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In the COMMONWEALTH

Thomas J. Baldino, Editor

The time that has passed between the last issue and this one is longer than I anticipated. As a small, state-association-based journal, Commonwealth does not attract the large number of authors seeking the publication of their work as The American Political Science Review or even Polity, so the number of submitted manuscripts from which I must draw to identify publishable ones is limited. For this issue, rather than lower standards in order to publish the journal as scheduled, I decided to wait until a sufficient number of high quality articles appeared and received approval by the reviewers before bringing this issue to print. I hope that my judgment and your patience have been appropriately rewarded in the articles that follow.

The lead article in this issue, by Richard D. White, uses the Harrison Narcotics Act of 1914 to test three models of policy analysis to explain how and why the Act was passed. The models, drawn from Graham Allison’s landmark Essence of Decision, suggest three different views of the Act. White also raises some interesting questions about the relevance of contemporary drug policy in light of the experience from 1914 statute.

Stanley P. Berard examines the level of electoral competition experienced by members of the House to determine the effects of the competition on a members’ votes. Using data taken from Congresses between 1983 and 1991, as well as the ADA scores of representatives, Berard suggests that competitive races may produce more partisan voting in the House, though regional differences exist.

In the article by Daniel A. Austin, the role of neutrality in the international arena is studied. Drawing on Realist and Institutionalist theories, he examines the use of neutrality in five cases -- Bonaparte and the Italian Campaign of April, 1796, The Crimean War, The Boer War, World War I, and the Korean War -- and finds that neutrality norms often provide stability and reduce the spread of conflict among nations engaged in war.

The last two articles study aspects of Pennsylvania’s political process and administrative system. Donald W. Beachler’s article is concerned with the distribution of the partisan vote across the counties of Pennsylvania in recent presidential elections. By comparing Clinton’s 1992 and 1996 vote totals to those of Mondale and Dukakis, Beachler finds that Clinton’s victories were achieved by winning more votes in the traditionally Republican suburbs around Philadelphia while seeing traditionally Democratic counties in western Pennsylvania reduce their support for him.
Douglas Champ Chaffey's article is a study of the implementation of Pennsylvania Air Quality program. He is interested in determining the consequences of organizational structure on the implementation of air quality standards in the six regions of the state defined by the Pennsylvania Department of Environmental Protection. Drawing on interviews with air quality officers and data on the number of permits issued to polluters, Chaffey discovers that differences in enforcement do exist and may be the result of organizational as well as other factors.

Each of the articles contained in this issue has benefited from the work of either Don Tannenbaum of Gettysburg College or Martin Collo of Widener University, who serve as associate editors, and the many reviewers whose constructive criticisms of earlier drafts of the manuscripts improved the quality of the final products. Finally, I must acknowledge the yeoman's effort of my managing editor, Jim Morse of Widener University, who pulls everything together into a package suitable for shipment to the printer. On behalf of the staff of Commonwealth, thank you for your continued support of our journal through your membership in the Pennsylvania Political Science Association.
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Richard D. White, Jr.


Richard D. White, Jr.
Pennsylvania State University, Harrisburg

This research examines the making of American drug policy and the Harrison Narcotics Act of 1914. Depending upon the analytical model employed, different explanations can be offered for early drug policy development. From a rational perspective, the goal of the Harrison Act was to improve relations with China; from an organizational perspective, the Act was intended to protect the financial interests of doctors and pharmacists; and from a political process perspective, the Act was the result of a Progressive-era crusade of a few policy entrepreneurs.

Introduction

Analyzing public policy decisions is complicated. More often than not, the conclusions of policy analysis are shaped and biased by the model selected. This is a natural consequence of analysis, as models, metaphors or other theoretical constructs are necessary to simplify complicated phenomena. Simplification has its pitfalls, however, as a particular model may indeed narrow the scope of the analysis. As J.D. Thompson (1967) has written, “Our ability to find patterns in phenomena rests on the adequacy of the conceptual schemes we employ, that is, the kinds of answers we get are limited by the kinds of questions we ask.”

An effective technique used by policy analysts is to employ more than one model to examine public issues. Thus, a much richer mosaic of public policy elements may result. Important and heretofore unanalyzed dimensions omitted by one model may indeed be included in another. Scholars recognize the value of combining the attributes of different analytic models. By examining policies through different sets of conceptual lenses, the analyst may explore some of the fundamental yet often unrecognized choices that influence policy decisions and outcomes. In policy design, multiple models may reduce the likelihood of unintended, negative consequences.

Dye (1972) recognized the value of this approach when he employed six analytical models -- systems theory, elite theory, rationalism, incrementalism, institutionalism, and group theory -- in his public policy textbook to describe and explain public policy. A recent edition of his policy text (Dye, 1995) expanded the number of models to nine, adding process theory, public choice theory, and game theory. Woll (1974) uses a similar typology of five policy models -- classical, group theory, liberal democratic, elite, and systems.
Using either five, six or nine models to analyze a particular policy is not realistic, as the number of policy dimensions can become unwieldy, numerous, and confusing. The number of models needs to be combined into a workable and realistic number. The classic multi-model approach was employed by Allison (1971) in analyzing the decisions of the Cuban missile crisis. Allison clearly demonstrated the power of several models being used to analyze one event. He collapsed a variety of political and public policy models into three separate frames of reference:

**Model I: The Rational Actor**  Allison's rational actor approach describes public policy decisions as the purposive acts of governments acting as a single body. This approach personifies government as a rational, national actor with narrowly defined goals and choices. The basic question to be answered by rational analysis is why did a government make a certain policy decision. The rational approach normally assumes that a single government follows a logical sequence of events accepted by the rational/comprehensive school: identification of goals, listing of all possible alternatives, comparing the consequences of the alternatives, and choosing the best alternative to implement. The rational actor approach predominates, especially in such day-to-day coverage of national events by the newspaper and television media.

**Model II: Organizational Process**  Allison's second model originates with early human relations theory during the period 1937 to 1947, and emphasizes the writings of Barnard, Roethlisberger & Dickson, Simon and March. These writers criticize the narrowness of the rational approach, and question its validity in the real world. Instead of focusing on the institution of government, they focus on organizational outputs. The decision-making unit is the group, whether it be formal or informal.

**Model III: Governmental Politics**  In Allison's third model, the leaders at the top of an organization are not part of a monolithic group. Instead, each individual is a player in a central, competitive game. The name of the game is politics. The decision-making unit is the individual, who bargains along regularized circuits with the other players. Models II and III require much more information than Model I.

The primary purpose of this paper is to examine the making of American drug policy through the lenses of several different models. In so doing, the paper aims to widen the perspective of how drug policy, specifically the Harrison Narcotics Act of 1914, was created. From this analysis a better understanding may be made of the relationship between early drug legislation and its legacy for current drug policies. Questions for future research are posed.

The methodology borrows the basic approach from Allison (1971) in that three groupings of models are used: (1) Classical/rational, (2) Organizational and Group Behavior and (3) Political Process. Although this approach closely follows that of Allison, many of the models and theories used are more recent, such as agenda-setting, public choice, and advocacy coalition frameworks. In general, the major difference in the three models is the unit of analysis that each employs. The
classical/rational model focuses on governments and agencies acting as single bodies; the organizational behavior model primarily focuses on interest groups, be they formal or informal; and the political process model primarily focuses on the individual leader or policy-maker.

**Background of the Drug Abuse Issue**

Drug abuse is not a recent phenomenon. From the discovery of morphine in 1803 and its commercial manufacture in Germany as early as 1827 (Lauderdale & Inverarity, 1984), morphine addiction became an increasing problem in Europe and America. The invention of the hypodermic needle in 1853 (Woods, 1993), combined with extensive morphine treatment of Civil War casualties, led to increasing morphine addiction within the United States during the late 1800s. An answer to morphine and opium addiction was thought to have been created in 1898 when the Bayer Company synthesized heroin, and marketed the new drug to the public (Courtwright, 1982, Lauderdale & Inverarity, 1984). Before physicians discovered heroin's addictive properties, it had replaced morphine as the narcotic addict's drug of choice.

Narcotics addiction also was fostered by the unrestricted trade of patent medicines, many containing large doses of opiates or cocaine. Most common of the patent medicines were the many brands of laudanum such as Dr. Brown's Magic Elixir, a mixture of opium and alcohol (Ashley, 1972). Between 1859 and 1904, sales from patent medicines increased from $3.5 million to $75 million. Approximately 28,000 brands were sold freely in drug stores and through the mails (Lauderdale & Inverarity, 1984).

In the late 1800s, opiate addiction did not carry the social stigma it carries today. Early anti-drug sentiment was primarily racially motivated, aimed at the alleged drug abuse of Chinese laborers smoking opium, Southern Blacks using cocaine, and Mexican laborers smoking marijuana. Animosity towards the Chinese led to the passage of the San Francisco Ordnance of 1875, the first law attempting to regulate opiate use. Anti-Chinese sentiment also led to the passage in 1882 of the Chinese Exclusion Act and the 1909 ban on the importation of smoking opium.

By 1900, America had a serious drug problem. Drug usage was widespread numerically, geographically, and ethnically. On a per capita basis, there were probably more addicts at the turn of the century than there are today. Although drug-use statistics are very sketchy for that period, estimates of the number of addicts between 1900 and 1924 range from a low of 100,000 to as many as 4,000,000. Recent scholars estimate the number to be close to 250,000 (Taylor, 1969; Walker, 1981).

Female addicts outnumbered males by a three-to-two ratio. Most were white, middle age, middle and upper class, and lived in the South. A 1914 Tennessee survey, for example, found that two-thirds of the users were women, and also noted that two-thirds of the women were between the ages of twenty-five and fifty-five (Brecher, 1972). The social stigma against alcohol consumption by women may have contributed to their narcotic excess. Husbands drank alcohol in
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the saloon; wives took opium at home. Thousands of women were addicted to laudanum, at that time legal and available from apothecaries, grocers, postmasters, printers, and from the tailgates of medicine show wagons that traveled throughout rural America (Inciardi, 1989).

Between 1900 and 1915, Americans consumed ten times as much opium per capita than the largest consuming country in Europe (Lauderdale & Inverarity, 1984). America’s opium problem stemmed from two sources: excessive importation of crude opium from Turkey for manufacture into opium, and the importation of smoking opium from the Far East, principally from Portuguese Macao, to supply Chinese and other habitual opium smokers. Smoking opium had been legal since 1840. It was estimated that the medicinal need for the United States was 100,000 pounds, whereas the actual importation was 500,000 pounds. Another estimate suggested that between 50 and 70 percent of morphine manufactured was used for improper purposes. The remainder was used to manufacture laudanum, itself subject to misuse. The State Department estimated there were 52,000 Chinese opium smokers (about 40% of the Chinese population) plus another 100,000 to 150,000 non-Chinese opium smokers in the U.S. at the turn of the century (Taylor, 1969; Musto, 1973).

Drug abuse of the early 1900s did not go unnoticed. From about 1902 to 1912, muckraking journalists uncovered a wide assortment of social ills, attacking such problems as government corruption, child labor abuses and the avarice of large corporate trusts (Chalmers, 1964; Shapiro, 1968). Abuses of patent medicine also came under the muckrakers’ fire, especially by journalist Samuel Hopkins Adams who uncovered patent medicine abuses between 1905 and 1907. Spurred by the writings of Adams (The Great American Fraud, 1906) and Upton Sinclair (The Jungle, 1906), Congress passed the Pure Food and Drug Act in 1906, requiring manufacturers to label the contents of food and medicines in interstate commerce. The Act reduced patent medicine sales by one third (Musto, 1973).

The combination of an increasingly serious drug problem, coupled with the Progressive spirit to solve the nation’s social ills through government intervention, set the stage for an anti-drug movement that would eventually culminate in 1914 with the passage of the Harrison Act -- the first federal legislation that lead to the prohibition of many previously legal drugs.

The Rational Approach

On December 17, 1914, President Woodrow Wilson signed the Harrison Narcotics Act into law. The Harrison Act was an unprecedented measure, for it was the first time that the federal government prohibited the use of previously legal drugs. Why did this legislation come about? Can policy analysis be used to better inform us of the causes and events that led to the prohibition of narcotics?

The most common analytic approach to answer these questions is through the classical/ rational approach. The rational approach has been accepted and practiced for so long that its origin cannot be accurately traced to a single theorist.
Aristotle's concept of calculative or deliberative intellectual value, for example, follows a rational sequence of logic (Engberg-Pedersen, 1984). The rational model views government as the primary unit of analysis. It is assumed that the government, be it the President, the legislature, a court or an agency, behaves in a manner appropriate to the achievement of given goals and within the limits imposed by given conditions and legal constraints. Logical processes evolve from valid premises. To Weber, for example, rationality is the conscious adaptation of the government to its goals, and its operation through the impersonal application of rules without deflection by the personal goals of its functionaries (Gerth & Mills, 1946).

