



## AEI's Environmental Policy Outlook

By Steven F. Hayward and Christopher DeMuth

*This issue introduces the Environmental Policy Outlook, a monthly essay on trends and controversies in environmental policy. We will explore the paradox of apocalyptic, ideologically charged political rhetoric surrounding an issue that is, after all, a matter of strong popular consensus, massive public investment, and conspicuous practical progress. Can the environmental movement come to grips with its successes and provide leadership rather than resistance to the evolution of better environmental policy? Is its uncompromising posture just a political tactic—or is it the harbinger of a new “universal environmental ethic” that might in time modify or displace the established institutions of liberal individualism, private property, and representative democracy?*

### Common Sense and the Environment: A House Divided

That the environment should be a source of extreme ideological fractiousness and bitter partisan division is a mystery from a common-sense point of view. When the environment rose to the top of the public policy agenda in the late 1960s and early 1970s, it was widely regarded as a consensus issue around which long-term bipartisan action would ensue. No public constituency favors of polluted air, fouled rivers, and wasted habitat. The conservative governor of California, Ronald Reagan, joined the environmental bandwagon on the first Earth Day in 1970 and declared “the absolute necessity

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of waging all-out war against the debauching of the environment.” Barry Goldwater was a member of the Sierra Club.

In the practical world the consensus over the environment has endured and deepened since the first Earth Day; environmental management proceeds step by step in countless ways on the national and local level and addresses real problems with increasing sophistication and agility. A fog of rhetoric and confusion, however, shrouds the reality because environmentalism, which is too often thought of as a uniform monolith, is a house divided against itself.

### Practical Environmentalism versus Romantic Environmentalism

Environmentalism comes in two primary categories: the practical and the romantic. Practical environmentalism is the world in which environmental standards are established and applied in a multitude of discrete circumstances, from gasoline formulas to local land-use disputes. Two realities govern that world: first, uncertainty over cause and effect (which factors cause what results in complex ecosystems? which measures will be most cost-effective in controlling a given pollutant?); second, the need to make trade-offs between environmental quality and other social goods. As a result, the modus operandi of practical environmentalism is negotiation and compromise among contending groups, interests, values, and levels of government.

Practical environmentalism has made great headway in recent years, as policymaking has shifted from the national EPA to the states and as the

trade-offs involved in seeking ever higher levels of pollution control have become more difficult. Much monitoring and enforcement under the large-scale national programs, such as those mandated by the Clean Air and Clean Water Acts, have been effectively delegated to states and localities, and the states have begun to grapple with many serious issues that the federal government has avoided—such as water pollution caused by agricultural runoff and the grandfathering of old industrial facilities that enjoy much more lenient pollution standards than new facilities. At the local level practical environmentalism emphasizes cost-effective compliance strategies, private dispute-resolution mechanisms, and other policy innovations.

Romantic environmentalism is a strong and uncompromising environmentalism that holds that environmental values should always or almost always trump other values, especially those associated with economic development and growth. The movement has strong roots in American intellectual and political history and many accomplishments to its credit (without John Muir the Yosemite Valley might today be known as the San Francisco Reservoir). And romantic environmentalism has many adherents today. Some are philosophically authentic—people who are strongly attached to the natural world and believe that civilization grows distant from nature at its mortal peril. Others adopt the uncompromising posture for strategic reasons because they see that the forces of development and growth are powerful and require a strong counterattack just to be held to a draw. Often that position leads to preposterous or risible statements that alienate many Americans from environmental politics. On April 6, 2002, for example, the *Des Moines Register* quoted Robert F. Kennedy Jr., who leads the Riverkeepers Alliance, as saying that “large-scale hog producers are a greater threat to the United States and U.S. democracy than Osama bin Laden and his terrorist network.”

Romantic environmentalism now consists largely of denying or confusing the realities of practical environmentalism. Its modus operandi is the dramatic claim of impending catastrophe and the moralistic attack on anyone who makes a compromise in the pursuit of environmental progress. (A good example is the near-hysteria about the Bush administration’s proposed revisions of the rules for New Source Review under the Clean Air Act, which practical environmentalists, such as the Democratic Leadership Council’s Progressive Policy Institute, have long recognized as counterproductive.)

Romantic environmentalism prefers government bans and commands over markets and private property, and it demands centralized government and national or even global regulation rather than state and local regulation. Its preferred venues are the television talk show and the fund-raising appeal rather than the real work of environmental management.

