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ENVIRONMENTAL POLICY AND POLITICS: VALUE AND POWER CONTEXT

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Values encompass ends, goals, interests, beliefs, ethics, biases, attitudes, traditions, morals, and objectives which have a significant input into the power sphere. In this sense, the "values" of money or power should be included along with those of quality or other intangibles. The definition also encompasses value systems of the individual and of the collective compact of the individual, including the group, agency, or organization, recognizing organizational values may be somewhat different from the individual in that the organization has a life and value system of its own. Adjustments and interactions, however, of individuals and organizations will result in inter-related value systems.

A central characteristic of our age is the ambiguity and confusion of values. America appears to have difficulty with values or goals while attaining near perfection in means through science and technology. Values, moreover, are constantly changing. Abelson notes that social goals become moving targets for science and technology. With the targets coming and going in short periods, an impossible mismatch relative to research and application occurs.¹ Priorities of individual and collective values may also vary over time, particularly as they are affected by power conflicts. By their very nature, values are difficult, if not impossible, to describe and analyze in realistic and concrete terms relative to power and policy.

Gordon Allport, a social psychologist and noted authority on values, considers values to be unattainable goals, projected criteria, social consciences, and or internalized images which exert a dynamic effect or creative pressure when applicable.² Numerous educators agree that values, in many instances, cannot be taught, but that they must be learned by the individual through experience or inspiration. Philosophers note that some values may not consciously emerge until one becomes angry at a particular decision or action of a negative nature.³ It is probably safe to say that values pertain to something of worth on an individual or collective basis. This worth would have to be of sufficient degree to influence direct or indirect activity by the

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1. Abelson, *Science and Immediate Social Goals*, 169 Science 721 (1970).

2. G. Allport, *Personality and Social Encounters: Selected Essays* 1-386 (1960).

3. Seminar presented by James Leland to the Public Science Policy and Administration Program, University of New Mexico (Feb. 15, 1971).

individual or organization in the power struggle for a given policy decision.

Environmental policy also encompasses added dimensions of unique values pertaining to ecology, future generations, other forms of life. Some of them are eloquently described in "The Land Ethic" as quoted from *A Sand County Almanac*: by Aldo Leopold:

The Ethical Sequence

This extension of ethics, so far studied only by philosophers, is actually a process in ecological evolution. Its sequences may be described in ecological as well as in philosophical terms.

An ethic, ecologically, is a limitation on freedom of action in the struggle for existence. An ethic, philosophically, is a differentiation of social from anti-social conduct. These are two definitions of one thing. The thing has its origin in the tendency of interdependent individuals or groups to evolve modes of cooperation. The ecologist calls these symbioses. Politics and economics are advanced symbioses in which the original free-for-all competition has been replaced, in part, by cooperative mechanisms with an ethical content.

* * *

The first ethics dealt with the relation between individuals; the Mosaic Decalogue is an example. Later accretions dealt with the relation between the individual and society. The Golden Rule tries to integrate the individual to society; democracy to integrate social organization to the individual.

There is as yet no ethic dealing with man's relation to land and to the animals and plants which grow upon it. . . . The land-relation is still strictly economic, entailing privileges but not obligations.

* * *

An ethic may be regarded as a mode of guidance for meeting ecological situations so new or intricate, or involving such deferred reactions, that the path of social expediency is not discernible to the average individual. Animal instincts are modes of guidance for the individual in meeting such situations. Ethics are possibly a kind of community instinct in-the-making.

The Community Concept

All ethics so far evolved rest upon a single premise: that the individual is a member of a community of interdependent parts. His instincts prompt him to compete for his place in that community, but his ethics prompt him also to cooperate (perhaps in order that there may be a place to compete for).

The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively, the land.

* * *

In short, a land ethic changes the role of *Homo sapiens* from con-

queror of the land-community to plain member and citizen of it. It implies respect for his fellow-members, and also respect for the community as such.⁴

Given the above general environmental value toward harmony between man and nature, it is appropriate to recognize the complexities of environmental policy. On the assumption that there is not a transcendental type of environmental value, specific situations may dictate combinations of value interpretations on a collective basis. In fact, with the intense "popularity" of the environmental "game" in the public sphere, sound ecological and environmental values may become tools, supporting nonrelated values. With over 80 federal agencies involved in the environmental issue and with environment as a risk-free political issue, value appeals may not be value actualities in power struggles.

In the political and administrative process of environmental policy, it is appropriate to recognize that environmental values may be only limited or partial input in the power struggle for decision-making. Realistically, factors such as agency survival and expansion are a definite part of the process. In this sense, power itself can become a value or goal. Given a particular value orientation or system, it is automatic to categorize the "good guys" and the "bad guys" in a given power struggle. With the environmental movement, this categorization process becomes increasingly complex and difficult. Under the environmental umbrella however, and from a broad perspective, a multitude of values compete for limited power.