Modern concepts of rationality include a utilitarian goal in which government achieves maximum social gain by choosing policies resulting in gains to society that exceed costs by the greatest amount. Conversely, governments should refrain from policies if costs are not exceeded by gains (Dye, 1995). The rational approach also assumes an omniscient government that is aware of all policy alternatives and their costs and benefits. A rational government can therefore make the best possible policy decision to meet its goal.

There is an argument that early drug legislation followed a rational path. Lauderdale and Inverarity (1984) focused on the regulation of opiates and the passage of the Harrison Act in attempting to determine why drug laws are created, and why regulation of individual behavior occurs. They argue that drug regulation can be fully explained only through reference to the social context, namely, a structure of society characterized by increasingly regulated international and national economies, the rationalization of bureaucratic agencies, and the expansion of formal, legal-rational procedures. Bureaucratic rationalization was developed as a means of organizing the rapidly changing national and international market place and to address problems created by industrialization and urbanization, including drug abuse. Courtwright (1982) offers a similar social-class explanation of early drug law enforcement legislation, while Reuter (1987) explains America’s drug policy as a mix of prohibition and regulation and largely determined by rational and historical factors. He discusses the shifting balance between prohibition and regulation within the context of historical, social, and institutional trends.

What was the goal of a "rational" American government in passing the Harrison Narcotics Act? The goal was not, as would be the Act's eventual consequence, to prohibit narcotics use within the United States. Instead, the American government pursued a rational international goal that was relatively oblivious to achieving any reduction in domestic narcotics abuse. Although America herself had a serious drug problem, little attention was paid to the plight of the American narcotics addict.

The American anti-narcotic effort had its roots in diplomatic events involving the Philippines and China. When the United States acquired the Philippines in 1898, a system of opium regulation which the Spanish had established in 1843 was still in effect. Under this system the right to sell opium was sold to a wholesale dealer who purchased the right at public auction. The
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object of the system was twofold: to raise revenue and to prevent addiction among the Filipinos. Under Spanish rule the system was well-enforced, and it worked, confining the Philippine drug problem to its minority Chinese population (Taylor, 1969).

After the Spanish-American War, the Philippines became the first American experiment in colonial rule. The sudden realization that this new colony had a drug problem became a special concern of American missionaries. The missionary community in turn exerted strong influence on both American public opinion and government officials. When the United States took over the Philippines, the Spanish system was discontinued and a prohibitive drug tax levied. Addiction by Filipinos increased dramatically as the opium trade was forced into an uncontrolled black market. In 1903, there were 190 illegal opium shops in Manila alone (Taylor, 1969).

In attempting to deal with the Philippine drug problem, the State Department became the leading U.S. government proponent of anti-narcotics laws at the turn of the century (Musto, 1973; 1991). In order to investigate alternative regimes to combat drugs in the Philippines, the State Department appointed a commission to study the anti-narcotic programs in the Orient. The study, carried out between August, 1903 and January, 1904, investigated the opium situation in Japan, Formosa, Shanghai, Singapore, Burma and Java. Study members condemned the British, who continued to support officially the opium trade between India and China. On the other hand, commission members were impressed by Japan’s anti-narcotics program. Japan favored the strict control of narcotics for medical purposes only. In Formosa, the Japanese instituted “progressive prohibition,” whereby each year narcotics regulations became even stricter until full prohibition was attained. The State Department committee recommended the Japanese system be adopted for the Philippines. Licensed use of narcotics would be controlled by a government monopoly. After three years, full prohibition would be in effect (Taylor, 1969).

During the same period that the American State Department was dealing with the Philippine narcotics problem, it was also making diplomatic efforts to improve relations with China. American business interests were seeking expanded and lucrative trade with China, whose population at the time was over 400,000,000. The influential American missionary community also desired normalized Chinese relations in its efforts to carry Christianity to millions of Chinese “pagans.” The Progressive administration of Theodore Roosevelt placed the Open Door policy of China at the top of its diplomatic agenda.

A major diplomatic stumbling block, however, was opium. British merchants supplied a large Chinese addict population with imported opium from India. The opium trade was quite lucrative and a major source of tax revenue for the British government. China had attempted to ban the importation of Indian opium in 1839 and again in 1856. Both measures led to the two Opium Wars with Britain, whose military forced China to open more ports to the opium trade (Woods, 1993; Musto, 1973).
Richard D. White, Jr.

The American government was therefore in a diplomatic dilemma, caught between the desires of pro-opium Britain and a China wishing to ban the narcotic and free herself of foreign control. In the early twentieth century, American foreign policy pursued the rational goal of helping China to rid herself of opium consumption. Thus, China could take her place in the international community as a stable and prosperous nation capable of carrying on mutually profitable trade relations with the West. To do so, the United States inaugurated an international drug campaign by calling for an international meeting to discuss the worldwide opium situation. Thirteen nations attended the 1909 meeting in Shanghai, which in turn led to the Hague Narcotics Convention of 1911 (Musto, 1973; Taylor, 1969; Woods, 1993).

With strong diplomatic pressure exerted by the United States State Department, the Hague Narcotics Convention of 1911 outlawed international non-medical opium traffic. Even Britain, where anti-opium sentiment was rising, reluctantly acquiesced to the American demands, and agreed to cease its opium trade. As the United States continued to pressure other nation's to sign the Hague protocol, the contradiction of the American domestic narcotics situation became increasingly obvious. While the United States was forcing the international community to outlaw the narcotics trade, it was at the same time one of the few nations where narcotics use was completely legal. In order to fulfill its own obligations under the Hague Convention, the enactment of domestic anti-narcotics laws became necessary to avoid international embarrassment (Zimring & Hawkins, 1992). As early as 1909 the American government realized its Chinese anti-opium policy was contradictory when a memorandum from the Second Secretary of the American legation at Peking contended that the United States must first end the supply of opium to Chinese in America and cease deriving revenue therefrom (Taylor, 1969).

Consequently, it was the United States State Department, not the Justice or Treasury Departments, that drafted the first domestic anti-narcotic legislation. Initially, Congress hesitated to enact legislation because of serious questions regarding the constitutional authority to regulate what could be sold in the marketplace. States’ rights proponents feared lawmakers would establish a dangerous precedent by introducing federal control over drug distribution (Lauderdale & Invearity, 1984). During the early twentieth century, measures prohibiting certain citizen behaviors were reserved primarily for state legislatures. State Department drafters avoided the constitutional, states’ rights question by not outlawing narcotics outright. Instead, the Harrison Act was thinly disguised as a revenue measure that required the recording of opiate distribution for tax purposes only. However, two provisions of the Act were subject to crucial interpretation. First, drugs were to be prescribed only for legitimate medical purposes, and second, physicians could prescribe opiates only in the course of professional practice. Statutory guidelines were not provided. The Harrison Act did not make addiction illegal, nor did it authorize nor deny doctors the discretion to regularly prescribe opiates. The Act only required opiates be obtained by prescription from
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physicians and pharmacists, and that the distribution be recorded (U.S. 38 Statute 785, 1914). The Act did not solve a debate that would remain unresolved for years to come: Was drug addiction a crime or a disease?

The rational explanation of the passage of the Harrison Act also conforms to two of the basic tenets of classical administrative theory. First, the role of the State Department as a single actor operating as an independent and elitist government institution supports the classic politics/administration dichotomy as proposed by Wilson (1887), Goodnow (1900) and others. In pursuing a rational, international, goal the State Department did not allow partisan politics to bias its "administrative" duties. Second, the State Department's method of comparing the anti-narcotics regimes of several countries allowed a host of alternatives to be considered before the "one best way" was chosen. This rational-comprehensive procedure was in keeping with the tenets of Taylor's Scientific Management (1947) that also guided administrative theory during the period of the Harrison Act’s passage.

Supporters of the Harrison Act said little about the evils of narcotics addiction in the United States in the several days of congressional debates. They talked more about the need to implement the Hague Convention of 1912. Even Senator James Mann, of Mann Act fame and spokesman for the bill, talked about international obligations rather than domestic morality (Brecher, 1972). The Act called for the Internal Revenue Service to supervise the licensing provisions. Unlike the Public Health Service, which considered therapeutic priorities in combating addiction, the IRS opposed maintenance of addiction and advocated strict enforcement (Walker, 1981).

Closely related to the rational approach is the institutional model which focuses on federalism, the roles of government organizations, and the relationships between the branches of government. The Supreme Court's behavior several years after the passage of the Harrison Act conformed to basic institutional theory. Acting independently and establishing itself as a policy-maker as well, the Court made an indelible impression on American narcotics policy. In two decisions rendered in 1919, the Court drew a restrictive interpretation of the Harrison Act, and decided what was to constitute "legitimate" medical practice (Webb et al v. United States, 1919; United States v. Doremus, 1919). The Court declared maintenance of an addict to be outside the scope of medical practice and therefore illegal. Although there is no evidence that the original drafters of the Harrison Act intended to prohibit physicians from treating addicts with medicinal doses of narcotics, the Supreme Court indeed set a restriction on narcotics treatment that remains in force today.

From a rational perspective, the American effort for international consideration of the drug question was caused by three major factors: first, concern of American missionaries and their associates with the moral aspects of liquor and opium not only in China but among so-called pagan peoples in general; second, the desire on the part of the American government to see a strong independent and prosperous China as a factor of stability and trade opportunity in
the Far East; and third, the rather sudden realization that in the Philippines, the United States had a Far Eastern drug problem of its own (Taylor, 1969). When analyzed by approaches other than the rational/classical, a different set of causes emerges to explain the passage of the Harrison Act.

Organization and Group Behavior

Group theory begins with the assumption that individuals with a common interest band together formally or informally to make demands on other groups in society. Group theory further proposes that the central dynamic of politics is the interaction among groups that are pressing demands on government (Truman, 1951). With theoretical roots in earlier human relations and organizational behavior schools, group theory becomes a valuable model in which to analyze public policy decisions. Drug policy is no exception.

Substantial research on drug legislation takes an interest group approach by examining social and moral crusades. In general, this body of research concludes that drug legislation was a simple reflection of interests of a few organized groups struggling in either a pluralistic or elitist political order (Becker, 1963; Lindesmith, 1965; Dickson, 1968; Duster, 1970; Conrad & Schneider, 1980).

The most dominant and influential groups during the early development of the Harrison Narcotics Act were those, both formal and informal, that collectively embodied the Progressive movement. To many Progressives, the motivation behind the effort to prohibit narcotics included both humanitarian and coercive aspects, and as such, did not differ from other areas of public concern under the rubric of social reform during the Progressive Era. To Progressive reformers, social legislation, whether prescriptive or proscriptive, marked progress against social unrest, class conflict, and moral decay. Progressives believed that directed behavior, often by religious, political, and social institutions, offered the most effective road to reform and a better society (Walker, 1981). Several writers have noted the parallels and strong moral linkages between the prohibition of narcotics in 1914 and the prohibition of alcohol six years later (Clark, 1976; Musto, 1973; Courtwright, 1982).

The role of the medical community and its requisite interest groups is a case in point. Zimring & Hawkins (1992) propose that a main reason for the passage of the Harrison Narcotics Act was that widespread consumption of patent medicines represented a threat to the medical profession. Patent medicine sales reached their peak in the late nineteenth century, at the time when the opium content of these medicines was at its highest. Both physicians and pharmacists favored strong anti-narcotics laws to curtail the sale of patent medicines outside the medical community. According to Musto (1973), institutional interests predominated and gave little regard or compassion to the user. The American Medical Association, originally a weak organization composed of a small number of eastern physicians, gained strength politically during this period of debate over narcotics control, and campaigned vigorously for the prohibition of opiates outside medical channels (Kaplan, 1983). At the same time the American Pharmaceutical
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Association, favoring the dispensing of narcotics only by licensed pharmacists, developed model state laws in 1903 aimed at prohibiting indiscriminante use of patent medicines and curtailing physicians from dispensing them. The interest group pressure exerted by both the AMA and APhA to protect their own economic interests were quite dominant in the debate over drug prohibition.

Another powerful group that influenced early anti-narcotics legislation was the bureaucracy itself. Taylor (1969) writes that, "what happened is a classic example of an uninformed Congress and an uninformed public being manipulated by a bureaucracy for its own ends," particularly the State Department in furthering diplomatic goals through domestic drug legislation. Himmelstein (1983) offers the "Anslinger" hypothesis for the understanding of marijuana laws, which can also be applied to the passage of the Harrison Act. He suggests that the Treasury Department's Bureau of Narcotics furnished most of the enterprise that produced the marijuana tax act and initial federal control of marijuana matters. It is a "bureaucratic politics" orientation. In the case of the Harrison Act, the State Department and the IRS were the dominant bureaucratic interest groups.

Elite theory is closely related to group theory. Elite theory suggests a public apathetic and uniformed toward public policy. Instead of public policy being made in a democratic process, elites actually shape mass opinion on policy questions more than masses shape elite opinion (Mills, 1956; Lasswell, 1948). Policies flow downward from the elites to the masses. The rapidly increasing power and influence of the medical profession is not only explained by group theory but also is supported strongly by elite theory. Besides the medical profession, the other elite instrumental in the passage of the Harrison Act was the missionary community. At the turn of the century missionaries had great influence. The first president of the Anti-Opium League, for example, was Reverend H.C. Du Bose, an American missionary.

