

Progress through Mischief: The Social Movement Alternative to Secondary Associations

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The core idea advocated in Cohen and Rogers's essay – 'through politics, to secure an associative environment more conducive to democratic aims' – is certainly an attractive one. I am left, though, with two quite different concerns. First, how can such a thing be achieved? And second, what may be lost if it ever is achieved?

I was troubled, first, by the very great distance between what Cohen and Rogers advocate and the political process as it currently exists. How could we possibly get from here to there? That nettlesome question kept arising, insistently, as I admiringly followed the essay's argument. Cohen and Rogers chose to leave such considerations outside the frame of their essay. To me, though, the essay would have been immeasurably more powerful and persuasive had they discussed not only a desirable imaginary end-state but also something like a plausible transition scenario.

When I assumed, for the sake of argument, that such a reform of state/civil society relations can be achieved, concerns of a different order arose. If government busied itself deliberately crafting secondary associations that are well-behaved, not mischievous, and if secondary associations thenceforth knew their place, stayed in their place, dutifully played their assigned role and contributed responsibly to democratic governance, would we not lose some of the oppositional space from which the pressures for real change have always come?

For the past four years or so, I have been studying the politics of hazardous waste in the United States. The history of the hazardous waste issue is rich, dynamic, complex; a short comment must pass over many important features.¹ None the less, I had this history in mind as I read the Cohen and Rogers paper and felt that some features of the social movement part of the hazardous waste story speak directly to the second of my concerns.

The Hazardous Waste Movement

Local hazardous waste organizing began in the 1970s. It grew explosively after 1980, following extensive media coverage of the contamination of the Love Canal community near Niagara Falls, New York. Movement organizations, such as the Citizens' Clearing-house on Hazardous Waste, claim to have worked with over five thousand local groups. Although these numbers may be somewhat inflated, government and industry spokesmen, who have no reason to exaggerate the extent of local organizing, a phenomenon they fervently wish wouldn't exist, depict the situation as totally out of control. Since 1980, *everyone* concerned – corporate waste generators, the waste industry itself, consultants, state and federal officials, lawyers, policy scientists – has agreed, without exception, that local opposition is the biggest impediment to facility siting. Waste industry surveys confirm that public opposition has made it practically impossible to build new off-site industrial waste facilities anywhere in the United States.

Two observations about local hazardous waste organizing appear to me especially relevant to thinking critically about the positions taken by Cohen and Rogers in their essay. First, the relationship between local hazardous waste or toxics groups and the state is very far from, in fact the diametric opposite of, the normalized, mutually constituting, corporatist arrangements envisioned in the essay. Local organizations do not act remotely like the well-behaved secondary associations Cohen and Rogers envision. Conversely, for the most part, the state has not responded well to these groups. Local organizing is feared and hated by both government and industry; the official political world has done everything in its power to try to reduce these groups' capacity to wield power in the policy process. Second, it is none the less true that, overall, local opposition movements have had a fundamentally positive impact on society, both in terms of *product*, in forcing stronger regulation and creating conditions that have forced a turn toward source reduction, and in terms of *process*, in fostering direct democratic action, increased participation and increased politicization of heretofore apolitical citizens.

Movement Ideology

The movement is often depicted as the latest manifestation of a larger phenomenon that has plagued the American polity for decades, namely, nimbyism, the Not In My Back Yard syndrome in which, in

narrow self-interest, communities refuse to accept unattractive but socially necessary institutions or infrastructure (e.g. highways, prisons, low-income housing for the elderly).² The movement did indeed start out with a nimby consciousness. Even today, individuals or communities that are just becoming involved do so from the narrow perspective of 'anywhere but here'. But it is no longer accurate or fair to characterize the hazardous waste movement in this way. The movement has grown ideologically. It has a more sophisticated understanding of the roots of environmental crisis and a more global sense of what needs to be done. But that does not mean that the movement has moved from an ideology of opposition to one of participation. If anything, its growing political radicalization has only made its opposition to the state and to capital more thoroughgoing, more absolute.

