. Invest again, on a national and regional basis, in urban core physical infrastructure and social well-being (in lieu of the next round of tax cuts for the prosperous and/or pay increases for existing public employees). Such policies would encourage the social and economic stability which would in turn provide the political support for more direct forms of environmental protection.

The priority, then, is with the urban and social and economic policy linkage points. The principle is that social equity and environmental protection are (most often but not always) mutually reinforcing. Policy must be guided by an intent to serve in a balanced way the three bottom lines, not to serve but one. There is no trickle down, and never was. Secure individuals and families within viable communities, and people with meaningful and secure employment opportunities, will attend to environmental protection. Others will not.

A Response From Joe Bowersox, Willamette University

In the late twentieth century the continuing debate over nineteenth century concepts of conservationism and preservationism, indeed the conflict between the utilitarian disciples of Pinchot and the non-consequentialist adherents of Muir, seems simplistic if not irrelevant. As with other reigning dichotomies preoccupying environmental theory (like "anthropocentrism" and "ecocentrism") the continued fascination with the conservation/preservation debate distracts theorists and policy-makers from the fundamental reconceptualization of the human/nature relation. We are caught within the linguistic and conceptual limitations these terms impose on environmental theory. After briefly examining the scientific insights now guiding implementation and enforcement of some of our most venerable environ-

mental statutes, I will suggest an alternative hermeneutic framework useful for theory and policy.

Consider endangered species management under the Endangered Species Act (1973, 16 U.S.C. §§1531-1544). If one looks at the U.S. House Committee Report recommending its passage, lawmakers apparently expressed fundamentally contradictory aims of desiring to preserve species from the finality of extinction as a demonstration of human "humility," yet also conserve these same species as "potential resources" for human use (USHR, 1973, 143-44). Today, however, these are not necessarily exclusive propositions, primarily due to increased knowledge regarding the complexity of factors leading to species extinction and the growing influence of conservation biology in the management of threatened and endangered populations. For instance, in the Pacific Northwest survival and recovery plans for anadromous fish (most notably certain steelhead and salmon runs) are purposefully linked with plans for survival and recovery of a coastal seabird (the marbled murrelet) and the infamous northern spotted owl. In designing these plans, policy-makers consulted with conservation biologists who recommended an ecosystem management approach--one that recognized the interrelation between forest and aquatic ecosystems and human economic activities therein. In these plans conservation of commercially valuable salmonids requires the preservation of large blocks of riparian and upland forest lands. This arrangement also provides further monetary benefits for downstream municipalities enjoying enhanced (and commercially significant) water purity, while also securing additional critical nesting habitat for (economically worthless yet intrinsically valuable) avian species like the murrelet and northern spotted owl (FS, 1994; Noss 1994). In this complex system of species dependent on fragile, linked ecosystems and the commercial fishers, loggers, municipalities, and local activists that live off the ecological capital, the lines between conservation and preservation are becoming increasingly problematic.

Lessons can also be learned from recent litigation involving the Federal Water Pollution Control Act (1972, 33 U.S.C. §§1251-1387). While originally decidedly utilitarian and conservationist in its legislative intent (§ 101 [a(2)]), in recent years, Clean Water Act enforcement to achieve and conserve water quality for human use has required "preservationist" responses. For instance, in order to meet water quality standards under Section 303(d) requirements for some 870 Water Quality Limited Streams, the State of Oregon and local authorities are considering such strategies as eliminating some Waste Load Allocations and Load Allocations for point and non-point sources, the removal of dams and diversions to increase flow rates, and riparian restoration to increase shade cover (ODEQ 1996). In other litigation, a federal district court now suggests that fed-

eral land managers must suspend public grazing near riparian areas (in effect preserving them from direct economic use by cattle ranchers and returning them to a more pristine form) in order to meet their section 401 obligations to conserve instream water quality for downstream beneficial uses and instream habitat (*Oregon Natural Desert Association v. Thomas* 940 F. Supp. 1534 (1996)). Thus, on the cutting edge of water quality issues we see once again the blurring of the conservation/preservation dichotomy: we preserve to conserve; conserve to preserve.

This paradox allows reevaluation of some of the epistemological and valuational baggage preoccupying environmental theory: praxis, now informing theory, demonstrates that both conservation and preservation have inadequately conceptualized the complex reality of the human/nature relation. As we approach the next millennia, we must recognize that both Muir and Pinchot subscribed to incomplete visions.

Is there an alternative? Clearly yes, but these same epistemological and linguistic commitments may make it difficult to conceptualize. Ultimately, the "dichotomy" itself may provide a fitting example: as we realize that conservation entails preservation (implying a cooperative relation amongst these "competing" priorities), so too might we realize that similar questions of holism and individualism, anthropocentrism and ecocentrism, homeostasis and dynamic disequilibrium are each in turn very limited in their ability to adequately describe the reality of ecosystems and the human/nature relation generally. As we realize that, "Ecosystems are not only more complex than we think, but more complex than we CAN think," (Egler, 1977) we must risk imprecision in our discourse, aware that our use of such terms may simply describe the particular historical, ecological, cultural, and political vantage point of the interlocutor or observer. In other words, what is "conservation" to one observer in a given circumstance (or "homeostasis," or "ecocentrism," for that matter), may be legitimately viewed as "preservation" (or "dynamic disequilibrium," or "anthropocentrism") by another observer separated by time, scale, or circumstance.

Call this the hermeneutical lesson of ecology or just a further manifestation of inter-relation. What it suggests, however, is that as environmental theorists and environmental policy analysts we must practice our craft more circumspectly and with a bit more epistemological humility: we must again take a cue from recent revolutions in ecology science, building fewer totalistic models and using more case analyses involving "thick description" (Schrader-Frechette and McCoy 1993). Such a position more adequately reflects reality and should be the basis of any general theorizing.

An Overview By Susan Buck, University of North Carolina-Greensboro

The papers on this panel raise interesting and important concerns: how to operationalize ethical considerations, social concerns that exhibit progress in a variety of critical areas, the urgent need to address the quality of urban life and its effect on the environment. Discussants have been asked not to respond to individual arguments but rather to look at how a practitioner might react to the papers. My remarks focus on two issues, one from the viewpoint of public administrators in the trenches of environmental policy, and the other from a strategic perspective on how best to foster environmental progress.

In *A Man for All Seasons* (Bolt 1960, Act 1), Cardinal Wolsey says to Sir Thomas More, "You'd like that, wouldn't you? To govern the country by prayers?" Sir Thomas replies, "Yes, I should." Wolsey pauses, then murmurs, "I'd like to be there when you try." Just so environmental ethics and environmental policy.

1) The Ethical Environment Of American Public Administration: Discussions of environmental philosophy and ethics have little impact on the routine discretionary choices of government bureaucrats charged with administering environmental programs, although they are influential in the larger political environment that defines the responsibilities of public administrators.