Another elitist group that undoubtedly influenced early anti-drug legislation was the American business community. Trade with China was a high priority for expanding American industries, and strong pressure was exerted on President Roosevelt and the State Department to widen the Open Door policy. American business interests recognized that the key to a favored nation status with China was a curtailment of the opium trade.

With the formidable combination of the religious, medical and business communities, the anti-narcotics movement typifies the extreme elitist description by Robert Michel when in 1915 he described the iron law of oligarchy in which government devolves to the dominant class. In this sense, early narcotics legislation was indeed elitist and oligarchical.

Group theory reveals the impact of race and discrimination on public policy choices. Truman (1951), for example, acknowledges race as a determinant of group behavior when he described the interest group behavior of A. Phillip Randolph and the Brotherhood of Sleeping Car Porters in becoming a mass movement fighting discriminatory practices. Several scholars acknowledged the racial influences leading to the passage of the Harrison Act. Goode (1972) wrote
that the major reason for the prohibition of narcotics was racism, pointing to numerous articles written at the turn of the century that stimulated a myth that cocaine caused violent behavior in blacks. In June 21, 1903 The New York Tribune quoted Colonel J.W. Watson of Georgia as saying “many of the horrible crimes committed in the Southern states by the colored people can be traced directly to the cocaine habit.” Dr. Christopher Koch asserted in the Literary Digest in 1914 that, “Most of the attacks upon white women of the South are a direct result of a cocaine-crazed Negro brain.” Even the New York Times published an article on February 8, 1914, entitled “Negro cocaine fiends are a new southern menace.” (Ashley, 1972; Goode, 1972; Musto, 1973; Grinspoon & Bakalar, 1976).

Himmelstein (1983) offered the racially motivated “Mexican hypothesis” for the understanding of marijuana laws, which also applies to the Harrison Act’s linkage with alleged Chinese use of opium and Black use of cocaine. He argued an ethnic bias orientation caused marijuana usage to be associated with Mexicans and Chicanos. As part of the underclass of the time, it was undesirable to have any Mexican ethnic groups generalized into American society. One way to keep this particular underclass outside of mainstream society was to create a perceived union between Mexicans and marijuana use — and to make marijuana illegal.

Lauderdale & Invearity (1984) suggest that early anti-narcotics legislation, especially local anti-opium ordinances in San Francisco and the eventual passage of the Harrison Act can be traced directly to hostile stereotypes of Chinese laborers. Courtwright (1982) also recognizes the strong racial influence of anti-narcotics legislation. He writes that American narcotics laws were passed, interpreted, and defended on the basis of misleading, even fraudulent, information. Much of this fraudulent information was racially motivated.

By studying the passage of the Harrison Act through the rational and group frames of reference, two quite different interpretations of the causes of the Act can be obtained. A third frame of reference — the political process — adds another and quite different viewpoint as to the causes of this early drug policy event.

**Political Process**

A major dilemma facing policy analysis is the degree to which politics is emphasized. In models that relatively ignore politics, such as the rational approach, the model can be more deterministic, better identify goals, and more easily apply quantifiable measures to causes and outcomes. The danger with de-emphasizing politics is a loss of reality. Politics are often the name of the game. In a democratic society, there is little policy-making that is beyond the influence of politics.

On the other hand, models that emphasize the political dimensions, such as agenda-setting (Kingdon, 1984) and garbage cans (Cohen, March, & Olsen, 1972), are strong on realism and description while sacrificing precision, prediction and prescription. Most political models acknowledge the serendipitous and unpredictable nature of public policy. There is consequently a wide gulf between
model simplicity and model realism (Lane, 1993). Political models emphasize the individual, and each individual is different and difficult to model and quantify. The policy entrepreneur is most often the focal point of politically oriented policy analysis.

Stone (1988), who makes a strong argument for including politics in policy analysis, writes that often policies mean two or more different things at the same time. These "policy paradoxes" are quite evident in the making of America's early drug policy. The Harrison Act meant many things to many organizations, interest groups and individuals. All had their own, sometimes conflicting, agendas. To the State Department, the Harrison Act was a policy action leading to more normalized relations with China; to American missionaries the Harrison Act took on the appearance of a moral crusade, especially in the Philippines; and to American physicians and pharmacists, the Act restricted the competition posed by widespread use of patent medicines. When analyzed through the lens of the political process approach, the passage of the Harrison Act embodies an even wider dimension of Stone's "policy paradox."

Several scholars acknowledged the role of politics in early drug legislation. Taylor (1969) noted the "highly political context" in which the early anti-drug campaign was waged, and Bellis (1981) concluded that early U.S. government drug policies, especially treatment response to heroin addiction, were political, and shaped by questionable scientific evidence. As a result, he argued that rehabilitation of addicts has not generally worked, and that the criminalization of heroin since 1914 has led to a powerful underworld interest group. Thus, neither repression nor rehabilitation have constituted an effective response to heroin addiction in America. Moreover, law enforcement efforts to control heroin abuse by interrupting supply of the drug have not provided a solution to heroin addiction. Bellis questioned whether the government can actually legislate behavior, and concluded that any attempt to do so is for political reasons rather than an action to achieve rational anti-drug goals.

A key component to any political analysis of policy-making is the policy entrepreneur. Kingdon (1984), for example, wrote that policy-making is an evolutionary selection process. Policy ideas, problems and solutions float around in a "policy primeval soup" that is similar to the classic garbage can description of the policy process (Cohen, March, & Olsen, 1972). To Kingdon, the issue is not whether an idea is good or bad, but whether its time has come. When problem and solution streams come together, and a window of opportunity is opened, and if policy entrepreneurs are present, then policy change is likely. Such was the case when the Harrison Act was passed in 1914.

The Progressive Era opened many policy windows of opportunity that previously had been closed. For the first time the federal government took an active role in policies regulating the behavior of society, and the early regulation of narcotics is a case in point. Narcotics regulation was indeed an "idea whose time had come." The problems (China, the Philippines, patent medicine abuses, etc.) merged with the obvious solution of narcotics regulation to open a policy window.
All that was needed to satisfy Kingdon’s model of policy change was the arrival of the policy entrepreneur.

The Harrison Act was passed in large part due to the efforts of two such policy entrepreneurs: Reverend Charles Brent and Dr. Hamilton Wright. Brent was the first Episcopal Bishop of the Philippines, having been elected to the post in 1901. As a close friend of both President Roosevelt and the first Governor of the Philippines, William Howard Taft, Brent exerted considerable influence. In many ways Brent was a moral crusader in step with the Progressive Era, and he wrote often to Roosevelt suggesting solutions to the Philippines’ many problems. In July, 1906, Bishop Brent wrote to the President urging an international meeting to help China with its opium struggle, as well as to investigate the worldwide opium problem. Roosevelt had just completed negotiations to end the Russo-Japanese War, and a humanitarian movement to ease the burden of opium in China was consistent with his long-range goal to improve Sino-American relations. Secretary of State Elihu Root called for an international conference to investigate the opium situation. After most nations with possessions in the Far East had accepted the American invitation, the State Department requested $20,000 from Congress for the appointment of three commissioners. Brent was appointed senior commissioner when the delegates first met in 1909 in Shanghai (Taylor, 1969; Musto, 1973).

Brent realized that Great Britain was the key to international cooperation against opium and essential to the success of the international opium conferences. He persuaded the Archbishop of Canterbury to mount an attack on the opium trade in England, and the Church of England became an important advocate in changing British opium policy. Brent, who regarded opium “as essentially a moral question, a social vice . . . a crime,” chaired the proceedings of both the Shanghai and Hague conferences (Taylor, 1969). Brent was a man of tact and diplomacy, and his leadership was key to the international community eventually condemning the opium trade.

The other policy entrepreneur essential to the passage of the Harrison Act was Dr. Hamilton Wright. President Roosevelt appointed Dr. Wright to the Opium Commission in June, 1908, and to take charge of the opium work at the State Department. A dashing, ebullient neuropathologist, Wright studied beriberi and malaria in the Far East, and set up a laboratory in the Straits Settlements to study tropical diseases. He had gained some fame by discovering (erroneously) that beriberi was an infectious disease. Even more than research, Dr. Wright had always enjoyed the political side of medical work. His selection as an Opium Commissioner was the turning point of his career, for until World War I, he was almost continuously in charge of the State Department’s anti-opium work. It was the outspoken, dedicated Wright who drafted most domestic anti-narcotics legislation, including the several drafts of the Harrison Act. In researching the worldwide narcotics problem prior to the Commission, Wright discovered that the United States had a considerable drug problem of its own. It was Wright who marshaled the forces of both the AMA and the APhA to support drug controls, and in 1913 he enlisted the support of the National Drug Trade Conference and several congressmen to work out a satisfactory anti-drug bill. The bill required all persons,
other than customers, involved in narcotics transactions to be registered with the

Personal differences with Secretary of State William Jennings Bryan, a
strong abolitionist who opposed Wright's refusal to abstain from alcohol,
 essentially ended Wright's anti-drug career, and kept him from attending a later
international drug conference held just before World War I erupted. Engaged in
civilian relief work in France in 1915, Wright was severely injured in an
automobile accident, and he died in 1917. Taylor (1969) wrote that Wright, "... more
than to any other single individual, must go the greatest share of the credit
for the successes of American efforts in the anti-opium drive in the first two
decades of the twentieth century, for he built the groundwork of policy and
practice upon which the international and domestic actions of the United States
were based.”

Conclusion

The three frames of reference used to examine the Harrison Act by no
means exhaust the number of relevant models available. Other models lend
valuable insight into public policy-making. Lindblom's (1959) incremental
approach, for example, is quite relevant to the passage of the Harrison Act.
Incrementalism suggests that policy is not made in one grand effort, but instead is
made in small, incremental steps. Each step is evaluated as to its impact on policy
outcomes before the next step is taken. Successive limited comparisons are made
with past policies in order to create a positive, marginal benefit from the next
policy choice.

It can be argued that the Harrison Act was one of several incremental steps
in the evolution of American drug policy. The Harrison Act did not happen
overnight, nor was it the first anti-narcotic legislation in the country. The
transformation of American narcotic laws, like the transformation of the addict
population itself, evolved over a period of time (Courtwright, Joseph & Des
Jarlais, 1989). Anti-Chinese sentiment led to both the San Francisco Ordnance of
1875, the first law regulating opiate use by prohibiting opium smoking dens, and
the federal government ban of smoking opium in 1909 (Musto, 1973). In 1906
Congress adopted an anti-narcotics law for the District of Colombia similar to a
model narcotics law drafted by the American Pharmaceutical Association
(Lauderdale & Inverarity, 1984). By the time of the Harrison Act passage in 1914,
46 states and territories had already passed laws attempting to control cocaine, and
29 had done so with opiates (Goode, 1972).

Public choice theory is also applicable to the passage of the Harrison Act.
Buchanan and Tullock (1962), for example, argue that individuals come together in
politics for their own mutual benefit. While seeking their own maximum utility,
they call upon the government to correct “market failures.” America's drug
problem at the turn of the century could be construed to be just such a “market
failure” requiring government intervention, in this case the prohibition of
narcotics. Although public choice theory conceptually could be used to justify
narcotics prohibition, it most often is used to argue for drug legalization. Theoretically based in laissez faire economics, the public choice school would argue that drug abuse is not a "market failure," but instead the aggregate actions of individuals making a collective choice. At the conservative extreme, public choice theorists would agree with Friedman (1953), and allow free market forces to solve the drug problem in a survival-of-the-fittest atmosphere.

More recent, robust and ambitious models are also relevant in explaining early drug policy-making. Systems theory (Easton, 1965; Katz & Kahn, 1978), sociotechnical systems perspective (Pasmore, 1988), and advocacy coalition frameworks (Sabatier, 1991) are three examples of models taking a more holistic approach to analysis. Recent models such as these emphasize the impact that the external environment has on policy-making. All of these approaches would produce a rich mosaic of policy issues if they were used to analyze the Harrison Act and early drug policy-making. Systems-based models such as these incorporate and combine many of the advantages of more traditional, one-dimensional analytical approaches.

The value of using multiple frames of reference to examine early drug policy-making is not just an academic exercise. Multiple models can reduce the possibility of making policy decisions that have unforeseen and unsatisfactory results. In his classic study of bureaucratic dysfunctions, Merton (1936) labeled such unwanted side effects as "unanticipated consequences." Early American drug policy, and the Harrison Act in particular, is fraught with consequences not envisioned by early policy-makers.

There is no evidence that the drafters of the Harrison Act intended to make narcotics illegal. Congress enacted the first federal drug legislation only to control narcotics use within licensed medical circles. Strict interpretations by the Supreme Court carried the Act far beyond its framers' intentions, resulting in the shifting emphasis in drug control from medicalization to criminalization. By decreeing that physicians could no longer prescribe opiates to addicts, addiction was transformed from a sickness into a crime. Unforeseen economic consequences also occurred. Before passage of the Harrison Act, the typical, relatively affluent addict could supply her needs for three cents a day. After Harrison, the typical poor Black addict paid $30 daily within only a few years of prohibition.