Logical positivists and "scientific" individuals argue for the application of empirical and behavioral "science" and reason in policy rather than consideration of values. David Hume, an 18th Century Scottish empiricist, noted that the use of reason is definitely limited. Although reason can be used to show logical relationships, it cannot determine values which are the products of passion or feeling. Thus reason, according to Hume, is helpful in directing action toward the attainment of values, but it is only an instrument, and cannot by itself discover values. As Hume states, reason is the "slave of passions."⁵ Simon, Smithburg, and Thompson note:

Close examination of the premises that underlie any administrative choice will show that they involve two distinct kinds of elements: value elements and factual elements. Speaking very, very roughly, the distinction between value elements and factual elements corresponds to the distinction between ends and means, respectively. Before an individual can rationally choose between several courses of

4. A. Leopold, *A Sand County Almanac* 217-20 (1966).

5. M. J. Harmon, *Political Thought: From Plato to Present* 319 (1964).

action, he must ask himself: (1) what is my objective—my goal (value)? and (2) which of these courses of action is best suited to that goal?⁶

* * *

Almost every value premise has some factual element in it—an element that cannot be completely removed—because most ends or goals (values) are at least partly means to more final ends than ends in themselves.⁷

In order to affect or influence a policy decision, a particular value must have power over other values and this political process occurs through human interaction. Politics is recognized as an arena where powerful economic, social and ideological interests and values compete to attain their objective through government. Lasswell in *Politics, Who Gets What, When, and How* considers politics to be the study of the influenced and the influential. The latter are those who get the most of what there is to get and are referred to as the elite who make the governmental decisions.⁸ Lasswell also notes that political life is a life of conflict and competition for scarce power resources.⁹

In the Federalist Paper No. 10., Madison notes:

The latent cause of factions are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society.

* * *

The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operation of government.¹⁰

Madison thought that factions of interest were bound to emerge in government problems causing conflict and that many of these factions were based on property. In a pluralistic society, the group basis of politics is stressed. Various groups (including governmental agencies) representing numerous values are constantly competing for power and decisions which are favorable for their particular vested interests.

Some of the major reasons for the political concern of environmental policy are: (a) when segments of the public are affected in a negative or positive manner, (b) when a particular environmental

6. H. Simon, D. Smithburg & U. Thompson, *Public Administration* 38 (1962).

7. *Id.* at 182.

8. H. Lasswell, *Politics: Who Gets What, When, and How* 1 (1963).

9. *Id.* at 182.

10. The Federalist No. 10, at 79 (New York: Mentor Book, New American Library, 1964) (J. Madison).

segment or natural resource has present or future possibilities for utilization with automatic alternatives and alignments created (including and excluding public lands), (c) when economic, social, and ideological impacts are present or possible.

According to Wengert although many policy decisions for the environment and natural resources are made by private, nongovernmental means, public concerns and hence governments are increasingly involved, particularly with the environmental movement.¹¹ With the involvement of government, politics becomes the dominant way of decision-making.

A major aspect of politics in all government, including environmental policy, is the exercise of power through informal means. Livingston and Thompson note that bureaucracies frequently rely on brokerage politics to solve problems. This process involves informal bargaining, compromising, and dealing with involved interests and groups in value conflicts.¹² Griffith describes this brokerage process with his whirlpool theory, which involves informal and formal associations and conferences between various types of people (including governmental officials) who are interested in common objectives or problems. These individuals are often on a first-name basis with representatives of other interests. People are whirlpoiled or drawn into the decision-making process by bargaining or compromising. According to Griffith, much of governmental policy is matured in this process.¹³

Policy, in general, is a reflection of the culture where it operates. In the American culture, pragmatic and pluralistic characteristics are dominant in general policy areas. Wengert notes that this orientation results in an absence of an overall, comprehensive and ideological policy for the environment and natural resources. He recognizes only one clearcut and common ideological basis for all environmental policies and programs; this is the use and involvement of government with the recognition of the social goals and problems in environment and natural resources.¹⁴ Without a general value or ideological base, numerous values and interests are reflected in the fragmented, diverse, and short-range policies throughout the spectrum of environmental policy.