Although the old politics-administration dichotomy has long been discredited, there is a real distinction to be made between legislative decision-making and administrative implementation. Generally legislators prescribe broad policy goals, and administrators, working within the boundaries of statutes and administrative law, operationalize the goals. Of course public administrators make policy decisions, first in the daily details of their jobs (e.g., prioritizing actions and resource allocation) and second, by the exercise of their discretionary powers.

Discretionary authority is granted to administrative agencies explicitly and implicitly by statute and by custom. For example, legislative guidelines often allow considerable latitude for administrative action, as in the language of the Endangered Species Act which provides that "Whenever any species is listed as a threatened species..., the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species" (16 § 1533[d]). With this statutory language to guide the Secretary and his subordinates, they may exercise their discretion in favor of aggressive conservation or choose to balance opposing interests in favor of economic stability.

Discretion by "custom" may be illustrated by the informal arrangements between the states and EPA that delay state compliance with new federal mandates until EPA asks for compliance. This relieves states of the obligation to track and to comply with the myriad of federal statutes and regulations, while EPA achieves some flexibility in juggling its excessive mandates (Buck and Hathaway, 1990). Simply put, bureaucrats govern through their exercise of discretion. How they do this--on what basis they make those discretionary decisions--has been the subject of an extensive literature in policy implementation. Clearly a number of factors properly influence the choices made by public administrators; among them are lobbying, preferences of legislators, directions from immediate superiors and the President, public opinion, technology, economic conditions, and constituencies (Mazmanian and Sabatier, 1983).

Administrators must accommodate the realities of their political environment by, for example, obliging individual members of Congress, smoothing the way for presidential policies, and compromising in one area to achieve gains in another. They may have professional standards independent of their government positions which affect their orientation toward their job responsibilities. For example, civil engineers are bound by the same professional codes whether they work for the Army Corps of Engineers or a multi-national corporation. Bureaucratic ethics are also part of the administrator's calculations; however, in a democratic society, public servants are not free to institutionalize their own personal ethical perspectives.

The ethical responsibilities of public administrators are complex. Congress establishes, funds, and oversees administrative agencies, and the agencies make policy primarily through legislative powers delegated to them by Congress. Thus they are responsible to Congress and have a constitutional obligation to follow Congressional intent and statutory language. As members of the executive branch, public administrators must also answer to the President. As government officials, they are subject to review by federal courts. The most persuasive approach to analyzing bureaucratic ethics relies upon the Constitution, which symbolizes core regime values of the American polity such as equality, liberty, and property (Rohr, 1989).

While these regime values are certainly not absolute (nor indeed are they the only possible regime values we might explore), they are salient values for the American political system. Public administrators take an oath to uphold the Constitution, not Walden, however much they may approve of the sentiments in the latter. This is not to suggest that an administrator should check his conscience at the door of his government office. The Nuremberg defense is as bankrupt in the United States government today as it was in Germany

over fifty years ago. But crises of conscience that lead to whistle-blowing and resignation-in-protest are the exception rather than the rule and do not contribute much to a discussion of professional integration of environmental ethics and environmental policy. The public administrator is free in his private life to pursue environmental goals that may differ from his professional obligations.

He may, for example, be an ardent conservationist who works as a Forest Service timber sales administrator for old growth forests in the Pacific Northwest. As a citizen, he is free to support Defenders of Wildlife, but if he uses his position as a public servant to undermine Forest Service policies or effectiveness, he is being unethical. Thus, there is little room for the large debates over environmental ethics and philosophy in the discretionary activities of environmental professionals. The weight of political considerations and professional standards rarely allows public administrators to decide issues primarily on their personal policy preferences. Philosophical debates may inform legislators (although I tend to doubt this happens with any significant regularity) and they certainly drive much of the lobbying and other political pressures on the legislative, executive, and judicial branches of government. But they are not a key factor in the daily decisions of the rank-and-file environmental administrators.

2) Social Equity And Environmental Policy: Explicit linkage between social equity issues and environmental concerns is, on balance, strategically beneficial to the social equity proponents and potentially harmful to environmental proponents. My second point shifts its focus from the individual public administrator to a broader debate about the strategic implications of the growing tendency to conflate discussions of social equity with environmental conservation/preservation. For those of us in the pro-environment camp, this may be a serious mistake.

Issue linkage--attaching a new or controversial policy issue to an established issue in the hope that the first will benefit by association with the second--is a venerable technique in agenda setting and policy formation. As usual, the key analytic questions are who gains? and who loses? Debates about social equity issues are highly controversial because proponents usually advocate redistributive policies as solutions. These entail reallocation of wealth and opportunities, and they require a massive re-ordering of the human world view on a scale not seen since the Protestant Reformation. In contrast, global policies on environmental issues have achieved some consensus.

Problem definition is based on the best available scientific knowledge and certain principles of international law (e.g., the precautionary principle) provide guidance for policy decisions in the face of scientific

uncertainty. Global environmental problems such as decreasing stratospheric ozone, declining world fisheries, and acid deposition have an economic as well as ecological effect. This has eased political transitions, and governing elites are therefore more willing to work toward solutions. Recognition of these problems has been gradual, and the economic implications of failure to address the issues fit within the current economic paradigm for policy decision-making.

Some solutions to environmental problems are redistributive, for example, establishing the Multilateral Fund to provide financial assistance to developing countries to protect stratospheric ozone (Buck, 1998, Ch. 5). Others are regulatory or distributive and therefore less controversial. I am not suggesting that global environmental problems have been solved or even that a majority of decision-makers agree on the definitions of the problems. But there is universal recognition that the problems, however defined, must be addressed and a general agreement on the international mechanisms, usually financial and market-driven (or at least economic-driven), to be used. This is not the case in discussions about social equity. Advocates of social equity have everything to gain by linking their issue to the environmental agenda. They gain legitimacy, a worldwide forum for their views, and access to resources not otherwise available. Environmental groups, on the other hand, may alienate some of their constituents, dilute international perceptions of the urgency of environmental problems, spread already scarce resources across a broader spectrum of activities, and acquire some of the social equity opponents through "guilt by association." This seems too high a price to pay for supporting a good cause.

I have been deliberately provocative in these remarks, partly by oversimplifying the arguments, but I think these are important issues that we might find profit in discussing. While I admire Sir Thomas, who would govern his country by prayers, I find myself more in sympathy with the Cardinal's cynicism: "I'd like to be there when you try."

An Overview By Gary Woller, Brigham Young University

Like all other activities, policymaking has an inherently ethical component. As such, the debate over environmental policy is also a debate over so-called ethical foundations. At issue is which of two competing ethical foundations will guide our environmental policymaking. In the "conservation" approach to environmental ethics and its many variants, this foundation is consequentialism, or utilitarianism; in the "preservation" approach and its variants, this foundation is deontology. A utilitarian approach to environmental policy requires that we consider only the consequences of our policies and their contribution to overall social welfare,

whereas a deontological approach requires that our environmental policies be driven by higher-order, or *a priori*, moral principles, regardless of their imputed consequences. The debate over ethical foundations is a crucial one, because as seen above, these two competing ethical foundations imply a very different understanding of society's ethical duty toward the environment, how environmental policies are to be made, and the nature and morality of those policies in a democratic society.