Movement Tactics

The movement proudly rejects anything that smacks of cooperation or normalized participation. Hearings that were intended to provide the opportunity for formal public participation are turned into occasions for building oppositional solidarity:

The standard mechanism for involving the public – the public hearing – routinely becomes a crowded, highly emotional exercise in mob psychology.³

Emotional bias and soapbox oratory often become the order of the day.⁴

According to New Jersey Siting Commissioner Frank J. Dodd, hearings

have turned into political rallies. . . . It was how many people can you get into an auditorium to boo the speakers you don't like and cheer for the ones you support.⁵

The movement does indeed shun normalized participation. It embraces, instead, the grassroots, oppositional politics of direct action. Its tactical vocabulary is a familiar one: demonstrations, militant confrontation, escalating occasionally even to threats of violence.⁶

Official Reaction is Hostile

It should hardly come as a surprise, then, that the official political world of regulators, industry spokespersons and policy scientists has

not reacted well to these 'actually existing secondary associations'. Quite the opposite.

The people who oppose hazardous waste facilities have been depicted as traumatized, irrational, too scared to distinguish between the admittedly unsafe practices of the past and the safe practices of today:

The American public is traumatized.⁷

Buzzwords like dioxin inflame public fears.⁸

Public opinion [is] inflamed.⁹

In some cases [there is] near-hysteria.¹⁰

The public is . . . unable or unwilling to distinguish between patently improper sites for hazardous waste disposal such as Love Canal, and properly managed disposal sites.¹¹

Citizens are accused of being narrowly self-interested, unaware or unconcerned about the dire economic and even environmental consequences of their refusal, and hence fundamentally irresponsible and antisocial:

Without adequate facilities, needed goods and services simply cannot be produced.¹²

Hazardous waste management facilities are needed . . . to assure the smooth functioning of the many industries generating hazardous wastes as a result of providing valuable products for the United States.¹³

Citizens groups . . . fail also to accept . . . the need for solutions. 'Put it in Texas' is a convenient argument for local use (unless you're in Texas), but it merely passes the buck and denies the fact that those who benefit from technological advancements must also share the burden of responsible management of its by-products.¹⁴

If new hazardous waste facilities cannot be sited, the waste must still go somewhere – to existing overburdened facilities, or often to organized-crime fronts, to midnight dumpers.¹⁵

Ironically, but sadly, this opposition [to new management facilities] may be leading to situations that could seriously threaten public health, including, for instance, illegal dumping of wastes on roadsides.¹⁶

People's intransigence threatened to bring siting to a halt. Something had to be done to neutralize these groups' power, to get rid of this bothersome upsurge of direct, democratic self-insertion in

the implementation of policy, and to get back to that manageable situation in which siting would once again be firmly in the hands of industry and the regulator, engineer and expert.

The situation gave rise to a vast, rather desperate discourse. Various strategies were proposed. Some advocated avoiding local opposition by *siting in industrial zones* at some distance from any neighborhood or siting near *communities that are most powerless*, those least able or willing to organize an effective opposition (in effect, in communities of the poor and of people of color), siting strategies that had been implicitly practiced for decades. Others advocated a direct disempowerment through state *pre-emption* of local control over land use. Still others advocated various *compensation* schemes that would increase local acceptance of siting by altering host communities' cost/benefit calculations.

Some observers called for new forms of *enhanced participation*, giving people more information, involving the community fully at every stage of project development, accepting the need to negotiate and make real concessions in response to community concerns, compensating for impacts that could not be mitigated, and perhaps even institutionalizing a degree of continuing community control over how the facility would operate.¹⁷

Calls for enhanced participation constituted the left end of this discourse. At first glance, such proposals appear close to the state/civil society relations envisioned by Cohen and Rogers. A close reading, however, suggests that, in the end, these proposals were still fundamentally co-operative in intent.¹⁸

Yet the Results are Overwhelmingly Positive

Although neither the groups nor government have been 'well behaved', in terms of the model advocated by Cohen and Rogers, it seems to me that the hazardous waste movement has accomplished much of what the authors would like to see accomplished.