## Environmental Correctness

The uncompromising viewpoint of romantic environmentalism gives rise to what might be called environmental correctness. Environmental correctness demands that all discussion of the environment be conducted with apocalyptic pessimism and with human civilization assuming a posture of guilt. Disagreement with that viewpoint is ascribed to a moral defect. Witness the ad hominem attacks on Bjorn Lomborg for his book *The Skeptical Environmentalist: Measuring the True State of the Planet*. Although some environmentalists have calmly disputed Lomborg’s factual and statistical claims in a way that advances our understanding of real trends, more have reacted by denouncing Lomborg in moral terms and comparing him to a Holocaust denier or worse.<sup>1</sup> The tacit premise of the attacks on Lomborg seems to be, as the *Economist* put it, that suggesting the environment is a cause for optimism is “beyond the pale of respectable discourse.”<sup>2</sup>

By polluting our public discourse on the environment, romantic environmentalism distorts public policy in two significant ways. First, while the work of practical environmentalism is increasingly taking place on the state and local level and through private initiative, romantic environmentalism, in the form of national political action groups, exerts a powerful influence in favor of centralized regulation. Second, the uncompromising nature of romantic environmentalism contributes to the excessive cost and wastefulness of many environmental regulations. The default position seems to be that a billion-dollar solution exists for every million-dollar environmental problem. We know, for example, from the careful analysis of the Harvard Center for Risk Analysis, that the cost of life-saving EPA regulations is an order of magnitude higher than health and safety regulations of any other federal agency.<sup>3</sup> No one buys the argument that someone is unpatriotic because he criticizes \$600 hammers or \$800 toilet seats in the defense budget; yet criticism of a toxic regulation that costs \$7 trillion to save a (hypothetical) life will

immediately bring the loud charge that the critic is anti-environmental or a tool of big business.

Both the centralization and the expense of environmental regulation are closely bound up with the attenuation of environmental law. Many modern environmental statutes were written with the tacit purpose of compelling the courts to enter into a quasi-administrative role, whether through ruling on the sufficiency of environmental impact reviews or requiring federal agencies to regulate in certain ways. The phenomenon compromises the independence and flexibility of executive branch policymakers and further erodes the separation of powers between the branches of government.<sup>4</sup>

### Misleading the Public

The ferocity of environmental correctness and the hide-bound nature of environmental law make it difficult to perceive real environmental trends, change our priorities in the face of new facts, or consider creative insights into the next generation of environmental policy. The result is especially lamentable because the past three decades of experience with intensive environmental policy have taught several important lessons that many serious environmentalists widely acknowledged.

The most significant fact of the past generation is that most measures of environmental quality in the United States and other industrialized nations are improving dramatically—most, though not all.<sup>5</sup> It is a mystery why environmental leaders do not celebrate the progress for which they can claim substantial credit. And although environmental conditions in many developing nations are still deteriorating, there are signs that many developing nations are within reach of the transition point at which environmental quality may begin to improve. Economic growth and technological progress sparked that improvement. Only the attainment of a certain degree of wealth allows the pursuit of vigorous environmental protection, as demonstrated in cross-national research<sup>6</sup> and as evident to some early pioneers of environmentalism. Aldo Leopold wrote in his famous *Sand County Almanac*, “These wild things, I admit, had little human value until mechanization assured us of a good breakfast.” The key to environmental progress is to understand that the affluent society does not wish to be the effluent society. Only a wealthy nation can contemplate spending \$8 billion to restore a swamp.<sup>7</sup>

The imperative of economic growth has become central to all discussions of global environmental problems,

especially global climate change. Thus the initial idea of addressing climate change through a policy of carbon suppression (which would involve dampening energy use) is proving to be a nonstarter. Even many advocates of aggressive climate policy now understand the dilemma; John Holdren of Harvard University has acknowledged, “A reliable and affordable supply of energy is absolutely critical to maintaining and expanding economic prosperity where such prosperity already exists and to creating it where it does not.”<sup>8</sup>

### Environmentalism, Individualism, and Democracy

In the end the most significant aspect of romantic environmentalism is not its policy implications, but its philosophical and political claims, which have never been fully or adequately developed. Although romantic environmentalism often comes to sight as facile nature worship, in political and social terms it aspires to be a large-scale historical phenomenon, comparable to (and competitive with) the long-established phenomena of liberal individualism and representative democracy. For example, in his recent book *The Future of Life* Edward O. Wilson calls for the world to adopt a “universal environmental ethic.” Elsewhere Wilson has written that “the decision-making process that will save the natural environment must be grounded in moral reasoning fed into political life.”<sup>9</sup> And let us not forget that in *Earth in the Balance* the man who came close to being the forty-third president of the United States called for making environmentalism the “central organizing principle” of modern civilization.