To argue, however, that environmental policy must be either utilitarian or deontological, and thus conservationist or preservationist, is, I believe, misguided. Rather, both kinds of ethical reasoning have an important role to play in environmental policymaking. I agree with John Rawls' statement that "all ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would be simply irrational, crazy" (1971, p. 30). From a policymaking perspective, policies that ignore consequences and considerations of costs and benefits tend not only to be bad policies, they are also unethical. At the same time, however, we cannot ignore principle when making policies. We should rightly worry about a policy process driven solely by instrumental objectives. Thus I agree in principle, if not always in substance, with those who argue for a middle ground between the conservationist and preservationist approach. As I see it, the ideal approach to environmental policy is to be guided by principle but to be firmly rooted in the practical. The ethical approaches outlined by Bob Taylor and Joe Bowersox in this forum appear more or less consistent with this approach.

Having said this, I should acknowledge a strong preference for an environmental policy that is more utilitarian than deontological. That is, while I believe deontology to possess much merit as a philosophy of policymaking in a democracy, I also think it frequently leads to bad policy, and it frequently manifests anti-democratic tendencies. (In saying this, I recognize that our Constitution and legal system are based to a large degree on collections of deontologically based moral principles.) Let me start by addressing the second of these two concerns.

Regarding the policymaking role of deontological philosophy in a democracy, I am concerned about the same issue that concerned scholars such as Herman Finer and Victor Thompson--the specter of policymakers (whether elected or unelected) imposing their own perceptions of higher-order moral principles on an unwilling or uninformed society. History has shown that the imposition of higher-order moral principles from above all too often degenerates into instrumental oppression. Thus as Finer has--I believe correctly--pointed out, the crucial difference between

democracy and totalitarianism is the people's power to exact obedience to the public will. In a democracy, values are not "discovered" by policy activists; instead, they emerge out of the democratic process. For this reason, I find very troubling the suggestion by Joel Kassiola that environmental ethics requires that "such long-standing and powerful values as national sovereignty and property rights will have to be ethically assessed and, perhaps, redefined or subordinated to a more morally-weighty, environmentally-based values and policies." I cannot help but wonder just who will be doing the "refining" and "subordinating" of these values and how this is to be done.

As Kurt Baier reminds us, in a democracy "the moral rules and convictions of any group can and should be subjected to certain tests" (1958, p. 12). That test is the submission of those moral rules and convictions to the sovereign public. While policymakers are expected to sort out the value conflicts that arise in light of their duty to serve the public interest, they are seldom entitled to act solely according to some perceived *a priori* moral imperative. (Those who would act this way in the case of environmental policy are aptly described by Bob Taylor as "environmental ethicists who discover 'truth' even though this truth can't or won't be seen by their fellow citizens.") Herein lies one of the important moral dilemmas of democratic government. Individuals are free, within the constraints of law, to act on perceived moral imperatives; democratic governments are not. It is, for example, one thing for individuals to donate their property for environmental preservation, but it is quite another thing for the government to seize private lands (i.e., redefine property rights) for the same purpose.

Moreover, virtually all public policies entail some redistribution of economic or political resources, such that one group's gains must come at another group's expense. Consequently, public policies in a democracy must be justified to the public, and especially to those who pay the costs of those policies. Such justification cannot simply be assumed *a priori* by invoking some higher-order moral principle. Appeals to *a priori* moral principles, such as environmental preservation, also often fail to acknowledge that public policies inevitably entail trade-offs among competing values. Thus since policymakers cannot justify inherent value conflicts to the public in any philosophical sense, and since public policies inherently imply winners and losers, the policymakers' duty to the public interest requires them to demonstrate that the redistributive effects and value trade-offs implied by their policies are somehow to the overall advantage of society.

At the same time, deontologically based ethical systems have severe practical limitations as a basis for public policy. At best, *a priori* moral principles provide

only general guidance to ethical dilemmas in public affairs and do not themselves suggest appropriate public policies, and at worst, they create a regimen of regulatory unreasonableness while failing to adequately address the problem or actually making it worse. For example, a moral obligation to preserve the environment by no means implies the best way, or any way for that matter, to do so, just as there is no *a priori* reason to believe that any policy that claims to preserve the environment will actually do so. Any number of policies might work, and others, although seemingly consistent with the moral principle, will fail utterly. That deontological principles are an inadequate basis for environmental policy is evident in the rather significant irony that most forms of deontologically based environmental laws and regulations tend to be implemented in a very utilitarian manner by street-level enforcement officials. Moreover, ignoring the relevant costs and benefits of environmental policy and their attendant incentive structures can, as alluded to above, actually work at cross purposes to environmental preservation. (There exists an extensive literature on this aspect of regulatory enforcement and the often perverse outcomes of regulatory policy. See, for example, Ackerman, 1981; Bartrip and Fenn, 1983; Hawkins, 1983, 1984; Hawkins and Thomas, 1984.) Even the most die-hard preservationist/deontologist would, I believe, be troubled by this outcome. The above points are perhaps best expressed by Richard Flathman,

The number of values typically involved in public policy decisions, the broad categories which must be employed and above all, the scope and complexity of the consequences to be anticipated militate against reasoning so conclusively that they generate an imperative to institute a specific policy. It is seldom the case that only one policy will meet the criteria of the public interest (1958, p. 12).

It therefore follows that in a democracy, policymakers have an ethical duty to establish a plausible link between policy alternatives and the problems they address, and the public must be reasonably assured that a policy will actually do something about an existing problem; this requires the means-end language and methodology of utilitarian ethics. Good intentions, lofty rhetoric, and moral piety are an insufficient, though perhaps at times a necessary, basis for public policy in a democracy.

In conclusion, we cannot not ignore the larger issues and principles at stake in environmental policy, but at the same time, we cannot ignore the consequences of our actions or policies. Nor, finally, can we ignore that we live in a democracy, and like it or not, that this imposes unique ethical duties on those responsible for making environmental policy.

A Clarification By John Martin Gillroy, Bucknell University

The comments in this forum dealing with preservation as a deontological policy principle have brought up a fundamental issue about the legitimacy of such principles in democratic policy-making. In order to fairly discuss both utilitarian and duty-based environmental ethics and their effects on policy it is critical that we not allow one to be dismissed as counter-intuitive before we start. Therefore, I wish to make a few points of argument in the defense of a duty-based environmental policy.