Policy Impacts

At the level of formal policy-making, the movement (and the levels of public distress, dread, perception of risk that accompany it) drove policy-makers repeatedly to strengthen federal regulation of hazardous wastes. During the Reagan administration's eight years, all environmental legislation stalled on Capitol Hill *except* for the two laws that govern hazardous waste: the Resource Conservation and

Recovery Act (RCRA) and Superfund. Attempts to deregulate both the RCRA and Superfund provoked a major scandal, the so-called 'Sewergate' episode at the EPA in 1983. The two laws were subsequently reauthorized and greatly strengthened in 1984 and 1986. At the same time, the local action component of the movement forcefully inserted itself into the implementation process, notably in the form of siting opposition that brought facility siting to a virtual standstill. The interaction of siting opposition and stronger regulations has created a kind of scissor in which regulations force demand and the masses veto the supply. The result has been that the cost of legitimate disposal continues to go up, with the liability provisions of Superfund and RCRA creating heavy penalties for improper or illegal disposal. The documented result is that US industry is now beginning to explore seriously the waste reduction alternative. The situation should be contrasted with 1976, when a very broad coalition of corporate sectors convinced Congress to shun any idea of regulation-driven 'source reduction', and opt, instead, for the more traditional regulatory logic of 'disposal regulation'.¹⁹

Process Impacts: Activism, Politicization

We should not neglect political process impacts that do not appear as immediate policy effect but are just as important and perhaps more important in the long run. By the end of the 1980s, the movement consisted of a vast, multilayered and multiply interconnected network of organizations, which spanned the whole spectrum of social movement forms from local ad hoc groups to large, sophisticated national organizations. The existence of a movement infrastructure made possible a movement culture, collective memory, the ability to analyze and learn from experience. The movement, and individual organizations within it, may have started with a nimby consciousness, but ten years of practice and analysis have generated a sophisticated political ideology. We can discern three major ideological or conceptual developments over the brief life of the movement: (1) an increasingly comprehensive and sophisticated understanding of environmental problems – movement 'locals' now embrace a much larger set of concerns: solid waste landfills, nuclear waste, waste-to-energy incinerators, military toxics, infectious hospital wastes and industrial facilities that emit toxic pollutants; in its literature, the movement also embraces more global environmental issues, such as global warming and ozone depletion; (2) the conscious location of the movement within a history of US activism; and (3) the growing sense that grassroots waste and

toxics environmentalism is the place where a broader movement for social justice can be reconstituted.

At the level of the individual, many thousands have been introduced to the experience of activism. Almost all movement participants became active initially for narrow, purely immediate – selfish, if you will – reasons. Many, certainly, never moved beyond that; reports from within the movement suggest that many others have come out of the experience with a significantly more developed social and political consciousness and a different, more public and more confident sense of self. Some, perhaps several hundred, have been totally transformed and have taken up lives as full-time organizers.²⁰

In Praise of Mischief

I can now briefly restate my second concern about Cohen and Rogers's argument. My work on the hazardous waste movement suggests that there are circumstances where what could be construed, in the term of authors' discussion, as an egregious case of 'mischief of faction' produces rational policy outcomes as well as other political developments that all supporters of genuine democracy fervently hope for.

Cohen and Rogers rightly point to source reduction as the best approach to environmental pollution. I think they are also right in saying that the source reduction strategy necessarily requires local, case-by-case analysis and problem-solving and that secondary associations can involve both workers and consumers in the process. But the turn toward waste reduction may not have happened in a world of normalized cooperation between government and artfully constructed secondary associations. Such an arrangement would have made for easier facility siting. There would have been no threat of disposal capacity crisis. Costs would not have risen nearly as much as they have. The conditions that have put source reduction on both government's and industry's agenda either would not have existed or would have had less force than they do today. The hazardous waste movement did not invent the idea of source reduction; it was, however, the historical agent that created the conditions that finally forced that idea to the center of environmental policy.