Other authors note the wide range of unanticipated consequences caused by drug policies in areas such as failed crop interdiction efforts (Gray, 1989), use of more dangerous drugs and increased crime (Inciardi, 1987), corruption of foreign anti-drug officials (Larmer, 1990), and diversion of methadone from clinics to street use (Spunt, Hunt, Lipton & Goldsmith, 1986). Nietschmann (1987) described a vicious cycle of unanticipated consequences of US anti-narcotics aid to grower countries. In providing those countries with weapons that they then turn on their own narcotics-growing peasants, US efforts then encouraged frantic narcotics growing in order for the people to buy military weapons to defend themselves. It appears that the trend of unanticipated consequences started with the Harrison Act continues in today's drug policy arena, and it is in this area that further research is
Another area deserving policy research is an examination of the complex factors that create a social problem from behavior previously viewed as within the province of individual preference, and the reconceptualization of that behavior as one necessitating legal proscription. Why do some products or activities, such as opiate use, become defined as potential serious social harms and accepted within the proper domain of the legal system, when others, for example, nicotine use, industrial accidents, familial violence, hazardous wastes, or nuclear arms proliferation, are less likely to be criminalized? Such an explanation requires more than mere documentation of governmental, organizational and individual behaviors.

In conclusion, the making of early drug policy and the passage of the Harrison Act were not simple occurrences. Depending upon the frame of reference used to analyze its passage, entirely different goals, causes, and effects can be obtained when examining the legislation. Different explanations of early drug policy can be created by altering the unit of analysis between the government, organizations and the individual. All of these perspectives have analytic value, but none give a complete picture of the policy process. In order to perform a complete and comprehensive analysis, as well as to minimize unintended consequences, the need to employ several models and frames of reference becomes quite necessary and powerful. It is no less true today than it was in 1914.
Richard D. White, Jr.

References


Commonwealth


Richard D. White, Jr.


Commonwealth


How does electoral competition affect the preferences expressed by representatives in their roll-call votes? Literature on representative-constituency relations suggests two contradictory hypotheses on this issue. One hypothesis is that intense electoral competition induces more ideologically extreme behavior on the part of representatives, because competition increases their need for the electoral resources provided by committed activists. The other is that competition provides incentive for more moderate legislative behavior, as a means of gaining marginal votes outside the representative’s activist base. Using the measure of liberal policy agreement computed by the Americans for Democratic Action (ADA), this article reports that competition is more frequently a polarizing than a moderating influence on roll-call behavior. The analysis also reveals some peculiar partisan and regional differences that can produce further insight concerning the impact of elections on legislative behavior.

During the 1980s, partisanship became a more prominent feature of policy-making in the U.S. Congress, especially in the House of Representatives. The resurgence of partisanship was reflected in the increased incidence of partisan roll calls, as well as in efforts by the Democratic leadership in the House to entice conservative Democrats to support the priorities set by the liberal majority within the House Democratic caucus. The turn to partisanship is proving to be a persistent policy making phenomenon in Congress, with a dramatic manifestation in attempts by House Republican leaders to use policy priorities outlined in the 1994 "Contract with America" as an instrument for building party cohesion among the Republican ranks.

The renewed importance of partisan concerns in congressional behavior makes the relationship between partisan electoral competition and roll-call voting critical to understanding elections as a means of influencing Congress. In a more partisan era, does electoral competition between the parties contribute to a more polarized politics, or does it induce a moderation of partisan conflict?
Two Views of Electoral Competition

Scholars have presented two basic characterizations of the relationship between electoral competition and the policy positions taken by representatives. First consider the potential moderating influence of electoral marginality on legislative behavior: those representatives whose seats are not "safe" have greater incentive to represent the median constituent on any given issue. To simplify matters, assume that the preferences of the electorate on all sorts of issues can be scaled on a single dimension. Also note that most congressional elections are contested by two candidates, nominees of the Democratic and Republican parties. In such electoral competition, the number of votes received by the candidates is quite arguably a function of their relative distance from the median of the distribution of voter preferences. The candidate closer to the median voter will win, so both candidates will try to represent the median.

This behavior will also be reflected in the roll-call voting of the winner of the election. Representatives who are faced with stiff electoral competition have more incentive to moderate their roll-call voting than do representatives from "safe" seats. Increasing strength of the opposition party in the district of a given representative reflects a decreasing distance between the opposition party and the median voter. The representative should take pains to maintain greater proximity than the opposition to the median voter, and moderate his roll-call voting and other behavior accordingly.

A second, contrasting model of electoral competition emphasizes the potential polarizing influence of competition on representation. Candidates must consider not only the likely electoral gains from moving toward the median voter, but also the likely electoral losses.

On the one hand, a candidate positioned to the left of both his opponent and his constituency's median voter can gain votes by moving toward the median and still remain the preferred candidate of those voters to the left of his own position (assuming he does not move to the right of the opponent). On the other hand, the voters on the left still have the option of denying their preferred candidate votes by abstaining from the election. As the difference between the candidates is reduced, the potential benefits for any voter of supporting one candidate over the other are also reduced. A candidate moving toward the median voter (and hence toward his opponent's position) risks alienating his natural supporters—those to the left of the left candidate or to the right of the right candidate. Such natural supporters might abstain from the election if the costs of mobilizing in support of their favored candidate outweigh the gains that would accrue from that candidate's victory.

At this point, one should note that the constituency is typically seen by the representative not as an undifferentiated mass of individuals but as a collection of groups. The certain support of many groups is not only reflected in votes but also in campaign resources (money, campaign workers, etc.). Position-taking (on roll-call votes, for instance) depends heavily on how the legislator assesses which groups in the district are most concerned with the underlying issue and which of these groups are most likely to make a substantial difference in his or her chances.
for re-election (Kingdon 1989). It is critical for the candidate to maintain existing sources of group support, for it will be difficult to replace the votes and effort of natural support groups that are alienated. Moreover, the greater the strength of the opposition party, the greater the likelihood that alienating a natural support group will result in losing the election. Hence, the incentive to avoid moving too far away from one's natural supporters (and toward the median voter) is greater for representatives from marginal districts than for those from safe seats (Huntington 1950).3

For individual representatives, the polarizing and moderating effects of competition probably do not operate exclusively of one another. Whether increased competition causes a given representative to be more or less likely to move closer to the median voter is likely to depend on assessments of the risks and benefits of staking out more or less ideological positions in specific circumstances. For evaluating the aggregate impact of party competition on representation, however, one is left with two simple and contradictory hypotheses: (1) Stronger electoral opposition is typically associated with less extreme position taking by representatives; or (2) Stronger electoral opposition is typically associated with more extreme position taking by representatives.

Electoral Competition and Roll-Call Voting: Data and Method

Two sets of data are used here to test these hypotheses: victory margins from House elections in 1982-90, and scores indicating the rate of support by representatives on positions taken by Americans for Democratic Action (ADA) on roll-call votes during the first session of each of the 98th-102nd Congresses. The ADA score is a commonly accepted measure of the relative liberalism of members of Congress. It is assumed that in any congressional district, Democratic groups and activists are to the left of the median voter and of Republican groups that are to the right of the median voter. Thus, for Democratic representatives, higher ADA scores represent more extreme legislative behavior. For Republican representatives, higher ADA scores indicate movement toward the center.4

Two sets of analyses are reported. The first set tests the association between the degree of electoral competition and support for ADA positions among each party's House members to address the question of whether representatives from closely contested districts are more or less extreme in their roll-call voting than those from safe districts. The effects of electoral competition on roll-call voting might be indistinguishable, however, from the effects of differences across districts in the placement of their median voters. To account for this possibility, a second set of analyses examines the effect of vote margin on the magnitude of change in ADA scores among seats that switch party control. The change in ADA score associated with switched party representation is greater in congressional districts where the parties take positions that are farther from one another than in those where both parties are attempting to move to the district median. Thus, comparing the magnitude of change in ADA scores among "switch districts" is a
means of comparing the degree of moderation or polarization among those districts (Strain, 1963; Fiorina, 1973; Fiorina, 1974).

Historical differences between regions in the pattern of party competition make it desirable to analyze Southern congressional districts separately from those in the rest of the U.S. Until the 1960s, the Democrats most likely to hold safe seats in Congress were Southerners, who were also the most conservative Democrats. A liberal Northern majority emerged within the Democratic party, but far more Northern than Southern Democrats represented competitive districts (Fiorina, 1973; Shannon, 1968). Under these conditions, safe seats were associated with policy moderation, simply because safe Southern Democrats were the most likely legislators to deviate from the liberal positions taken by the majority of Northerners in their party.

Now that Northerners constitute a majority of safe Democratic representatives, the association of electoral safety with ideological moderation may no longer be true for all Democratic members of Congress. The Northern Democrats emerging as "safe" in the last two decades may well represent the most liberal Northern Democratic constituencies and thus have more liberal voting records than those from more competitive districts. Nonetheless, safe-seat Southerners continue to be among the least liberal Democrats, and competition is modestly associated with greater partisanship among Southern Democrats in the House (Forgette and Kubik, 1990 See also Fleisher, 1993). Thus, the effects of competition on roll-call voting could be contingent on the regional context in which competition occurs.

Comparing Representatives Across Districts: Electoral Margin and ADA Scores

Are representatives from more competitive districts more or less ideologically extreme than those from less competitive districts? Two tacks are taken to address this question here. First, the roll-call voting of representatives who were effectively uncontested (having won with 90 percent or more of the vote) is compared to that of contested representatives. The simple existence of competition, rather than the closeness of the election, may well be the effective threshold for altering roll call voting. Second, the association between vote margin and ADA score is reported.

Table 1 displays the association between contestation and ADA scores among Democrats serving in the House in the first session of each of the 98th-102nd Congresses. The pattern of association is striking. For the five sessions of Congress combined, the mean ADA score for Democrats who won their seats with ninety percent or more of the vote in the previous election was 59. The mean score for all the Democrats with victory margins of less than ninety percent was 73. Democrats who were effectively uncontested in the preceding election were on average 14 points less supportive of ADA positions than were those who faced a substantial challenge from Republican candidates. One can see in Table 1,
however, that the difference in ADA scores between contested and uncontested Democrats declined steadily from 24 points in 1983 to 9 points in 1991.

Table I
Average ADA Score by Contested Status of Seat in Prior Election

<table>
<thead>
<tr>
<th>year</th>
<th>uncontested</th>
<th>contested</th>
<th>difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>51</td>
<td>75</td>
<td>24**</td>
</tr>
<tr>
<td></td>
<td>(26)</td>
<td>(235)</td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>53</td>
<td>70</td>
<td>17**</td>
</tr>
<tr>
<td></td>
<td>(47)</td>
<td>(202)</td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td>65</td>
<td>77</td>
<td>12**</td>
</tr>
<tr>
<td></td>
<td>(46)</td>
<td>(207)</td>
<td></td>
</tr>
<tr>
<td>1989</td>
<td>63</td>
<td>75</td>
<td>12**</td>
</tr>
<tr>
<td></td>
<td>(55)</td>
<td>(199)</td>
<td></td>
</tr>
<tr>
<td>1991</td>
<td>59</td>
<td>68</td>
<td>9*</td>
</tr>
<tr>
<td></td>
<td>(40)</td>
<td>(223)</td>
<td></td>
</tr>
</tbody>
</table>

Ns are in parentheses.
** p < .001, two-tailed t-test.
* p < .03, two-tailed t-test.

That electoral competition is associated with more liberal roll-call voting among Democrats is consistent with the polarization model of party competition. From this perspective, one would expect contested Republicans to have more conservative roll-call scores than uncontested Republicans. One finds the opposite, however: contested Republicans averaged 8 points higher in their ADA support scores than uncontested Republicans during the 98th-102nd Congresses. The magnitude of this difference increased from 6 points in 1983 to 10 points in 1991. (See Table 2.)

A similar pattern is revealed in the Pearson correlation coefficient between electoral margin and ADA score for members of each party. (See Table 3.) Larger electoral margins were associated with lower ADA scores among Democrats, but the association declined in strength over the five Congresses from -.27 in 1983 to -.11 in 1991. Larger electoral margins were also associated with lower ADA scores among Republicans during the 1980s, although on average the correlation was weaker among Republicans. The effects of competition are small but consistent: competition is associated with more liberal behavior among both
Table II
Mean ADA Score by Contested Status in Prior Election

<table>
<thead>
<tr>
<th>year</th>
<th>uncontested</th>
<th>contested</th>
<th>difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>(4)</td>
<td>(161)</td>
<td>6</td>
</tr>
<tr>
<td>1985</td>
<td>(6)</td>
<td>(176)</td>
<td>7</td>
</tr>
<tr>
<td>1987</td>
<td>(14)</td>
<td>(164)</td>
<td>8</td>
</tr>
<tr>
<td>1989</td>
<td>(17)</td>
<td>(154)</td>
<td>9*</td>
</tr>
<tr>
<td>1991</td>
<td>(27)</td>
<td>(138)</td>
<td>10**</td>
</tr>
</tbody>
</table>

Ns are in parentheses.
**p < .01, two-tailed t-test.
*p < .06, two-tailed t-test.