The haste to put nature (however understood) on a pedestal as the highest value of civilization has led to avoiding several fundamental questions, some with significant implications for liberal democracy. Making environmentalism the central organizing principle of civilization requires serious inquiry into how such an ethic would work in practice—starting with a searching consideration of mankind’s place in and relation to the natural world and proceeding systematically to practical questions of law, politics, and institutional design. The kind of intellectual work necessary to decide those questions has not been done with the depth comparable to the work done by Grotius, Locke, Hume, Kant, Montesquieu, Blackstone, Madison, Tocqueville, and the other political thinkers who worked out the main

issues and problems of liberal democracy over the span of several centuries. In the hands of environmental activists, a theoretical environmental constitution often comes to sight as slapdash socialism.<sup>10</sup>

A serious treatment of the subject must confront the question of whether and how environmental concerns are to be given priority over human liberty, which is the chief goal of liberal democracy. The arguments for global governance on behalf of the environment are nearly identical to the arguments made in favor of world government fifty years ago because of the threat of nuclear weapons. From time to time environmental thinkers forthrightly argue that certain individual rights, such as rights to property, must give way to environmental priorities. It is not clear whether central tenets of liberal democracy itself (such as individual self-interest rightly understood or government by consent) are incompatible with the “rights” of nature, just as certain ancient forms of property (for example, human slavery) are incompatible with liberal democracy. The question needs to be thought through much more rigorously before environmentalism can hope to succeed as a universal ethic capable of informing and changing political life.

Can the earth wait? It will have to—given the influence of America, liberal individualism and all, on the global scene; given the apparent (for now) compatibility of environmental quality with economic growth; and given the urgency of competing problems, from AIDS in the poor nations to terrorism in the rich ones. The romantic environmentalists may be onto something big, but they will need to be patient. Perhaps they can take solace from Professor Wilson’s most important scientific work, sociobiology, which showed that the most important forms of human conduct, including universal ethics, were the product of millions of years of incremental, trial-and-error evolution.

For the meantime romantic environmentalism appears to be content with the fuzzy formulas of “sustainable development” and “the precautionary principle,” which are represented as overarching requirements of right policy. The highly delimited nature of those concepts underscores the primitive character of environmental doctrine and makes them an apt subject for the next *Environmental Policy Outlook*.

## Notes

1. “A lot of my Left-wing friends had a hard time with me being so ‘immoral’ as to say that the environment was actually getting better,” Lomborg relates (David Thomas, “Anti-Christ of the green religion,” *London Telegraph*, January 20, 2002).
2. “Defending Science,” *Economist*, February 2, 2002, p. 15.
3. John D. Graham and Jonathan Baert Weiner, *Risk versus Risk: Trade-Offs in Protecting Health and the Environment* (Cambridge: Harvard University Press, 1995).
4. The classic treatments of the issue include David Schoenbrod, *Power without Responsibility: How Congress Abuses the People through Delegation* (New Haven: Yale University Press, 1993); Jeremy Rabkin, *Judicial Compulsions: How Public Law Distorts Public Policy* (New York: Basic Books, 1989); R. Shep Melnick, *Regulation and the Courts: The Case of the Clean Air Act* (Washington, D.C.: Brookings Institution, 1983); and Michael S. Greve, *The Demise of Environmentalism in American Law* (Washington, D.C.: AEI Press, 1996).
5. See Bjorn Lomborg, *The Skeptical Environmentalist: Measuring the Real State of the World* (Cambridge: Cambridge University Press, 2001); Ronald Bailey, ed., *Earth Report 2000: Revisiting the True State of the Planet* (New York: McGraw Hill, 2000); Gregg Easterbrook, *A Moment on the Earth: The Coming Age of Environmental Optimism* (New York: Viking, 1995); or any edition of the *Index of Leading Environmental Indicators*, published annually by the Pacific Research Institute and available at [www.pacificresearch.org](http://www.pacificresearch.org).
6. See Don Coursey, “The Demand for Environmental Quality,” working paper, Business, Law, and Economics Center, Washington University, 1992.
7. See Michael Grunwald, “A Rescue Plan, Bold and Uncertain,” *Washington Post*, June 23, 2002, p. A-1.
8. John P. Holdren, “Memorandum to the President: The Energy-Climate Challenge,” in Donald Kennedy and John Riggs, eds., *U.S. Policy and the Global Environment: Memos to the President* (Rockville, Md.: Aspen Institute, 2000), p. 21.
9. Edward O. Wilson, *The Future of Life* (New York: Alfred A. Knopf, 2002), p. 41.
10. See, for example, Andre Gorz, *Ecology and Politics* (London: Pluto Press, 1983), in which a green utopia consists of nationalized industries, product standardization (starting with a mandated 30 percent increase in bicycle production), “communitarian living, equalized incomes, and vastly reduced total consumption”—all controlled by “the workers,” of course.