Additionally, I have argued, the process of the movement has itself produced important results. We live in a moment where most 'citizens' are profoundly apolitical, inactive and disinterested in the larger world. To the degree that anything political has been going on in our society, conservatism is in command. Given that conjunctural context,

the hazardous waste movement's capacity to mobilize and radicalize thousands of previously inactive people is to be praised and cherished. Day-to-day life in the movement is the stuff of popular, truly participatory democracy. The ideological/conceptual development might have been remarkable. Artfully constructed secondary associations might have made the process of regulatory implementation more trouble-free in the short run; I cannot see how they could possibly have produced similar changes in political consciousness and behavior.

The authors are undoubtedly right to argue that the 'mischief of factions' infirms democratic governance. I would venture to respond, though, that disruptive mischief is also the motive force for all real forward movement in social history. If so, then even the best-intended attempts to rid society of the former risks diminishing, as well, the latter.

Notes

1. Andrew Szasz, *Ecopolitism: Toxic Waste and the Movement for Environmental Justice*, Minneapolis, MN: University of Minnesota Press, 1994.
2. For information on locally unwanted land uses (LULUs), see Frank J. Popper, 'The Environmentalists and the LULU', and 'LP/HC and LULUs: The Political Uses of Risk Analysis in Land-Use Planning', in *Resolving Locational Conflict*, ed. Robert W. Lake, New Brunswick, NJ: Center for Urban Policy Research, 1987, pp. 275-87.
3. US Environmental Protection Agency, 'Hazardous Waste Facility Siting: A Critical Problem', Report no. SW-865, Washington, DC: US Environmental Protection Agency, 1980.
4. James E. McGuire, 'The Dilemma of Public Participation in Facility Siting Decisions and the Mediation Alternative', *Seton Hall Legislative Journal* 9, no. 2 (1986), pp. 467-73.
5. Peter M. Sandman, 'Getting to Maybe: Some Communications Aspects of Siting Hazardous Waste Facilities', in *Resolving Locational Conflict*, pp. 322-44.
6. The hazardous waste movement is analyzed in Szasz, *Ecopolitism*, ch. 4.
7. Alvin Alm, 'Opening Address in ABA Standing Committee on Environmental Law: Siting of Hazardous Waste Facilities and Transport of Hazardous Substances', Washington, DC: American Bar Association, Public Services Division, 1984, pp. 1-4.
8. Editor, 'Editorial', *Hazardous Waste and Hazardous Materials*, 5, no. 1 (1988), p. ix.
9. William L. West, 'Hazardous Waste Management – An Industry Perspective', in *Management of Toxic and Hazardous Wastes*, ed. Bhatt, Sykes and Sweeney, Chelsea, MI: Lewis, 1985, pp. 35-400.
10. Richard L. Hanneman, 'A Service Industry Perspective', in *Hazardous Waste Management for the 80s*, ed. Sweeney, Bhatt, Sykes and Sproul, Ann Arbor, MI: Ann Arbor Science Publishers, 1982, pp. 1-12.
11. J. A. Duberg, M. L. Frankel and C. M. Niemczewski, 'Siting of Hazardous Waste Management Facilities and Public Opposition', *Environmental Impact Assessment Review*, 1 (1, 1982), pp. 84-8.
12. Chemical Manufacturers Association, *A Statute for the Siting, Construction, and Financing of Hazardous Waste Treatment Disposal and Storage Facilities*, Washington, DC: Chemical Manufacturers Association n.d.