Table III
Correlation Between Electoral Margin and ADA Score
Democrats and Republicans Compared

<table>
<thead>
<tr>
<th>year</th>
<th>Democrats</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>-.27**</td>
<td>-.14*</td>
</tr>
<tr>
<td></td>
<td>(250)</td>
<td>(158)</td>
</tr>
<tr>
<td>1985</td>
<td>-.18**</td>
<td>-.06</td>
</tr>
<tr>
<td></td>
<td>(246)</td>
<td>(178)</td>
</tr>
<tr>
<td>1987</td>
<td>-.22**</td>
<td>-.06</td>
</tr>
<tr>
<td></td>
<td>(248)</td>
<td>(175)</td>
</tr>
<tr>
<td>1989</td>
<td>-.11*</td>
<td>-.11</td>
</tr>
<tr>
<td></td>
<td>(254)</td>
<td>(171)</td>
</tr>
<tr>
<td>1991</td>
<td>-.11*</td>
<td>-.11</td>
</tr>
<tr>
<td></td>
<td>(263)</td>
<td>(165)</td>
</tr>
</tbody>
</table>

Cell entries are Pearson's r.
Ns are in parentheses.
**p < .01, two-tailed t-test.
*p < .10, two-tailed t-test.
Democrats and Republicans, defying any simple description of party competition as either a polarizing or a moderating influence on congressional behavior. Competition appears to be associated with more extreme behavior among Democrats, but more moderate behavior among Republicans.

Could the differential impact of party competition across regions explain these divergent findings? Southern Democrats might be the only regional party group in the House for which one should expect an association between electoral competition and more liberal roll-call voting. Table 4 compares the effect of contested seats on ADA scores among four regional party groupings. The table reveals that an association between electoral competition and higher ADA scores appears consistently among Southern Democrats but not among Northern Democrats. Curiously, an association between greater competition and higher ADA scores emerged in the late 1980s among Southern Republicans. In the South, the apparent effect of electoral competition is to move Democratic representatives toward more liberal voting and to move Republicans toward less conservative voting.

Comparing the correlation coefficients among the four groups reveals a similar pattern. (See Table 5.) The correlation between electoral margin and ADA score fluctuates around zero among Northern Democrats and Republicans, while among Southern Democrats the correlation lies in a range between -.11 and -.32 in each of the five Congresses. Most dramatic is the emergence in the last two Congresses of a relatively strong association among Southern Republicans between lower margins of victory and higher ADA scores. Certainly, these results defy any assertion of a simple relationship between electoral competition and extremism or moderation in roll-call voting, and they demand some attention to the conditions under which competition might have a moderating or a polarizing effect on representation.

Comparing Party Divergence Within Districts: Party Switch Districts and ADA Scores

When one party replaces the other as occupant of a given congressional seat, change occurs in how that district is represented ideologically: Republicans provide more conservative representation than Democrats, even when we compare Republicans and Democrats selected by the same district electorate. In congressional elections during 1982-90, there were 72 instances of switched party control of congressional seats. Thirty eight of these switches were from Democratic to Republican control, and 34 were switches from Republican to Democrat. When a Democrat replaced a Republican, the ADA score of the district’s Democratic representative in the Congress following the election was higher than the score of the Republican representative in the preceding Congress by an average of 53 points. Republicans replacing Democrats decreased the ADA scores of their districts by an average of 50 points. Overall, party switches typically produced a change in ADA scores of about 52 points.
Table IV

Difference Between Contested and Uncontested Representatives' ADA Scores by Party and Region

<table>
<thead>
<tr>
<th>Year</th>
<th>Northern Democrats</th>
<th>Northern Republicans</th>
<th>Southern Democrats</th>
<th>Southern Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>0</td>
<td>11#</td>
<td>16**</td>
<td>-2</td>
</tr>
<tr>
<td>1985</td>
<td>-5</td>
<td>18#</td>
<td>7</td>
<td>-2</td>
</tr>
<tr>
<td>1987</td>
<td>5</td>
<td>7</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>1989</td>
<td>3</td>
<td>1</td>
<td>6</td>
<td>4*</td>
</tr>
<tr>
<td>1991</td>
<td>-3</td>
<td>6</td>
<td>7</td>
<td>8**</td>
</tr>
</tbody>
</table>

A positive cell entry indicates a higher mean ADA score among contested representatives.

*In the 1982 and 1984 elections, only one northern Republican representative was uncontested.

**p < .01, two-tailed t-test.
*p < .10, two-tailed t-test.

Table V

Correlation Between Electoral Margin and ADA Score by Party and Region

<table>
<thead>
<tr>
<th>Year</th>
<th>Northern Democrats</th>
<th>Northern Republicans</th>
<th>Southern Democrats</th>
<th>Southern Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>-.03</td>
<td>-.15*</td>
<td>-.31***</td>
<td>.13</td>
</tr>
<tr>
<td>1985</td>
<td>.16**</td>
<td>-.10</td>
<td>-.10</td>
<td>.13</td>
</tr>
<tr>
<td>1987</td>
<td>-.01</td>
<td>-.02</td>
<td>-.26**</td>
<td>.14</td>
</tr>
<tr>
<td>1989</td>
<td>.01</td>
<td>-.01</td>
<td>-.11</td>
<td>-.22</td>
</tr>
<tr>
<td>1991</td>
<td>.13*</td>
<td>.08</td>
<td>-.20*</td>
<td>-.40***</td>
</tr>
</tbody>
</table>

Cell entries are Pearson’s r.

***p < .01, two-tailed t-test.
**p < .05, two-tailed t-test.
*p < .10, two-tailed t-test.
Although it is apparent that a Republican legislator provides substantially more conservative representation than a Democrat from the same district, the question remains whether the distance between the parties within a given congressional district is associated with the electoral margin separating the parties. The short answer is yes: switched seats for which victory margins are relatively narrow typically display greater change in ADA scores than do seats that switched party by relatively large electoral margins. The first row of Table 6 reports the effect of electoral margin on the absolute change in ADA scores. The effect appears to be substantial, whether indicated by the Pearson correlation coefficient between electoral margin and change in ADA score, or by the difference in the mean ADA change between "safe switch" and "marginal switch" districts. (See Table 6.)

The association between victory margin and roll-call change is more apparent among Republican switched seats than among Democratic ones. For instance, Table 6 shows that Democrats succeeding Republicans increased their districts' ADA score by an average of 54 points in marginal-switch districts, and 50 points in safe-switch districts. Thus, closer electoral margins were associated with larger changes in ADA scores among the seats switching to the Democrats, but the difference was only four points. The difference in the mean change between marginal and safe switches to the Republican party was 18 points; thus Republicans succeeding Democrats were less supportive of ADA positions by an average of 56 points when their victory margin was less than 55 percent, but they were more conservative by only 38 points when the party switch was by a margin of more than 55 percent.

Table 6 also reports the patterns within each region. In Northern districts, Republicans succeeding Democrats were less supportive of ADA positions than their predecessors by an average of 63 points when their victory margins were close, and by an average of only 50 points when the victory margin was more than 55 percent. Similarly, Northern Democrats succeeding Republicans by safe margins increased the ADA scores for their districts by an average of 42 points, but the increase was 14 points greater among those Democrats succeeding Republicans with less than 55 percent of the vote. Both of these results are consistent with the polarizing model of party competition, although neither difference is statistically significant. In the South, Republicans replacing Democrats by close margins had ADA scores 49 points lower on average than their predecessors, while Republicans winning by safe margins were only 12 points less supportive of ADA positions than the Democrats they replaced, the strongest evidence yet for the polarizing model of party competition.

The behavior of Southern Democrats replacing Republicans in the 1980s indicates, however, that perhaps the polarization model cannot be universally applied. Democrats replacing Republicans in the South by margins of less than 55 percent were more liberal than their Republican predecessors by an average of 50 points on the ADA scale. This change in representation is comparable in magnitude to that occurring when Southern Republicans replace Democrats by close margins. However, in the two cases where Southern Democrats defeated
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Table VI
Change in ADA Score When Seats Change Parties -- Marginal and Safe Party Switches Compared

<table>
<thead>
<tr>
<th></th>
<th>victory margin &gt; 55%</th>
<th>victory margin &lt; 55%</th>
<th>difference</th>
<th>r</th>
</tr>
</thead>
<tbody>
<tr>
<td>all party switches (absolute change in ADA score)</td>
<td>43 (19)</td>
<td>55 (53)</td>
<td>-12**</td>
<td>-.32*** (72)</td>
</tr>
<tr>
<td>all Democratic gains</td>
<td>50 (7)</td>
<td>54 (27)</td>
<td>-4</td>
<td>-.19 (34)</td>
</tr>
<tr>
<td>all Republican gains</td>
<td>-38 (12)</td>
<td>-56 (26)</td>
<td>18**</td>
<td>.36** (38)</td>
</tr>
<tr>
<td>North--Democratic gains</td>
<td>42 (5)</td>
<td>56 (19)</td>
<td>-14</td>
<td>-.39* (24)</td>
</tr>
<tr>
<td>North--Republican gains</td>
<td>-50 (8)</td>
<td>-63 (14)</td>
<td>13</td>
<td>.19 (22)</td>
</tr>
<tr>
<td>South--Democratic gains</td>
<td>71 (2)</td>
<td>50 (8)</td>
<td>21</td>
<td>.37 (10)</td>
</tr>
<tr>
<td>South--Republican gains</td>
<td>-12 (4)</td>
<td>-49 (12)</td>
<td>37***</td>
<td>.47* (16)</td>
</tr>
</tbody>
</table>

Ns are in parentheses.
Positive cell entries indicate that larger increases or smaller decreases in ADA scores are associated with larger victory margins.

***p < .01, two-tailed t-test.
**p < .05, two-tailed t-test.
*p < .10, two-tailed t-test.
incumbent Republicans with a margin of over 55 percent, the two Democrats averaged an ADA score 71 points higher than their Republican predecessors. This change was 21 points greater than that among Southern Democrats winning narrow victories.

Summary and Conclusion

What can one make of these decidedly mixed results? Recall that the effects of varying electoral margins on the divergence of representatives from one another appeared primarily among Southern Democrats, but that in the 101st and especially the 102nd Congresses the roll-call voting of Southern Republicans also displays a correlation between victory margin and ADA scores. Yet, Democrats and Republicans in the South appear to have behaved in opposite manners in 1989 and 1991. For Southern Democrats, competition appeared as a polarizing force, but for Republicans it was a moderating force. Apparently in the South, Republicans from competitive districts represent more moderate coalitions than do safe Republicans, even as Democrats from competitive districts represent less moderate coalitions than do safe Democrats.

In the second analysis, smaller electoral margins among congressional seats switching partisan control were associated with greater change in ADA scores during the 1980s. More narrow electoral margins appear to be associated with somewhat greater differentiation between the parties in the character of representation they offer a given congressional district. This effect is relatively small compared to the overall difference in ADA scores between the parties in each switch district. More important than the degree of competition between the parties is the fact of competition: party switches usually produce substantial changes in representation, even in "safe-switch" districts.

Nonetheless, the effect of electoral margin is observable, and it is especially large among Southern seats switching from Democrat to Republican. In fact, most of the association between electoral margin and change in ADA scores can be accounted for by party switches in the South. Only four "safe" Democrat-to-Republican switches occurred in the South between 1982 and 1990, but these are part of a gradual trend in which long-time conservative Democratic members are either retiring and being replaced by Republicans or becoming Republicans themselves. Safe switches from Democrat to Republican in the South are usually indicative of the movement of the most conservative Southern districts from Democratic to Republican control. Meanwhile, the existence of marginal party switches indicates the presence of substantial core constituencies for both parties in some Southern districts.

On the other hand, Republican-to-Democrat switches in the South did not follow the overall pattern; the two safe switches to the Democrats produced even larger increases than did the marginal ones. These two cases may reflect the effects of competitive politics based on substantial group constituencies for both parties. The "safe" Republican-to-Democrat switches in the South, one each in
1986 and 1988, both occurred in districts that had switched from Democratic to Republican representation in the 1984 election. One might conclude from these two outstanding cases that, once partisan competition is established as a regular feature of district politics, change in party representation will result in substantial change in how the district is represented on roll-call votes, regardless of electoral margin.

This conclusion is provided further support by the finding that Southern Democrats are the only regional party group for which a correlation between narrower electoral margins and more extreme (higher) ADA scores occurs across all five Congresses. Yet, by the 102nd Congress, Southern Republicans demonstrate a linkage between larger electoral margins and more extreme (lower) ADA scores. Variation in the level of competition afforded Southern Republicans has a meaning different from that of variation in the competition faced by Southern Democrats.