I) Some points about "practical" deontological ethics: First, deontological theory makes trade-offs all the time, it just requires that instrumental values not be traded for intrinsic ones. Or at least not without prior justification. Second, deontological decision-making takes consequences into account, however, it does not let the uncertainty of consequences determine choice when fundamental human or natural capacities are at stake in a public decision. Third, deontological ethics is purposely focused upon ends, specifically, ends-in-themselves with intrinsic (not just instrumental) value. This makes deontic ethics necessary if one assumes that intrinsic values are at stake in policy choices. As far as the means are concerned, deontic ethics is happy with utilitarian or cost-effective measures as long as they do not violate the principle involved in defining one's duties. Lastly, I assume, with Brian Barry, that the public interest has both "want-regarding" and "ideal-regarding" definitions -- both legitimate, although justified on distinct grounds. An approach to environmental policy using deontological ethics would assume that any decision taken in the 'public interest' would have to be justified, it only contends that independent principle invoking prior duty can be as persuasive in policy argument as consequentialist utilitarian or market-cost calculations.

II) Some points on the legitimacy of deontic principle in public choice: First, it is clear that both types of ethical principle exist in legal argument. Court decisions and major statutes contain as much, if not more, utilitarian language, feasibility studies and other cost calculations than preservationist principle. The concern for nature, in terms of its utility to humanity, is even basic to the Endangered Species Act which allows, among other things, economic hardship exceptions (§ 10[b](2A)), and the consideration of costs and benefits in the designation of critical habitat (§ 4[b](2)). But a question remains as to whether they can both influence policy simultaneously, or that a middle ground can be found between them that is both consistent over time and does not violate the fundamental requirements of both.

Second, the United States is not just a democracy, but also, for a longer time, a republic, and this reality recognizes that there are some things that are more fundamental than choice and necessary to empower our capacity to choose. Freedom here is recognized as such a prior capacity that empowers choice and all those things that contribute to this capacity we, as a nation, do not submit to majority or utilitarian calculations. Deontological environmental ethics simply asks that we consider environmental quality and its relationship to the integrity of humanity and nature (as "ends" and therefore duties) as fitting this "essential capacity" category.

Third, the actual public or "democratic" input into policy decision-making is small. A very tiny fraction of policy is democratic in the full sense of being responsive to actual preferences. Besides the question as to whether these are fully empowered preferences, most policy uses a principle (e.g. efficiency, utility, autonomy) to assume the characteristics of individuals and what they want or require and makes policy based on these assumptions. Most law is left to the discretion of legislators, bureaucrats, and judges who are making public decisions for us all whether they apply a cost-benefit test to represent the utilitarian principle of efficiency or a biological implications test to represent the environmental principle of ecosystem integrity, or a freedom as capacity test to represent the deontological principle of empowering human autonomy.

Here I would claim that essential moral principle is not irrelevant to the day-to-day functioning of a policy-maker. Ethical principle must be either assumed or critically analyzed by the decision-maker but cannot be ignored. Bureaucrats implementing law deal with essential principle every day, whether they know it or not, and frequently make essential choices between parallel lines of ethical argument within statutes (e.g. market efficiency v. preservation -- See, *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989)). Therefore, democratic governments act "within the law" by moral imperatives and without active majority will (like individuals) every day. If the application of deontic principle is "prayer" then so are the assumptions of utilitarianism and within this metaphor, without conscious or unconscious "prayer" there would be no policy or law at all.

Fourth, consequentialist ethics, utilitarian or market-based can be as despotic as any application of deontic ethics. Assuming that individuals, no matter their material condition or political power, know what they want and ought to determine policy, has given us a private-insurance based health care policy and years of racism, segregation, sprawling suburbs, a hole in the ozone layer and the needless exploitation of nature for instrumental human wants.

The bottom line is that the application of ethics to public decision-making involves democratic and non-democratic elements no matter what the principle is (utilitarian or deontological). The real work in a free society, that prevents dictatorship, is not in seeking the protection of utilitarian calculations as if they were inherently good, nor in spurning deontological ethics as if it were inherently evil, but in the construction of persuasive policy arguments and the public justification of that collective action required by their fundamental principles, whether deontic or utilitarian.

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A Response to Kim Quaile Hill's "In Search of Policy Theory"

Editor's note: The April 1997 (Vol. 7, No. 1) issue of Policy Currents contained a provocative article by Kim Quaile Hill entitled "In Search of Policy Theory." As Hill intended, the article has stimulated replies and rejoinders. The first reply follows. Others will be included in future issues of this journal.

by Edella Schlager, University of Arizona

I disagree with Hill's overly broad statement that the field of policy studies "has been insufficiently ambitious in its efforts to develop systematic generalized theory" (p.1). Instead of viewing policy studies as mostly barren, with very little theoretical structure, I view the field of policy studies as possessing mountain islands of theoretical structure, intermingled with, and occasionally attached together by foothills of shared methods and concepts, and empirical work, all of which is surrounded by oceans of descriptive work, not attached to any particular mountain island of theory. It is a richly textured landscape, with both compelling and odd formations, and with stretches of barrenness. It is a landscape under constant change, as foothills push against mountains, changing their shape, and as runoff and landslides from mountains build and re-structure foothills, and as new areas of barrenness appear.

My intent in this essay is to direct our attention to the parts of policy studies landscape that Hill ignores, primarily the mountains and the foothills. The mountain will be discerned using Hill's set of criteria for theory development -- replication, comparative analysis, ambitious use of case-study scholarship, and commitment to "programmatically research". What Hill calls fads, I call foothills, which carry the potential to develop into mountains.

Hill suggests "timidity" as one reason for the lack of theoretical progress in policy studies. For Hill, timidity means, on the one hand, the development of theoretical statements that are never empirically tested or are empirically untestable, and on the other hand, the development and analysis of data that are not generalizable, or are of unknown generalizability, and thus, do not contribute to theory development. Hill accurately portrays the extremes in policy studies, but he fails to explore the middle ground where the mountains and foothills are most likely to be found. If he were to explore the middle ground, he would quickly discover that several long term research programs exist which are grounded in carefully devised frameworks, from

which theoretical statements are derived, tested, revised in light of empirical findings, and tested again, in different settings, using multiple methods. Two theoretically and empirically rich research programs that qualify for mountain status are the Institutional Analysis and Development (IAD) framework developed by Elinor Ostrom and her colleagues at the Workshop in Political Theory and Policy Analysis, and the Advocacy Coalitions Framework (ACF) developed by Paul Sabatier, Hank Jenkins-Smith and colleagues.

Why do these two research programs qualify as efforts to develop systematic generalized theory? They each meet the criteria suggested by Hill. First, hypotheses developed within each framework have been tested and replicated, in the sense that Hill defines replication, "in different settings, with different samples, measures, and methods". Ostrom (1990), having developed and refined the IAD framework, and used it to derive a theory of common-pool resources, in part through the use of already published, in-depth case studies of common-pool resources, has subsequently engaged in several massive research projects to further refine the IAD framework, and to test numerous hypotheses centering on governing common-pool resources. For instance, with several other scholars, she has carefully collected extensive and detailed data on Nepal irrigation systems (Benjamin et al., 1994; Adhikari, Pandi, and Schweik, forthcoming; Lam 1994; E. Ostrom, Lam, and Lee, 1994; E. Ostrom and Gardner, 1993; E. Ostrom, 1994, 1996a), and currently she is overseeing the International Forestry Resources and Institutions (IFRI) research program, which is a joint effort of the Workshop in Political Theory and Policy Analysis, and the Center for the Study of Institutions, Population, and Environmental Change (CIPEC), in which forestry data are being collected around the world (E. Ostrom and Wertim, 1994; Jerrells and Ostrom, 1995). In addition to Ostrom's own work, many scholars have used the IAD framework to derive and test different hypotheses, from social choice situations that have been tested through laboratory experiments (Herzberg, 1986; Wilson and Herzberg, 1987; Herzberg and Wilson, 1988; Herzberg and Ostrom, 1991; Walker and Gardner, 1992; Ostrom, Walker, and Gardner, 1992; Hackett, Schlager, and Walker, 1994) to the constitutional dynamics in the American and Canadian federal systems (Jillson and Wilson, 1994; V. Ostrom, 1987, 1991; Sproule-Jones, 1993).

