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ENVIRONMENT AND ENFORCEMENT: REGULATION AND THE SOCIAL DEFINITION OF POLLUTION

By KEITH HAWKINS.

Oxford: Clarendon Press. 1984. Pp. 253.

Hawkins provides valuable insight on the real life challenges of enforcing society's will in a complex world. The book reports on an ambitious research endeavor exploring the efforts of the British civil servant to enforce water quality regulations. The research, a review of the literature and observation of and consultation with the field staff assigned the responsibility of enforcement, clearly documents the complex social interactions between the civil servant and the polluter as efforts are made to improve water quality. The use of the strong arm of the law in enforcing conformance to the letter of the law is shown to play a minor role in the process. As Hawkins observes in his preface:

The common theme in all of this is human judgment. Discretion is the stuff of the law. It is the means by which in everyday life legal mandates are interpreted and given purpose and form. It is the means by which judgments are made about application, reach, and impact of the law. And it is the means by which the conflicting imperatives of consistency and diversity are reconciled. Through discretion, the law takes on substance and life (p. xiv).

It is apparent that this is but one of the books Hawkins could have produced from his research. He could have developed a book indicating how the system results in consistent violations of the letter, if not the spirit, of the law. Accommodations are made with polluters that appear to be making reasonable efforts. Accommodations are made with polluters for whom compliance may deal a devastating economic blow, or even with those who complain vociferously. And the list goes on. Clearly, the stuff of a major muck-raking effort is here. However, it would have also been possible to do a book on the outstanding performance of the civil service personnel in their efforts to enforce a complex law on an efficient and equitable basis. Both the civility and the servantness of the civil servant corps could be painted in glowing colors. Hawkins appears to have struck a reasonable compromise. While he provides more detail, and anecdotal evidence, than necessary to make his points, he does make a convincing case for the conciliatory approach used in the British system.

This book should be read by those embarking on a career in enforcement. While it is not written as a "how to" guide for field officers, a number of the chapters would serve that function well. It would also provide an understanding of the practical nature of the enforcement of

such legislation for law students, public policy formulators, and environmental advocates. Industrialists may find the book a valuable tool to help reduce pollution control costs!

This reviewer was disappointed that Hawkins did not assess the effectiveness of the field staff he so closely observes. At one point he contrasts a senior, common sense-oriented, contingent of the field staff with a younger, more technically trained, contingent. But no attempt is made to assess the relative effectiveness of these two groups of individuals. He reports that the nation is divided into several districts with quite different environmental and social circumstances, but does little to assess the relative effectiveness of individuals working in these areas. Even the basic question of whether the quality of the water resource is continuing to improve is left basically untouched. He only notes that the major polluters were brought under control prior to his study. While it is clear that field staff efforts have, in many cases, resulted in polluters reducing their discharges, it is possible that new sources of pollution are offsetting these reductions.

Hawkins indicates that he intended a double meaning of the word "environment" in his title. The book is, in part, about the natural environment, but it is more importantly about the social and political environments of the agents and organizations that attempt to enforce society's will. On balance, it is a successful effort that deserves the attention of several audiences.

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