A new phenomenon in the South of the late 1980s was an increase in the number of uncontested Republican incumbents. Typically, the most conservative Southern Democrats were the last to be affected by the emergence of Republican competition, but it appears that the most conservative Southern Republicans have been the first to emerge as uncontested incumbents. In 1983, only three of 38 Southern Republican incumbents were uncontested, and in 1985 only five of 47 were uncontested. This proportion increased to seven of 44, 12 of 43, and 17 of 43 in the next three elections. As the last column of Table 4 indicates, the Southern Republicans left uncontested by Democrats in these later elections were substantially more conservative than those with Democratic opponents.

One can postulate that the very different patterns between Southern Democratic, Southern Republican, and Northern districts result from different patterns of party competition. Uncontested Southern Republicans represent a new dominant conservative coalition in their districts that is deemed unbeatable by any Democratic challenger with a reasonable chance at victory. Uncontested Southern Democrats represented an older conservative coalition likely to be replaced by a more liberal coalition upon the emergence of Republican competition. Compared to both sets of Southern districts, Northern districts display much more regular patterns of party competition. Accordingly, Democratic coalitions are consistently liberal and Republican coalitions are consistently conservative. In the context of partisan coalitions that have become fairly stable, a narrow electoral margin in one election has a smaller association with roll-call voting than when those coalitions are in the process of change, as they were in the South of the 1980s.
NOTES

This paper is a revised version of a paper delivered at the 1995 Annual Meeting of the Northeastern Political Science Association. Andrew Valls made important substantive contributions to the early development of this project. Teresa Beaver assisted in data collection and analysis. Computing facilities were provided by the Department of Political Science at the University of Pittsburgh and by the Curtistine Walz Center for Cliometrics and Public Opinion Research at Southern Arkansas University.

1. For a useful statement of the forces within the House and in congressional constituencies that have contributed to the strengthening of partisanship among Democrats in Congress, see Rohde (1991, chapter 3).

2. Early explanations of the implications of incentives toward moderation on the behavior of political parties include those of Schattschneider (1942, 85) and Downs (1957, chapter 8).

3. Also important here is the reference by Richard Fenno to the different types of constituency within congressional districts. Each representatives must be responsive not only to his or her "geographic constituency," but also to a partisan "election constituency" within the district, and probably to a "primary constituency" within the party as well, in order to be renominated. See Fenno (1978, chapter 1).

4. Use of the ADA score in this fashion assumes that aggregate measures of roll-call voting reflect representatives' positions on a single ideological dimension (liberalism-conservatism), and that an ADA score is a valid measure of this dimension. For evidence supporting both of these assumptions, see Poole (1981) and Poole and Rosenthal (1987).

The mean ADA scores for Democrats and Republicans are reported in the following table:
Table A
Mean ADA Support Scores: Democrats and Republicans Compared

<table>
<thead>
<tr>
<th>Year</th>
<th>Democrats</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>72 (261)</td>
<td>13 (165)</td>
</tr>
<tr>
<td>1985</td>
<td>67 (249)</td>
<td>15 (182)</td>
</tr>
<tr>
<td>1987</td>
<td>75 (253)</td>
<td>17 (178)</td>
</tr>
<tr>
<td>1989</td>
<td>73 (254)</td>
<td>16 (171)</td>
</tr>
<tr>
<td>1991</td>
<td>67 (263)</td>
<td>16 (165)</td>
</tr>
</tbody>
</table>

mean 71 15

5. On the changing proportion of southerners among uncontested Democrats in Congress, see the data presented by Keefe and Ogul (1991, 295), as adapted from Wolfinger and Hollinger (1971, 53).

6. For this purpose, the southern states consist of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.
REFERENCES


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REALISM, INSTITUTIONS, AND NEUTRALITY: CONSTRAINING CONFLICT THROUGH THE FORCE OF NORMS

Daniel A. Austin

Realism posits power as the key component of international relations. In contrast, Institutionalism looks to norms and customs as the primary bases of world politics. Yet both theories frequently fall short in explaining major international events. This article considers the institution of neutrality as an example of how norms exert a stabilizing influence in international relations. On the other hand, the failure to observe norms often results in instability, and in extreme cases, can lead to war. When this point is reached, the use of force may be the only means to restore a stable balance of power. By drawing on both Realist and Institutionalist theories, a richer explanation of international life can be found.

INTRODUCTION

Realism posits power as the basis of international legal and political life. In contrast, Institutionalism is that branch of international relations theory that purports to find normative and cultural factors at work in guiding important international events. This article will offer evidence of both theories at work through an analysis of an important international convention: sovereign neutrality.

The article will first place neutrality within the framework of institutional theory, and then examine the historical experience of neutrality to demonstrate the importance of norms, rules, and conventions in shaping international events.

NEUTRALITY AND REALISM

For many centuries, western states cooperated under an international institution of neutrality in order to mitigate the scope and destruction of war. Yet Realism posits balancing or bandwagoning as the sole options for states when confronted with international conflict. The Realist options rely on the actual or threatened use of force as a blunt expression of national sovereignty, and discount the influence of institutions as a factor in international life. In contrast, neutrality, which is also an expression of state sovereignty, consists of the removal of force, territory, issues, and resources from the scope of conflict in order to constrain the use of force. And it has done so historically by means of an elaborate body of conventions and rules, couched in its own unique language, that reflects a bona fide institution among the society of states.

Mainstream Realist theory either treats institutions such as neutrality as an anomaly, or fails to account for them at all. The historical record makes clear,
however, that statesmen have paid considerable attention to the conventions of neutrality. While not repudiating the core essentials of classical Realist theory (such as the ubiquity of force and the importance of the balance of power), this article demonstrates how the institution of neutrality has helped to shape major historical events. I first offer a theoretical framework to show how this is possible.

Neutrality as an International Institution

Neutrality consists of rules and practices that attempt to reconcile the goal of belligerents in cutting off enemy access to resources against the desire of neutrals to conduct trade and other relations with parties in a conflict. Neutrality rules and norms have been a key element in numerous bilateral and multilateral agreements. Important neutrality conventions have included the exemption of neutral non-military goods and ships from belligerent seizure during times of war, rules regulating neutral trade with belligerents, prohibition or restrictions on belligerent use of neutral territory and resources, conventions for "search and visit" at sea and coastal blockade, and mechanisms for adjudicating prizes seized in war. Until World War I, contraband lists were generally limited to items of direct military value. Neutrals are obligated to prevent belligerent use of their territory and may not augment the war-making capacity of any belligerent, or they risk losing the protection of neutrality. A state is assumed to be neutral unless it acts to the contrary, but states are not required to be neutral under traditional international law. Historically, a state was not obligated to prevent its citizens from assisting belligerents, but modern international law would provide otherwise.

In order to posit neutrality as an international institution distinct from "Realist" devices such as balancing or bandwagoning, it is necessary to establish a precise definition of the term "institution." At its core, an institution can be described as "the broadly understood and accepted ways of organizing particular spheres of social action" (Cox, 1992). International regimes and institutions consist of rules, norms, and values which influence state behavior and which develop over time in response to reoccurring situations in order to mitigate the effects of international anarchy.

To analyze more effectively the role of institutions, this article adopts the formulation used by Friedrich Kratochwil and scholars of the "interpretive" school of institutionalism. This approach views institutions as "conventions for conceiving and formulating rational policies, even if they are cast in terms of the pursuit of power" (Kratochwil, 1989). The interpretive perspective identifies the language and roles of international institutions that Realism ignores. This allows for construction of a theoretical framework to account for the historical influence of neutrality.

Under the interpretive approach, international institutions perform three essential functions. First, institutions offer a "framework for rationality." Since international life lacks effective central control, relations among states could not proceed without common acceptance of certain conventions. Conventions bridge
the gap between actors who do not know or trust each other, or who could not reliably predict or interpret the actions of other players. Second, institutions provide "templates for solutions," allowing parties to negotiate over sensitive areas of interest, without breaking the will of the other by sheer force. Conflict resolution short of total defeat for one side requires a normative structure for making credible promises, and depends not only upon the distribution of power among the parties, but also upon notions of reciprocity stemming from commonly accepted values. Finally, institutions perform "ordering functions." For example, institutions establish parameters of acceptable behavior and thus help create boundaries to conflict. Institutions embody commonly understood packages of rules and goals, and thus the motives and actions of parties are more easily interpreted. In addition, institutions provide procedures for adjudication, negotiations, or mediation of grievances. Without these settled patterns for negotiation and resolution, states would face enormous bargaining costs and dangerous uncertainty with each new potential conflict (Kratochwil, 1989).

Neutrality fits within the interpretive definition of an international institution. First, neutrality provides a framework for rational discourse between belligerent and third-party states. Belligerents want to prevent their enemies from obtaining military and other assistance, while neutrals prefer to maintain or expand commerce with belligerents and other states during times of conflict. The conventions and language for legitimate behavior under neutrality have been among the most widely-known (if not uniformly accepted) international regimes in diplomatic history. Recourse to neutrality laws offers the template for resolution of these historically significant points of contention, without the unrestrained use of force by one side or bald capitulation by the other. States that flaunt neutrality norms run the risk of losing status as law-abiding members of the international community, and must be prepared to upset the status quo. Moreover, neutrality serves several important international functions, such as separating neutral territory, ships, and cargo from the core issues of conflict. This helps avoid drawing ancillary parties and issues into war. Maxims such as "free ships, free goods" serve as the initial language of balancing the priorities of belligerent and neutral rights. In short, neutrality is a multilateral institution with diffused reciprocity and a set of organizing principles that, while subject to change, are universally understood.

The Failure of Realism to Account for Neutrality

Mainstream Realist writers are unable to provide a convincing explanation for the influence of neutrality. They are hobbled by their basic assumptions and limited range of agents for analyzing international events.

Realists assert that international cooperation occurs for the purpose of enhancing the relative power balance of an actor state at the expense of others (Keohane 1984). Under the Realist paradigm, no state should cooperate in behavior that is not directly tied to improving its position against other states (Waltz, 1979). For classical hard realists such as Machiavelli, Hobbes, and
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Heinrich von Treitschke, state sovereignty was directed solely by power capability and national expediency. No prudent state should long observe an institution such as neutrality in absence of tangible, short-term benefits.⁸ "Soft" Realists, such as E.H. Carr and Hans Morgenthau, reject the notion that states have a common interest in open trade and absolute economic gains, and both posit force as the essence of international law. They would reject the imposition which neutrality imposes on state sovereignty, which makes it difficult to account for the concern of statesmen for neutrality law. Morgenthau at least addressed the issue of neutrality in several writings. His summary, however, is that neutrality is no more than a by-product of the balance of power for small states. The appearance of neutrality as an institution is illusory (Morgenthau, 1958).⁹ Even Hedley Bull, who acknowledges both the existence of state society and neutrality as a cooperative device for limiting the spread of war, fails to construct a theory which adequately explains neutrality. Bull argues that the primary purpose of any regime is the preservation of the nation-state system and the survival of individual states (Bull, 1977). But neutrality neither expressly or implicitly advances these goals, nor does it necessarily seek to limit violence, another a goal cited by Bull. Traditional neutrality rules asserted the right of neutrals to sell arms and supplies to any belligerent, regardless of destruction or larger political consequences that might result.

Neorealist theory is likewise deficient in accounting for neutrality. For example, Kenneth Waltz asserts that the sole option for states when confronted with international conflict is to balance or bandwagon (Waltz, 1979), thus overlooking an important third option: remaining neutral. Moreover, Waltz goes beyond "soft realism" to assert that force is not only the ultima ratio of international politics, but also the "first and constant one." Authority in international governance is, for Waltz, directly tied to capability. Thus, Waltz would argue there can be no normative system of priorities such as a neutrality regime. Of course, the fact that some states are consistently neutral as a matter of official policy is sharply at odds with the key neorealist tenet that states do not "self-differentiate" (Ruggie, 1986). Robert Gilpin's theory of hegemonic rise and fall adds the dynamic of uneven growth to the stagnancy of Neorealism (Gilpin, 1981), but, like Waltz, he fails to address the issue of why statesmen even bother with neutrality regimes, nor does his theory leave room for the normative influence of neutrality and other institutions.¹⁰

Although balance of power and neutrality are both devices for achieving international stability, they are fundamentally different. Conceptually, the balance of power is about the real or hypothetical military contest between opposing sides. Balance of power is a calculation of state self-interest based upon quantifiable resources, that is, the sum total of the resources possessed by a state or group of states determine the potential threat which the state(s) pose to the actor.¹¹ In contrast, neutrality seeks to achieve stability by establishing a body of rules and norms that remove power and military resources from the scope of neutral/belligerent interaction. Its essence relies, not upon power, but upon shared
understandings between the parties involved. While "armed neutrality" and relative distribution of power certainly affect the status of neutrality norms, the central focus of neutrality is not to aggregate military force, but rather to eliminate potential sources and participants from conflict. In short, the balance of power is a device for which power is primary, and rules and conventions are secondary. Neutrality is a device for which rules and conventions are primary, and power is ancillary.