Similarly, Sabatier and Jenkins-Smith have conducted a rigorous research program developing, testing, and refining the ACF. Sabatier has conducted extensive research around Lake Tahoe and San Francisco Bay-Delta environmental controversies (Sabatier

and Brasher, 1993; Sabatier and Pelkey, 1990; Sabatier and Zafonte, 1995, 1996, 1997), and Jenkins-Smith around U.S. energy policy (1988, 1990), OCS leasing policy (Jenkins-Smith, St. Clair, 1993), and nuclear waste disposal (1991). Sabatier and Jenkins-Smith count twenty-two published cases applying the ACF in a critical fashion, that were developed by scholars other than themselves (see Sabatier and Jenkins-Smith, forthcoming, for a published list).

Second, both research programs have developed case studies as a means of deriving testable hypotheses, and of testing hypotheses. Ostrom and her students, in particular, have extensively mined existing case studies for data, and have used that data to develop testable hypotheses as part of the theory of common-pool resources derived from the IAD framework (Blomquist, 1992; Tang 1992; Schlager, 1990; Lam, 1994). Third, both research programs demonstrate a commitment to "programmatic research", which Hill defines as the pursuit of "a single line of research guided by a deliberate theoretical agenda" using a wide variety of research strategies (pp. 6-7). Scholars working in both research traditions use multiple and diverse methods for collecting data, and for analyzing and testing hypotheses derived from the respective frameworks. Ostrom has spent the better part of the decade developing and refining a theory of common-pool resources, using multiple data collection methods, from coding case studies to conducting field work on different common-pool resources in different parts of the world, to running laboratory experiments, and using different modes of analysis, such as modelling, multivariate statistical techniques, and case studies (Ostrom, Gardner, and Walker, 1994). Sabatier has spent several years deriving, testing, and refining the theory of policy learning grounded in the ACF.

These are but two of the research programs that I happen to be most familiar with that clearly meet the criteria set out by Hill as developing systematic generalized theory. I am puzzled by Hill's failure to mention these relatively well known, widely published, long term research programs.

A second reason Hill believes the field of policy studies "has been insufficiently ambitious in its efforts to develop systematic generalized theory" is a tendency toward faddishness. "Many of us are seduced by trendy new theoretical approaches" (p. 2). No doubt faddishness occurs in policy studies, however, it is a serious and dismissive charge to make, and one that Hill levels too hastily against principal-agent models, punctuated equilibria models, and population ecology models. Much as Sabatier argues that understanding the process of the policy change requires a decade or more, I would argue that determining whether a promising theoretical approach is going to blossom into a systematic generalized theory requires a decade or more of work around

the approach. It will take scholars at least that long to develop it, test it, refine it, and conduct additional tests. The models that Hill suggests as faddish have not existed long enough to go through one research cycle. In addition, it is unreasonable to expect that all promising theoretical approaches develop into systematic generalized theory. Some approaches, while initially promising, may prove sterile, others may provide partial explanations, others may represent a progressive problem shift within an established body of theory, and still others may fail to progress due to neglect.

Faddishness raises a larger issue of progress: how are we to judge or measure the progress of the field of policy studies? Is there an optimal mix of systematic generalized theories, middle range theories, methods, and case studies that scholars should attempt to achieve? If the policy studies field is dynamic, then the mix of theories, methods, and cases will be changing, implying that progress entails a double-edged process. Progress is promoted to the extent that scholars follow scientific methods and systematically build a diverse and rugged policy studies landscape populated by mountainous theoretical structures, diverse foothills of middle range theories and methods, and case studies more closely linked to foothills and mountains. Progress is also promoted to the extent that theories and methods are made to compete with each other, and those found wanting more quickly dismantled and removed from the landscape. Progress can be measured by the vibrancy and dynamism of the process of theory and method building and dismantling.

How can we promote progress in building and strengthening the policy studies field? One way, as Hill advocates, is to carefully, consistently, and repeatedly test theories. Another way is to pay more attention to institutions. As a rational choice theorist, I am less inclined than Hill to rely on exhortation -- pointing out the errors of our scholarly ways and sketching a path to better theory building. Rather I would pay greater attention to institutional structures within which policy research occurs, and the incentives and temptations such structures provide individual scholars to do good or bad. Thus, if we want more and better theories, methods, and cases in public policy, we need to consider how we can restructure the multiple institutions that currently guide and constrain our research -- from funding agencies, to universities, to journals -- so that they are more theory-building friendly. No doubt, this is a daunting task, fraught with all types of social and public goods dilemmas, but no more daunting than attempting to promote progress by exhorting scholars to voluntarily tread the theoretical paths less traveled, and to individually shoulder the substantial personal and professional costs involved, as Hill does in his article "In Search of Policy Theory".

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The Public Policy Section/SUNY Book Series by Joseph Stewart, Jr.

At last year's business meeting, the section authorized a book series to be published in conjunction with the State University of New York Press. Anne L. Schneider, Arizona State University, and Joseph Stewart, Jr., University of New Mexico, have agreed to edit the series. The editors and the press seek innovative public policy books that reflect theoretical inquiry or theoretically driven empirical research on any substantive topic. No theoretical approach is excluded; the development of new theoretical approaches is welcomed. (No, Sabatier, you have not developed THE theoretical approach).

Works appropriate for both graduate and undergraduate education in public policy are encouraged. All books in the series will be published simultaneously in hardcover and paperback editions to facilitate course adoptions.

Progress on the series proceeds on several fronts. The first book in the series, by Peter DeLeon, *Democracy and the Policy Sciences*, will be in print by the time of the APSA conference. Second, an Editorial Board is being assembled, including Ken Godwin (North Texas), Bill Gormley (Georgetown), Jennifer Hochschild (Princeton), Ken Meier (Texas A&M), Elaine Sharp (Kansas), with others to be appointed. The list of these scholars will be announced at the APSA and published in the next edition of this publication. Third, other manuscripts and proposals are under review.

Potential authors are invited to direct inquiries, proposals, vitae, and sample chapters to: Clay Morgan, Senior Editor/State University of New York Press/State University Plaza/Albany, NY 12246-0001.