Modern public administration appears to operate on a crisis basis with an immediate problem-solving orientation. At present the political climate and changing conditions do not appear to give much

11. N. Wengert, *Natural Resources and Political Struggle* 6-9 (1955).

12. J. Livingston & R. Thompson, *The Consent of the Governed* 238-41 (1966).

13. E.S. Griffith, *Congress: Its Contemporary Role* 127 (1956).

14. Wengert, *The Ideological Basis of Conservation and Natural Resources Policies and Programs*, 344 *Annals of the Am. Acad. of Pol. and Soc. Sci.* 65 (1962).

stability and authority to policy in general. Given the thousands of legislative acts pertaining to the environment, macro and micro policies have a tendency toward pragmatism. Regarding this approach, Wengert notes:

A critic once wrote that a major characteristic of pragmatic philosophy was that it was no philosophy. Although this judgment is perhaps unduly harsh, it points to a lack of interest in the formulation of general principles or ideological systems among those pragmatically oriented. Pragmatism is pluralistic and eclectic, focusing on problems and performance rather than principles, upon action rather than upon ideas. The pragmatic test of 'will it work' or 'how does it work' deemphasizes ideology in the sense of a developed synthetic system of beliefs and values to govern action.¹⁵

With the pragmatic and pluralistic (group) orientation of environmental policies, the one unifying, ideological aspect is that of ecological and environmental force. Although this concept has been present in varying forms and degrees from the early conservation days, it has only recently attained stature in legislative and policy decisions. During the last several years, legislation and agency policies have greatly expounded this ideology of ecology. A central piece of legislation typifying this concept was the National Environmental Policy Act of 1969; the purposes of the Act are:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.¹⁶

The Environmental Quality Act stipulates that a systematic, interdisciplinary approach for environmental quality be followed by the 80 agencies concerned;¹⁷ this and other environmental requirements are considered as supplemental to the original agency's legislation and policy. The agencies are also to report any inconsistencies and deficiencies of legislation, policies, or procedures which interfere with compliance with the purposes and provisions of the Act.¹⁸ It is obvious that the majority of the agencies are mission and policy organizations with vested and dominant interests. Under broad Congressional legislation over the years, they have evolved policies, pro-

15. *Id.* at 69.

16. *Id.*

17. White, *How Do We Get From Here To There?*, Life, June 26, 1970, at 36, 39.

18. Environment Quality Council, First Annual Report 243-53 (1970).

cedures, programs, philosophies and clientele which limit their responsiveness to a broad, environmental policy. In a sense, the limitations and definitions of policy responsibility and evolution have served to comfort and protect agencies from complexities and demands. Through politics and legislation, the agencies are forced into a position of policy change and into neglected problem areas and considerations of the total environment. Although outward conformance and change to environmental quality policy is required, this does not necessarily mean past policies will not still play a key role in the actual direction of the agency.

At the same time, under the constant crisis situation of modern public administration, executives are increasingly making macro and micro policy on a common basis as well as drafting the majority policy legislation. Thus the American Society for Public Administration Task Force on Society Goals notes:

The jamming together of policy and administration raised an eyebrow a generation and a half ago; now it is so much the case that the administrators make up a very high proportion of the policy makers. Today's crisis exceeds all historical crises in public administration. Due to the complexity of government, the intricate interrelationships between policy and administration, the public executive of today and tomorrow has a newly recognized role and responsibility, whether he or she is on a public or private payroll. Public executives, taken as a group, have not yet awakened to the fact that they are in charge. They are responsible for the operation of our society; they cannot wait around for somebody to tell them what to do. If they don't know the answers, we're lost.¹⁹

Under the above orientation, there are definite indications that much of macro and micro environmental policies will be formulated and implemented by public executives. Hence their value systems are indeed a crucial factor for environmental policy.

In essence, policy itself is a statement of principles and objectives which serves as a guide or framework for operation of an agency or an area of responsibility. Policy is based upon legislation, but the latter usually provides broad, idealistic guidelines which are subject to interpretations of legislative intent. Ambiguity naturally enters the picture, particularly with the lapse of time. This is especially true with the crisis type of administrative policy-making of today in which policy appears to be losing its sense of stability and permanence.

Given the value emphasis of policy, Lindblom notes that values are

19. American Society for Public Administration Task Force on Society Goals, *The Future of ASPA—A Super Everest or a Higher Hill?* News and Views, Oct. 1970, at 5-6.

always a problem of adjustments at a margin and that there is no practical way to state marginal objectives or values without reference in terms of particular situations.²⁰ Relative to the individual administrator's value system, he notes that shifts in values occur according to the situations and hence it is impossible to establish a rank order of values which would apply to different situations. Thus Lindblom states that: (a) "...one chooses among values and among policies at one and the same time," and (b) "... the administrator focuses his attention on marginal or incremental values."²¹ Lindblom considers policy making to be of an incremental nature (rather than major or large changes) based on adding to past precedents on a relevancy and simplicity basis. He also notes that policy is formulated and decided through a group process by acceptance or by sounding good, but that the administrators cannot explain the "whys," theory, or values behind policy decisions. Regardless of the complexity or ambiguity of value identification and alliances for only realistic to recognize that values are the basis for power conflict and alliances for environmental policy. The problems and complexity of these values with the resulting policy can produce the destruction or conservation of survival and quality of the environment for man and other forms of life.

20. Lindblom, *The Science of Muddling Through*, 20 Pub. Ad. Rev. 79-88 (1959).

21. *Id.*