Since the full aspirations of neutral states are seldom respected in toto by other states, force frequently comes into play as a neutral state seeks to secure its neutrality claims against belligerents, and belligerents seek to restrain such claims. In these instances, force is at issue only because the norms and rules of neutrality are not universally respected. States which claim neutrality use force for the secondary purpose of securing their neutrality; the application of force for political ends is not the primary focus of neutrality.

Theoretical Framework for Neutrality

Neutrality has long been a device of statecraft to constrain conflict and limit the disruption of war. The institution of neutrality consists of rules, norms, and decision-making principles that shape actor expectations regarding the rights of belligerent and disinterested third-parties during times of war. To the extent that the conventions of neutrality have been observed by states, the result has been restraint in the spread of hostilities beyond the core conflict, and minimal disruption in the economic life of states. Neutrality has functioned as a series of checkpoints, which, if implemented at an early stage in international conflict, restrain the spread of hostilities by removing ancillary parties, issues, territory, and resources from the scope of war.

If the conventions of neutrality are violated, either wholesale at the outset of potential conflict or in ever-increasing increments, the vortex of war spreads to draw in third-parties with little direct interest in the underlying conflict. The result in some cases is general war. At this stage, neutrality maybe ineffective or even counterproductive in restoring a balance of power. As the normative conventions of neutrality are discarded, the traditional predictions of Realism are actualized like a self-fulfilling prophecy. Force then becomes the ultima ratio until a balance is restored, at which time, neutrality and other institutions can once again become useful factors for maintaining stability in international life.

NEUTRALITY IN INTERSTATE RELATIONS

As a military and political strategy, the device of neutrality has been in existence since biblical times. By the end of the Greek city-state system, an elaborate code of conduct had formed to order the relationship of neutrals and belligerent which was remarkably similar to modern neutrality law. States in the middle ages acknowledged the right of freedom of navigation in the Mediterranean
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during wartime (Jessup and Deak, 1935). Neutrality was widespread in official documents during the 1400s, and became a regular part of diplomatic language by the 1500s. Grotius allowed states to remain neutral only if the subjective rightness of the conflict at issue was doubtful. The Thirty Years War helped to remove subjective moral criteria from statecraft, and the concept that states could legitimately be neutral thus became an important aspect of international relations (Politis, 1935). Neutrality law was further refined during seventeenth and eighteenth centuries in the wars among Scandinavian and North European states. It is significant that states recognized a powerful normative standard of conduct among belligerent and neutrals, and either tended to voluntarily comply with neutrality conventions, or go to great lengths to explain their decision to defect from neutrality regimes (Kulsrud, 1935). As Robert Strauss-Hupe asserts, "By the end of the 18th century, neutrality had become an institution only rarely violated by the strong" (Strauss Húpe and Possony, 1954).

The compromise between neutrals and belligerents throughout the centuries has frequently depended upon the expediencies of power balances, military and industrial development, political configurations, and the good-will of belligerents--a sentiment often in short supply. At other times, however, either because neutrals were strong or belligerents desired reciprocal treatment, neutrality law proved to be an effective means of limiting the scope of conflict. This occurred at times and in ways which the distribution of power and state self-interest alone cannot adequately explain.

There is insufficient space in this article to provide a detailed examination of the law and politics of neutrality in modern times. Instead, I will proceed with five case studies of international conflict since Napoleonic times to demonstrate the influence of neutrality as an institution for shaping the events of world history. These cases were chosen as samples of major periods or important transitions in international politics.

Case #1: Bonaparte and the Italian campaign, April 1796

Until the French Revolution in 1789, European wars were akin to "armed law suits--fought out by small professional armies without hatred and in accordance with certain fixed rules." Among these rules were neutrality conventions. French nationalism which accompanied the revolution made possible the raising of massive civilian armies through the levée en masse. This development vastly increased the scope and complexity of war. The previous "civility" and fixed rules of war soon became obsolete, with profound implications for warfare and statecraft.

At the start of April 1796, Napoleon Bonaparte was a competent but little-known general in the French revolutionary army, firmly subordinate to the Directory and under the watchful scrutiny of political commissars attached to his command. By the end of May, however, Bonaparte had become the most powerful and celebrated general in Europe, receiving emissaries and making foreign policy
on behalf of France from his headquarters in the field. The institution of neutrality played a major part in this transformation.

In 1796, after several years of war that had been mostly successful for France, the Directory determined to strike a mortal blow at Austria—foremost among Europe's reactionary monarchies, and France's only remaining opponent on the Continent. The plan consisted of a two-prong offensive: the main thrust was to come from the north through Germany, while a second front would act as a diversion by menacing Austrian possessions in Northern Italy. Bonaparte was given command of the second front: the understrength, under-equipped, "Army of Italy." The posting could hardly have been less auspicious: his army was entirely without funds, and the plans were already underway to replace Bonaparte with General Kellerman if political expediency required.

Attacking and defeating his enemies piecemeal, Bonaparte made rapid progress through Piedmont in the early weeks of the campaign. But while still outside Lombardy, he suddenly found himself facing the Austrian army securely entrenched behind three tributaries of the Po river at the town of Valenza. Immediately south of the Austrian position lay the neutral duchy of Parma, unoccupied and too weak to defend itself. Austrian General Beaulieu, an experienced officer in command of seasoned troops, could reasonably expect the French Army of Italy to observe the sacrosanct inviolability of neutral territory; thus he did not secure his southern flank by occupying Parma. But Bonaparte determined to play by different rules, and transited neutral Parma, crossing the Po downriver at Piacenza, well to the rear of Austrian lines. The maneuver outflanked the strong Austrian position and forced Beaulieu to evacuate almost the whole of northern Italy without a major battle. Lombardy fell to Bonaparte at virtually no cost. French troops then occupied Parma and other neutral territory, and imposed a sweeping "war tax" which thereafter sustained the Army of Italy and enriched the French treasury. Austria was forced to use neutral Venetia in order to supply its sole remaining Italian fortress at Mantua. Thereafter, and for the duration of the Napoleonic wars, neutrality ceased to serve as a constraint on force, as it had in previous wars.15

The tactical advantage gained by Bonaparte's violation of neutrality norms was pivotal to Bonaparte's stunning success in the Italian campaign. The Italian victories bestowed upon Bonaparte a renown which not even the Directory could assail, and proved the beginning of twenty years of warfare and organized pillaging on a scale unknown before.

Case #2: The Crimean War

Bonaparte's violation of neutrality law shows how disregard of institutions can destabilize international life. In contrast, the observance of neutrality conventions have served to maintain international stability. The Crimean War provides an example.

The Revolution of 1848 nearly overthrew the aristocratic social order of Europe. By 1850, the Revolution had ostensibly been beaten back, except in
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France, where it firmly triumphed. Yet the financial and political costs to European governments were enormous, especially Austria. Despite an apparent return to normalcy, underneath the smooth diplomatic veneer, lay many deep cleavages. The precipitous decline of the Ottoman Empire would bring these cleavages violently to the surface (Wetzel, 1985).

England was the only European power largely unscathed by the Revolution. The British public resented the autocratic Russian monarchy, while the Foreign Office was deeply concerned about the threat to India should Russia fill the space left by the retreating Ottomans. For its part, the Russian government took umbrage at England's efforts to keep it out of the Near East, and for Britain's refusal to support the Czar's claim to a special protectorate over Orthodox subjects of the Sultan. By 1853, both England and Russia envisioned a massive defeat of the other, and both states were only too willing to wage a general war in Europe to accomplish their aims. France and Turkey were solidly behind England. Czar Nicholas, fearful of 'the revolution,' worked to resuscitate the 1815 Holy Alliance of Russia, Prussia, and Austria.

War came in October 1853, sparked off by a rash Turkish raid on a Russian port. Some 3,000 Turkish sailors died in the ensuing bombardment by Russian gunboats. Outraged, England and France declared war, and called upon all "free peoples of Europe" to join in a crusade against autocratic Russia. Literally and figuratively in the middle were Austria and Prussia, with Sweden on the northern borders. But the Crimean War did not prove the downfall of the established European governments, notwithstanding the serious social turmoil of the times and sharp political and ideological antagonisms at stake. What proved to be the key stabilizing factor was the institution of neutrality.

Belligerents ardently courted the support of the uncommitted states, alternately cajoling, bribing, and threatening. These included defense guarantees, vast amounts of foreign aid, military assistance, territorial gains, and threats of invasion or loss of foreign domains (Lambert, 1990; Bayley, 1977). But Austria, the key to central European politics, claimed neutrality and refused to be drawn into the conflict. Prussia followed the Austrian lead, and as long as the former two states did so, Sweden publicly pledged to stay neutral as well. What might have been a general war on the European continent was thus confined to the maritime peripheries.

The conventions of neutrality were generally observed during the Crimean War. The belligerents recognized that to pressure a neutral risked driving it to the enemy. Russia, for example, reached an early compromise with Austria and moved its troops away from a threatening position on the banks of the Danube. As the Czar's Foreign Minister pointed out, should Austria abandon neutrality "instead of three enemies, we will have to take on Europe." After this, Austria no longer considered participating in a general war against Russia (Lambert, 1990). Throughout the war Austria was a primary proponent of peace efforts, eventually brokering the final peace settlement (Wetzel, 1985).

Belligerents sought to avoid the wanton destruction which characterized the Napoleonic wars. All states adhered to the liberal maxim, "free ships, free
goods." Queen's Advocate J.D. Harding blocked several attempts by the British Navy to declare a blockade, either because the fleet was not in proper position, or because it lacked sufficient ships on station for an effective blockade. This caused considerable losses for the British, but reflected the government's determination not to antagonize neutrals (Lambert, 1990).

Ironically, just as it was Austria's neutrality that kept the war limited, it was the threat to abandon that neutrality which forced Russia to accept allied terms for peace. So long as it could count on Austrian and Prussia neutrality, Russia was willing to continue a low-scale war on its periphery, far away from its core areas of interest, despite the fact that its military had proven largely ineffective. But when the potential loss of central European neutrality threatened to bring general war to the Russian heartland, Russia accepted the allied terms for peace. The protection of neutrality allowed the nascent Prussian state to continue its course of national development, and kept the tottering Austrian monarchy on its feet long enough for the two states to switch roles in German suzerainty some ten years later. A general war in Europe at this pivotal time would have considerably changed the course of European history.

In a war which saw few notable violations of neutrality, it is remarkable that the final peace accords paid a great deal of attention to restating the rules of neutrality. Along with a formal treaty signed on 15 April 1856, the parties signed a "Declaration" dealing with neutrality at sea. The provisions included abolition of privateering, affirmation that a neutral flag covers enemy goods except for contraband, protection for neutral non-contraband goods under enemy flag, and a statement to the effect that a naval blockade, to be legal against neutrals, must be "effective," that is, maintained by a force sufficient to prevent access to the enemy coast.¹⁷

The Declaration was a clear acknowledgment by statesmen of the value of neutrality in limiting the scope of conflict. The revisiting of neutrality law was necessary due to a significant development during the war: the advent of steam-powered warships. Until this time, an "effective" blockade was nearly impossible. While neutrality law served to direct the course of events in the Crimean War, it was itself influenced by events of the war, in this case, an important development in military technology.

Case #3: The Boer War

The Boer War (1899-1902) was a low-level conflict which concerned the political status of Dutch-speaking settlers in British-dominated South Africa. Troops from the British Empire suppressed a nationalistic independence movement among Boer farmers, who were handicapped by the fact that not a single foreign government formally recognized their cause. The war was confined to a small area in southern Africa, far from the vital interests of most major powers.

Developments on the battlefield had almost no strategic consequences, and did nothing to alter the international balance of power. But a series of neutrality law violations by Britain against German civilian shipping early in the war
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provoked a fundamental shift in European politics which set the stage for World War I.

The Boer War came at a transitory time in international politics. Britain was the undisputed world power in the late-1800s, yet Germany, with its victories over Denmark, Austria, and especially France, had by 1880 established itself as the major force on the continent. Few statesmen at the time (Bismarck excepted) understood the extent and implications of Britain’s relative decline against the German state.

The early months of the war went badly for Britain. Supplies and materials for Boer forces poured in through the neutral Portuguese colonial port of Lourenço (in modern-day Mozambique). This conduit was soon closed by the Portuguese, but the benefit to the Boers was considerable. In response, Britain adopted an aggressive policy towards neutral shipping. A sweeping contraband list was issued covering a broad range of military goods, but also numerous peacetime commodities including food intended for civilian use. This step was unprecedented, and demonstrated that the civilian economy was becoming increasingly integrated into the war-making capacity of states (Pakenham, 1979; Campbell, 1908).

A more consequential event, however, occurred when the British navy detained and searched a number of German and other neutral steamers bound for neutral East African ports. Several German vessels were towed to Durban for closer inspection. In one instance, cargo was impounded. No contraband was found on the German vessels, and the events were of no military significance to the war. The response in Germany, however, was unbridled outrage. A previously recalcitrant Reichstag, which in 1898 had begrudgingly passed Germany’s first modest naval bill after a decade of debate and cajoling, was now united solidly behind the bombastic Kaiser William II. In the space of a few weeks, it overwhelmingly approved a hugely ambitious bill for the construction of an ocean-going battle fleet, the express purpose of which was to reach parity with Britain in the North Sea. What the Kaiser had been fruitlessly demanding for years, the British Royal Navy served up in just a few months. Moreover, the mood of the German populace and government was deeply and decidedly anti-British (Massie, 1991).