Daniel A. Mazmanian and Paul A. Sabatier's *Implementation and Public Policy* is the 1997 Recipient of the Wildavsky Award

The public policy section is pleased to announce that the Aaron Wildavsky Enduring Contribution Award for a book or article published in the last ten to twenty years that continues to influence the study of public policy goes to Daniel A. Mazmanian and Paul A. Sabatier for their book, *Implementation and Public Policy* (Scott, Foresman, 1983). Congratulations to Professors Mazmanian and Sabatier.

The public policy section also wishes to extend thanks to the selection committee of Joseph Stewart, Jr. Chair and members Ken Meier and Paula McClain for their hard work.

The award will be presented at the Public Policy Section Business Meeting on Friday August 29th, 1997 at the APSA Annual Meeting in Washington, D.C.

Book Reviews:

No Neutral Ground: Abortion Politics in an Age of Absolutes. By Karen O'Connor. 1996. Boulder, Colorado: Westview Press. 208 p. \$45.00 (HC). \$13.95 (PB).

The Politics of Abortion in the United States and Canada: A Comparative Study. By Raymond Tatalovich. 1997. Armonk, New York: M.E. Sharpe. 265 p. \$55.00 (HC). \$21.95 (PB).

Abortion Rates in the United States: the Influence of Opinion and Policy. By Matthew E. Wetstein. 1996. Albany, New York: State University of New York Press. 153 p. \$49.50 (HC). \$16.95 (PB).

Abortion politics remain controversial and volatile; each of these three recently published books examines this policy issue in a different way. *No Neutral Ground* is a textbook that relates the abortion issue to American politics more generally. *The Politics of Abortion in the United States and Canada* is a comparative study. *Abortion Rates in the United States* examines the relationship between public opinion, public policy, and abortion rates.

No Neutral Ground is a well-written and lively book. O'Connor really explains American abortion politics during the last 30 years and especially emphasizes the current situation not only politically, but also technologically. The book also sets a historical context for U.S. abortion politics by discussing nineteenth century legal trends as well as the birth control movement of the early twentieth century. O'Connor also manages to tie abortion politics to policymaking in general. Her discussion of the role of federalism is sound and she argues convincingly that the development of violence is not unique in American politics.

The reader benefits from O'Connor's legal background -- far from making the text cumbersome, the book provides enough detail and insight to really make the many judicial decisions interesting. Indeed this is a real strength of this text -- O'Connor's agile and efficient prose. After years of doing research on abortion politics, I was surprised how much I learned about the legal cases and the interest groups. Students will find this information accessible, too; there are interesting and well-placed tables and figures, discussion questions for each chapter, and a glossary.

The purpose of *The Politics of Abortion in the United States and Canada* is to compare the abortion policymaking process in both countries, focusing on the period following liberalization in Canada (1969)

and the United States (1973). In pursuing this comparison, Tatalovich presents some thirteen hypotheses, which are divided into three types: systemic, process-oriented, and abortion-specific.

Chapter 1 looks at abortion politics in both nations in the 1950s and 1960s. Of interest is the first table which shows the increasing press coverage of abortion in both countries from 1953 to 1992, although I do not fully accept Tatalovich's explanation of media influence on agenda-setting. Chapter 2 analyzes *Roe v. Wade* and its progeny as well as Canadian jurisprudence. Tatalovich says that the evidence is conclusive "that much of the blame for the resulting furor over abortion policy must be attributed to the excessive level of judicial activism by the U.S. federal courts, and principally the high court (p. 81)." Chapter 3 deals with the legislative response to the judicial decisions, that is the way Parliament and Congress have handled this issue. Of particular interest is the breakdown of the party system on this morality issue and the role of religious affiliation in voting. Chapter 4 discusses both public opinion and the composition of interest groups. Chapter 5 deals with the positions of the political parties in each country. Chapter 6 examines how the politics of abortion play out in Canadian administrations and in the American executive branch, showing that the American bureaucracy is more politically penetrable than its Canadian counterpart. Chapter 7, "Federalism and the Implementation Problem," explains that there is great variation in both state and provincial abortion rates. This chapter has a very extensive literature review, but I disagree with the author that hospitals, particularly maternity facilities, are the logical place to provide abortion procedures (p. 200). The final chapter reviews the original hypotheses to determine if they were supported by this comparative analysis. Tatalovich concludes by encouraging researchers to examine "whether the Canadian experience is analogous to how European parliamentary systems coped with the abortion controversy" (p. 238).

The Wetstein book addresses abortion rates in the American states, specifically, "(1) What role does public opinion on abortion have in influencing state policies on abortion; and (2) How much does public opinion influence the number of abortions performed?" (p. 5). The first chapter succinctly lays out the relationship between public opinion and public policy as well as explaining the organization of the book. The second chapter reviews U.S. Supreme Court decisions from *Roe v. Wade* forward and examines the voting behavior of individual justices in detail, setting up the question for chapter 3, What effect have these decisions had in the states? Using ARIMA time series models, Wetstein show that *Roe* and the prohibition of federal Medicaid funding for abortion (i.e., the Hyde amendment) failed to significantly affect overall abor-

tion rates for the nation. However, the policy discretion afforded states by pivotal U.S. Supreme Court cases has influenced individual state abortion rates. The fourth chapter looks at individual abortion attitudes and concludes that these are remarkably stable, "despite changes in 'the political environment'" (p. 73). Chapter 5 examines the impact of state public opinion on abortion policy, showing that states that are liberal in terms of public opinion tend to have fewer restrictions on abortion and are more likely to fund abortions for low income women. Chapter 6 provides an exhaustive look at how different researchers have measured abortion policy and what explains the variation in state policies. Chapter 7 identifies determinants of state abortion rates, including public opinion and public policy. Wetstein concludes by discussing the link between opinion and policy.

Each author should be commended for linking abortion to more general questions of politics and public policy. O'Connor uses James E. Anderson's model of the policymaking process to guide her discussion. Tatalovich develops hypotheses from both regime attributes and the literature on moral conflict. In this regard, Wetstein is most successful, tying public opinion to public policy and ultimately policy implementation.

Deborah R. McFarlane
University of New Mexico

Causes of Litigation in Workers' Compensation. By Evangelos M. Falaris, Charles R. Link and Michael E. Staten. 1995. Kalamazoo, Michigan: W.E. Upjohn Institute for Employment Research. 170p. \$24.00 (HC). \$14.00 (PB).

The worker's compensation system is a "no-fault" system aimed at delivering benefits to workers injured on the job quickly and efficiently without resort to litigation. Workers with injuries receive guaranteed benefits in the form of income replacement and medical costs. In return, the employer's liability is limited to the specific amounts allowed under state statutes. However, considerable potential for dispute occurs because an injury must be shown to be job-related in order to be compensable, and because indemnity benefits are generally linked to the degree of physical impairment suffered by the employee. Some litigation has always been present in the system, but the litigation rate has increased substantially in recent years, with considerable variation across states.