13. Robert W. Craig and Terry R. Lash, 'Siting Nonradioactive Hazardous Waste Facilities', in *Hazardous Waste Management: In Whose Backyard?*, ed. Michalann Hartill, Boulder, CO: Westview 1984, p. 100. Craig and Lash are representatives of the Keystone Institute.
14. Peggy Vince, 'The Hazardous Waste Management Triangle', in *Hazardous Waste Management for the 80s*, pp. 17-25.
15. Frank J. Popper, 'The Environmentalists and the LULU', in *Resolving Locational Conflict*, pp. 1-13.
16. Craig and Lash, 'Siting Nonradioactive Hazardous Waste Facilities', p. 104.
17. For more detail, see Szasz, *Ecopopulism*, ch. 5.
18. Information has to be packaged carefully: 'Factual materials . . . must be presented in a manner best suited to the needs and backgrounds of the recipients'. See Keystone Center, 'Siting Nonradioactive Hazardous Waste Facilities: An Overview', in *Final Report of the First Keystone Workshop on Managing Non-radioactive Hazardous Waste*, Keystone, CO: Keystone Center 1980.
- The community leaders and opinion-makers who will serve on advisory councils must be selected carefully so that they will be seen as legitimately representing local concerns but will not truly represent, in the sense of being selected by and accountable to, a community constituency. See Richard L. Robbins, 'Methods to Gain Community Support for a Hazardous Waste Facility or a Superfund Cleanup', in *Hazardous Waste Management for the 80s*, pp. 514-15. See also Eleanor W. Windsor, 'Public Participation: The Missing Ingredient for Success in Hazardous Waste Siting', in *Industrial Waste: Proceedings of the Thirteenth Mid-Atlantic Conference*, ed. C. P. Huang, Ann Arbor, MI: Ann Arbor Science Publishers 1981 p. 523. The bottom line is that the local advisory board should represent community concerns, but it should also, and above all else, serve to diffuse a confrontational siting dispute'. See A. D. Tarlock, 'Siting New or Expanded Treatment, Storage, or Disposal Facilities: The Pigs in the Pastors of the 1980s', *Natural Resources Lawyer*, 17 (1984), p. 456.
- Expanded participation is most likely to produce results if the ultimate trump card of state override looms over the siting process, pressuring the community to reach some sort of negotiated agreement to accept the siting. See Craig and Lash, 'Siting Nonradioactive Hazardous Waste Facilities', p. 108. In Habermas's terms, expanding participation is a form of communicative action that intends success, not *understanding*. See Jurgen Habermas, *The Theory of Communicative Action*, trans. Thomas McCarthy, Boston: Beacon 1985.
19. For more on these developments, see Szasz, *Ecopopulism*, chs 6 and 7.
20. For more detail, see *ibid.*, chs 4 and 8.

Democratic Corporatism and/versus Socialism

Andrew Levine

It is remarkable that, in the current period, radicalism has virtually disappeared from political life, and socialism has come to seem increasingly irrelevant even to those who still identify with the historical Left.¹ No doubt, the fall of Communism is partly responsible, especially for socialism's apparent demise – even though capitalist property relations were abolished in all the formerly Communist countries without the requisite material conditions in place, and the economic structures that replaced them were maintained under the superintendence of states that violated virtually every norm traditionally embraced by the Left. Social democracy's decline too has undermined socialism's standing, despite the fact that, for many decades, social democrats, almost without exception, have sought to reform capitalism, not to transform it. It is also plain that the relatively good performance of capitalist economies throughout the world have turned capitalism into a positive ideal in the minds of many of its former detractors. But these are only fragments of an explanation. It must remain for future historians to explain why the political and economic institutions of Western liberal democracies seem, for the time being, to have overcome what was only recently believed to be a significant 'legitimation crisis' and why, correspondingly, liberalism has come to exercise an unprecedented hegemony over contemporary intellectual life. It is most unlikely that the current situation is the product of a rational consensus. For one thing remains clear: the old economic and political order is as guilty as ever of the charges socialists traditionally leveled against it. Indeed, inequality and immiseration have become worse in all the advanced capitalist countries and throughout the world capitalist system. I would therefore venture that the impulse that motivated anti-capitalist fervor in the past continues, even as the appeal of socialism, ostensibly capitalism's historical rival, is temporarily or permanently suspended.

It is, in any case, deeply ironic that in the present conjuncture