Rising litigation rates throughout workers' compensation systems have led to calls for reform. But effective reform can only be built on a thorough understanding of the dynamics of the current system. This study by Evangelos M. Falaris, Charles R. Link

and Michael E. Staten provides some insight into the determinants of litigation in Delaware and Michigan, two relatively litigious states.

The authors adopt an economic framework that focuses on the expected costs and benefits of litigation to the parties involved. There is a substantial body of literature on the economics of legal disputes, but this is one of the first studies to apply such an approach to the workers' compensation area. The authors address three main issues. What factors influence i) the probability of a case being contested, ii) the probability of a contested case being pursued to verdict, and iii) the size of indemnity payments to injured workers in contested and uncontested cases. Although this last question can only be addressed for Delaware, because of data limitations, it is important in that it can provide an assessment of the efficiency of the dispute resolution system in Delaware.

The analysis is conducted on the whole population of claims for lost-time injuries originating in 1982 and 1985 for Delaware. This comprises 3951 cases for 1982 and 4328 for 1985. In approximately 16 percent of these cases a petition for a hearing was filed by one or other of the parties. These cases are defined as litigated (contested) cases. In just over 50 percent of the litigated cases at least one formal hearing occurred. These cases are defined by the authors as cases that are "pursued to verdict".

What sorts of factors increase the probability of a given case being litigated? The probability of litigation is lower for men compared to women, increases with a worker's age, but at a diminishing rate, and is negatively related to the wage rate (this latter result is not significant in 1982). These results seem entirely plausible since they are consistent with economists' ideas of opportunity cost. Injuries whose severity is often surrounded by considerable uncertainty -- those involving the back, knee and multiple parts -- are also more likely to be litigated. There is considerable variation in litigation probabilities across industry, with some evidence of higher probabilities in construction and manufacturing compared to services.

One hypothesis the authors are interested in exploring is whether litigation probabilities differ by insurance type or between private and public sectors. They suggest that self-insured firms may have different litigation probabilities from commercially-insured firms since the former can be expected to have internal procedures for resolving disputes different from those imposed by commercial carriers, and because their injury costs are a direct function of their own experience. Private and public sector employers may also behave differently since the latter operate in a not-for-profit environment. However, although estimates show that a worker's compensation injury is more likely to be litigated if the employer is one of the self-insured major

automobile producers, there is surprisingly little evidence in these data that litigation probabilities differ systematically between other private-sector self-insured employers, public-sector self-insured employers and commercially insured employers. The higher litigation rate for automobile producers may well be capturing something other than insurance type, perhaps a union effect. Estimates of the probability of a case being pursued to verdict are reasonably consistent with estimates of the probability of a case being litigated.

In an interesting exercise, the authors also look at the determinants of cumulative payments for litigated and nonlitigated cases. The resulting coefficients can then be used to calculate predicted payments. The authors find that if individuals who did not contest their case had done so, the litigation would have resulted in smaller gains in terms of cumulative payments than those accruing to individuals who actually litigated their cases. Similarly, litigants, even if they had not disputed their cases, would have received higher payments than workers who did not contest their injury. Based on this evidence, the authors conclude that the dispute resolution system in Delaware sorts cases efficiently.

For Michigan a sample of over 6,000 lost-time cases closed in 1986 is used. Estimates show that the probability of litigation is higher not only among the major automobile producers (as in Delaware) but also among commercially-insured employers. The authors interpret this latter result in terms of differences in the pricing of insurance premiums between Michigan and Delaware. Delaware imposes a price floor on insurance premiums, whereas Michigan does not. It is argued that competitive pricing, such as exists in Michigan, gives insurers a greater incentive to contest questionable cases.

Although this result seems eminently reasonable, it would be premature to place too much reliance on it. In the Michigan data, there is little information on worker characteristics, and none on injury or industry type. Model specifications between the two states are thus very different. In addition, the Delaware sample consists of cases originating in 1982 and 1985 and closed by 1990, whereas the Michigan sample consists of cases closed in 1986. Clearly then, differences in model specification or sample selection rather than in pricing mechanisms could be driving this result. A more definitive conclusion must rest on a more closely-matched comparison than is presented in this study.

Applying complex economic models of dispute resolution to workers' compensation data is a daunting task, but one that has the potential to yield many fruitful insights. This study takes a first stab at dealing with some of the key definitional and data issues, and raises interesting questions about how different administrative

systems and pricing mechanisms affect litigation. Hypotheses are not always tightly specified and results are sometimes inconsistent. The authors rely perhaps a little too much on ad hoc explanations when discrepancies occur -- can the business cycle really explain so much? Nevertheless, this research is a major step in the right direction. Hopefully, similar studies dealing with other states and/or time-periods are not far behind.

Barbara Morgan
Florida State University

Myth and Measurement: The New Economics of the Minimum Wage. By David Card and Alan B. Krueger. 1995. Princeton: Princeton University Press. 413 p. \$29.95.

In the United States, the minimum wage has always been a lively topic for political debate. Polls show that a majority of the public are in favor of it. Yet most mainstream economists use the minimum wage as a prime example of how government intervention in the economy reduces efficiency. Basic supply and demand analysis predicts that an increase in the minimum forces employers up the labor demand curve, leading them to lay off low-wage workers. As a consequence, using the minimum wage to help the working poor is misguided social policy.

David Card and Alan Krueger, well-respected economists from Princeton University, boldly challenge this conventional wisdom. In a series of studies they show that following actual increases in the minimum wage -- California in 1988, the 1990-91 increase in the federal minimum wage, and New Jersey in 1992 -- a loss of jobs did not result.

The lead study is a comparison of employment in fast food restaurants in New Jersey and Pennsylvania. The authors argue that the New Jersey study provides a "natural experiment" since in April 1992, New Jersey raised its minimum from \$4.25 to \$5.05 per hour, whereas neighboring Pennsylvania did not. Fast food restaurants are a leading employer of low-wage workers and turnover in this industry is relatively high so that any adjustments in employment in response to wage changes should emerge quickly. Card and Krueger found that, several months after the wage increase, employment in fast food restaurants in New Jersey (the 'treatment' group) had actually increased relative to similar establishments in Pennsylvania (the 'control' group). These effects were not offset by changes in fringe benefits (such as free meals) or by higher prices.

The New Jersey study has not been without its critics. In particular, researchers from the Employment Policies Institute questioned the reliability of the tele-

phone survey (conducted before and approximately six months after the increase) upon which the research was based. On the basis of payroll data collected from 15 percent of these same fast food establishments, they drew quite different conclusions.

Certainly the telephone survey had some limitations. In particular, managers were asked how many part-time and full-time employees they had, and not the number of hours those employees worked. One could imagine scenarios under which the minimum wage increase led managers to track demand much more closely, leading to increases in the number of employees but not the number of hours worked, though it is unlikely that this effect could be so overwhelming as to reverse the results completely. Card and Krueger take care to stress that they are measuring the employment effect of an increase, as the standard model does, and not the effect on hours. Moreover, we might be more skeptical if this were the only study on which they base their conclusions. In fact, they present several additional studies as well as reevaluations of work published by others that all make essentially the same point: there is no evidence that a modest increase in the minimum wage will increase unemployment.

This all adds up to a substantial body of research. Not only do the authors ask interesting and relevant questions, they apply a range of econometric techniques, from the most simple to the most sophisticated, to ensure that their answers hold up. The results of the New Jersey study are reinforced by previous research by Krueger and Lawrence Katz on the effects of an increase in the Federal minimum in April 1991 on fast food restaurants in Texas and by Card on the effects of an increase in the California minimum wage in July 1988 on teenage employment. In the latter study, although wages increased significantly as a result of increasing the minimum, so too did the employment rate of California teenagers when measured against comparison groups in other states.

An analysis of the 1990-1991 increase in the Federal minimum based on previous research by Card, makes use of cross-state variation in wages. States are divided into high- and low-wage depending on the number of teenagers whose pay would be affected by minimum wage changes. We would expect teenage employment in low-wage states to decrease relative to that in high-wage states where the minimum would presumably have less impact. In fact, no significant difference in teenage employment effects was found between high- and low-wage states. Similar analyses for a broader sample of low-wage workers and employees in retail trade and the restaurant industry produced similar results.

Most of the evidence in support of the standard model is based on aggregate time-series models comparing the teenage employment-to-population ratio in

periods when the minimum wage is high with those in which it is relatively low. Methodologically, the authors find these studies wanting. In particular they point to the difficulty in controlling adequately for changes in exogenous variables and the possibility of bias that arises under the not unrealistic assumption that the minimum wage is endogenous. In a section that is sure to interest researchers in all disciplines, they conduct a "meta-analysis" of published time-series studies and produce evidence of publication bias towards research that produces statistically significant results. The authors also show that when these same aggregate time-series models are applied to more recent data (over the last 15 years), the historically negative relationship between the minimum wage and employment breaks down.

Previous cross-sectional and panel data studies are also extensively critiqued (and, in some cases, re-estimated). In what is perhaps the weakest chapter in the book, a brief foray is made into minimum wage effects in other countries (Puerto Rico, Canada and Britain). Puerto Rico is a particularly interesting case since it is bound by United States minimum wage laws which apply to approximately 25 percent of its labor force. Again, no support is found for the contention that increasing the minimum leads to significant unemployment.

Card and Krueger provide evidence of other phenomena associated with minimum wages that cannot readily be explained by standard models, among them: wage dispersion for seemingly identical workers and jobs; a spike in the wage distribution at the minimum (most surprisingly, even for firms that are exempt); and the fact that the sub-minimum is used only rarely.

Overall, the empirical evidence is impressive. The authors attempt to explain it by elaborating upon other models that do not assume perfect information and give the firm more discretion over wages. Under monopsony, a firm may choose to keep some jobs unfilled because raising wages to attract an additional worker will involve raising the wages of all employees. A minimum wage forces this higher wage upon the employer, leading to an increase in employment. Another possibility is that employers may face a choice in their recruiting of workers between low wage/high turnover/high vacancies and high wage/low turnover/low vacancies. Increasing the minimum wage may affect turnover and the vacancy rate, but not employment per se. Employers may also be influenced by the perceived fairness of the wage structure or may be 'shocked' by a minimum wage increase into better management. These sorts of models create a range of indeterminacy within which wages can vary with little impact on employment. Unfortunately, they are not tested in any explicit way, but introduced in a fairly ad hoc fashion.

Even if a consensus about the impact of the minimum wage on employment existed, whether or not a minimum wage is good policy is an entirely different question. The answer to this depends on an evaluation of its effects on a wide array of other outcomes as well. Card and Krueger emphasize that they hope one consequence of their findings is more discussion of the distributional rather than the efficiency aspects of the minimum wage. In this spirit, they provide evidence of the effect of the minimum wage on family earnings, poverty and the stock market value of firms that employ low-wage workers. Contrary to the prevailing myth, most minimum wage workers are not teenagers: two-thirds are adults and the earnings of a typical minimum-wage worker account for about one-half of his or her family's total earnings. However, since many minimum-wage earners are not in poverty, and many in poverty are not in the job market, the ultimate effect of a minimum wage increase on the income distribution is somewhat limited.

When we turn to the distribution of wages, however, the story is somewhat different. Increases in the minimum wage have reduced wage dispersion, partly reversing the rising wage inequality that has been one of the most important trends in the labor market since the early 1980s. Finally, in the recent past, impending minimum wage increases seem to have had only a very small negative -- 1 or 2 percent at most -- or indiscernible impact on shareholder wealth.

This is a stimulating book. It has already figured heavily in the current minimum wage debate. By showing that the minimum wage can be used as a redistributive policy tool without causing huge losses in employment it has no doubt helped justify, at least in the minds of some individuals, the recent minimum wage increase. Its main virtue perhaps is that it is certain to generate fresh and innovative research on a policy issue most economists had thought a closed book.

Barbara Morgan
Florida State University

APSA Public Policy Meetings

Chair: **Hank Jenkins-Smith**,
University of New Mexico

- 18-1 Policy Networks, Communities and Coalitions.
Sat. August 30th at 1:30pm.
- 18-2 Politics of Morality Policy in the U.S. States.
Sat. August 30th at 10:45am.

- 18-3 Roundtable on Will Social Security Survive the 21st Century? Looming Challenges and Future Prospects.
Thu. August 28th at 1:30pm.
- 18-4 Roundtable on Echoes of California's Proposition 209: Has Affirmative Action Reform Become a National Issue?
Fri. August 29th at 1:30pm.
- 18-5 Roundtable on Institutions and Policies to Strengthen Democracy.
Sat. August 29th at 3:30pm.
- 18-6 Theoretical Issues and the Policy Process.
Sun. August 31st at 10:45am.
- 18-7 Welfare Policy.
Thu. August 28th at 3:30 pm.
- 18-8 Policy Impacts and Innovations in the States.
Fri. August 29th at 8:45am.
- 18-9 Public Opinion and Policy Formation.
Sun. August 31st at 8:45am.
- 18-10 Agenda Setting and Problem Definition.
Thu. August 28th at 10:45am.
- 18-11 Public Policy and Bureaucratic Control.
Sat. August 30th at 8:45am.
- 18-12 Policies as Institutions and Institutions as Policies.
Thu. August 28th at 8:45am.
- 18-13 AIDS and Public Policy.
Thu. August 28th at 3:30pm.
- 18-14 The Cross National Transfer of Policies and Political Institutions.
Fri. August 29th at 10:45am.
- 18-15 Roundtable on the Role of Environmental Ethics in Restructuring Environmental Policy and Law for the Next Century.
Thu. August 28th at 1:30pm.
- Public Policy/American Politics Poster Session
Fri. August 29th at 3:30pm.

Business Meeting

Fri. August 29th at 5:30pm.

Reception

Fri. August 29th at 6:30pm.

Please attend the panels listed. The section's allocation of panels is based on attendance, and more panels means more chances for participation!

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