It was not a change in the balance of power which led to this dramatic turnaround. Germany was no more vulnerable to Britain at the end of January 1900, when the navy bill was passed, than it was in October 1899, when the Boer War began. What had changed was that, unlike during the Crimean War, Britain demonstrated that it now viewed neutrality law as readily subordinate to its own national interest. Neutrality norms, in other words, no longer weighed much in the balancing process for British foreign policy. Without the protection of neutrality norms, the German merchant fleet was at the whim of the Royal navy. As a major industrial power, the German state was not willing to accept this status. The result was political polarization, and an aggressive naval arms race between Britain and Germany—in short, prelude to World War I. As the Kaiser himself might have lamented, the German public prior to the Boer War had shown no
inclination to challenge Britain on such a massive scale. The observance of neutrality would have delayed—if not prevented—this movement. The violation of a clear neutrality norm certainly exacerbated it. International stability suffered as a result.\textsuperscript{19}

Case #4: Neutrality and World War I

The institution of neutrality has traditionally been used as a device to constrain the use of force. But, as Bonaparte first demonstrated, it can also serve as a tool to maximize force. In the weeks prior to the outbreak of World War I, Britain made several attempts to bargain its neutrality for guarantees from Germany to abandon or limit its plans for aggression (Ewart, 1925; Ogley, 1970; Massie, 1991). Germany also made a last-minute offer for British neutrality in return for a promise that its troops would not invade France even if war did break out (Massie, 1991). These attempts to use neutrality to maintain a balance of power were too little, too late. As the vortex of conflict spread, neutrality then became a tool of warfare.

Once war broke out, however, both the Entente and Central powers sought to use neutrality as a means to gain military advantage. For example, both sides set up intricate networks of neutrality arrangements in the effort to prevent the spread of hostilities to areas away from the main theatres, or where it was inopportune to commit troops. They also utilized neutrality as a mechanism to time the introduction of hostilities in certain regions for maximum strategic effect.

These patchwork neutrality schemes were effective for a time. By encouraging the neutrality of moderately-armed Greece and Romania, for example, the allies hoped to make Bulgaria, with its considerable military power, feel secure enough to stay out of the war. For its part, Germany did everything possible to bring Bulgaria into the war from the start. Until the entry of Greece and Bulgaria into the conflict in October 1915, the Balkans remained at peace, which is ironic considering that the war was triggered by events in the Balkans. Turkish neutrality was a particular focus of diplomatic effort. Britain offered to guarantee Turkey's territorial integrity if it remained neutral. Russia strongly opposed that offer; it wanted Turkish neutrality for only three months, during which time it hoped to defeat Germany before making a grab for the Turkish Straits. Germany, on the other hand, had already signed a secret pact with Turkey, which, among other provisions, called for strict Turkish neutrality until such time as Germany entered the war in support of Austria (Fromkin, 1989). Of course, the entire war might have been avoided if states such as Germany and Russia had stayed out of the Austrian-Serbian conflict in the first place.

World War I demonstrated that progress in industrial and military technology could force fundamental institutional change. Previously, contraband was limited to a narrow range of products with direct military use. But early in the war, both sides published exhaustive contraband lists which included virtually every commodity in the stream of commerce, including food intended for civilian use. The ability to wage war had never been so closely associated with the civilian
Commonwealth economy, and changes in neutrality rules reflected the intention of belligerents to strike at industry, and, if necessary, induce mass starvation of citizens. Increased economic interdependence made neutral nations all the more vulnerable to belligerent pressure. Britain used its economic leverage to coerce Norway into restricting exports of fish and copper ore to Germany. It offered financial compensation for loss of German exports, but also threatened economic shutdown by cutting off exports of coal and manufactures. These developments were a radical departure from centuries of neutrality experience.

New military technology profoundly affected the venerable doctrine of "visit and search." In the North Sea, the Royal navy sowed newly-developed stationary underwater mines in key sea lanes. This gave Britain control of all neutral shipping by forcing cargo vessels to apply at British ports for directions or escort through mine fields. Directions were given upon certification that the vessel was not carrying goods intended for Germany. With ships now coming directly to British ports, the exercise of visit and search, previously risky and expensive, was now safe, easy, and reliable. If Britain "amended" the rules of visit and search, Germany completely broke them. The Kaiser's government could not match Britain in naval power, and lacked enough conventional ships to escort captured prizes to port. But its U-boats gave Germany a potent weapon for intercepting civilian maritime traffic. U-boats, however, were highly vulnerable on the surface, thus making an inspection visit of neutral cargo on the high seas extremely dangerous. The German navy first tried to implement the traditional procedures of visit and search, but this proved far too dangerous for submarines. Germany then resorted to unrestricted submarine warfare, even though it ran the risk of bringing the United States into the conflict.

Neutrality might have played a key role in preventing the war, or in mitigating its spread and magnitude of destruction. But once the scope of conflict reached a "critical mass," neutrality was no longer an effective tool for maintaining international stability. States which had no interest in the initial fray between Austria and Serbia were sucked into the war as the checkpoints of neutrality gave way. Even America saw fit to violate neutrality norms by assisting Britain, thus prompting a German response and eventual United States entry into the war. By this point, the power configuration in Europe had become dangerously unbalanced. Germany planned to annex large tracts of occupied territory, and the United States might have lost its democratic allies in Europe. Continued American neutrality would, in fact, have hindered the restoration of a long-term, stable balance of power. Once this point had been reached, the sole remaining ratio for restoring international stability was the naked use of military force. The unspeakable destruction of the war is the legacy of Realism without institutional constraints.
Case #5: Global Security and the Korean War

Following World War II, the advent of the Cold War and a global security regime under the United Nations should have meant the end of neutrality, although for different reasons. The Cold War division of the world into opposing superpower camps presented the ultimate Realist incentive to balance or bandwagon. Never before had the starkness and the stakes of world conflict loomed so high. At the same time, post-war legal arrangements for collective security purported to do away with fence-sitting and enlist all nations in the cause of peace. The UN Security Council possessed authority to identify international aggression and mandate collective sanctions, including the use of force, if necessary. Neutrality was not considered an option in the face of UN collective action by the framers at San Francisco.22

Against all expectations, neutrality survived and found a niche in global society. Although post-war neutrals were often forced to compromise some of their neutrality due to heavy dependence on American-led finance and technology,23 even neutrals that were heavily integrated into the western economy refrained from joining the western military alliance and worked to reduce East-West antagonism, preferring to mitigate the prospects for global war rather than join an alliance to fight it. The Conference on Security and Cooperation in Europe (CSCE) and the European Free Trade Association (EFTA) are prominent examples of neutral engagement in European politics.

The Korean War represented a high-point in East-West tension. The UN Security Council (with the Soviet Union absent) condemned the North Korean invasion of 25 June 1950 as a threat to world peace, and called upon all UN members to render aid to a US-led United Nations military command. Many statesmen feared that an escalation of the war might provoke hostilities in Europe and possibly a nuclear confrontation. Prior to the introduction of Chinese "volunteers" in November 1950, PRC leaders had, in fact, accepted the prospect of nuclear attack against Chinese cities. From both a political and legal perspective, the moment was not auspicious for neutrality.

There were several factors which worked to keep the Korean War limited. These included the tacit understandings of restraint between the Chinese and UN forces, Soviet and American desire to avoid escalation of the war, and the neutrality of India.24 As a UN-member, India had no legal basis for declaring neutrality. But it soon proved useful for facilitating communications and encouraging the negotiation process. In addition, the neutrality of the world's largest democracy on its long western border must have provided a measure of security for the Chinese leadership, which had just won a hard-fought civil war, and still did not have an absolute hold on power. I believe that Indian neutrality made possible the first mitigating element, Chinese-UN mutual self-restraint, thus ensuring the continued viability of the second element, U.S.-Soviet restraint.

Institutional constraint of conflict depends upon whether the parties involved feel secure enough to forego an immediate advantage in return for a future benefit, which, even if delayed, is of larger importance. China, the Soviet

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Union, and UN forces each showed restraint in their conduct during the war, and Indian neutrality assisted in this process by performing the functions of an international institution. India’s role as a conduit for communication and its several peace proposals provided the framework for rational discourse and helped form the template for a resolution. Moreover, Indian troops implemented the armistice and repatriation process. At the height of East-West tension, when nuclear war was a real possibility and security all too tenuous, the neutrality of a major state served the historical purpose of constraining force and maintaining international stability. Neutrality proved to be a deeper norm than the positive law regime of the United Nations, and overcame the narrow Realist paradigm of balancing or bandwagoning.

CONCLUSION

Neutrality is an international institution based on norms, rules, diplomatic language, and widely-understood conventions regarding relations between belligerents and neutrals during times of war. Neutrality has been used by statesmen as a device to constrain the use of force since early written history, and continued to play a role in mitigating superpower tension during the Cold War.

When the conventions of neutrality are observed among the society of states, the result tends to be a constraint of conflict. However, as the checkpoints of neutrality are violated, conflict assumes a vortex which draws third-party states into hostilities. This can reach a “critical mass” of violence, after which neutrality and other institutions are of little help in restoring a stable balance of power. Realist factors such as force then come to the forefront, and must be used in unadulterated fashion, including, at times, general war, in order to restore international stability and the balance of power. Important historical outcomes have been profoundly influenced by neutrality, but the institution itself has also evolved due to changes in the balance of power, political expediencies, and progress in military and industrial technology.

This study does not deny the importance of force and the balance of power in the interaction of states. Force is often a necessary factor in maintaining a balance of power favorable to the existence of regimes. And force can often sweep away the restraining influence of norms and institutions. But history shows us that institutions such as neutrality can promote international stability in ways that Realism and the use of force alone cannot. The result of such institutions is frequently stability. In short, institutional forces such as neutrality have a rich historical legacy which Realism overlooks. What the history of neutrality proves is that international institutions matter. By looking at both Realist and Institutionalist approaches to international life and applying either at the right time and context, a richer mosaic of international relations is evident.
ENDNOTES

1. As used here, the term neutrality refers to "situational sovereign neutrality," meaning a deliberate policy of impartiality towards all belligerents in a specific conflict. This form of neutrality differs from neutralization, neutrality imposed by force, and permanent neutrality, avoidance of alliances which would obligate a state to favor one side in a conflict.


3. 1907 Hague Convention V Article 6. Neutrality law is one of the few international legal regimes that extends to individuals. Privately-owned ships and cargo are subject to seizure and condemnation if found to be in violation of neutrality rules.


5. In this article, "institution" and "regime" may be considered interchangeable.

6. Many authorities could be cited in this regard. See Keohane, 1988; Young, 1992.


9. See also "Neutrality and Neutralism," Yearbook of International Affairs 1975, pp.47-75.

10. Holsti, 1992 at pp. 32-36 provides examples of institutions as a force in maintaining the European balance of power.

11. Walt, 1987, adds the factor of intent or perceived threat.

of neutrality conventions are also found in Thucydides, *History of the Peloponnesian War*; see, for example, V:94-95; VII:539.


18. Admiral Tirpitz' long-term goal in building a great battle fleet was to either entice Britain into an alliance with Germany, or force it to remain neutral in the event of a future war (Walt, 1987).

19. As Pakenham notes, "who could have guessed that these earth tremors of 1900 were to lead to the earthquake of 1914?" (Pakenham, 1979, p.264.)

   British violation of neutrality was also a precursor for its wartime alliance. While American officials turned a blind eye, British commissars set up a massive supply operation in the United States, turning part of the Port of New Orleans into a British base staffed by British officers and flying the Union jack. From 1899 to 1902, over $52 million worth of military-use goods were shipped from New Orleans to British depots in South Africa. This violated American neutrality law, as well as the 1871 Treaty of Washington between the U.S. and Great Britain, which required a neutral government to prevent the use of its ports for belligerent operations. Had the Boer Transvaal Republic and Orange Free State won their independence, they could have pressed a substantial indemnity claim against the United States (Campbell, 1908).

20. These changes took place less than ten years after the signing of two major international neutrality agreements, the 1907 Hague Conventions, and the 1909 Declaration of London.

21. The German sinking of the British passenger ship *Lusitania* in May 1915 is notable. Hit by German torpedoes as it was approaching Liverpool, the vessel sank in eighteen minutes after the forward hold exploded, with the loss of 1,198 persons, including 128 Americans. The hold was loaded with tons of American-made munitions, a flagrant violation of neutrality obligations.
22. Article 2(5) of the UN Charter states that members "shall give the United Nations every assistance in any action it takes in accordance with the present Charter...."

Article 48(1) stipulates that the "action required to carry out the decisions of the Security Council...shall be taken by all the Members of the United Nations or by some of them, as the Security Council shall determine."


23. Indeed, by the end of the 1950s, the Soviet Union viewed the European neutrals as latent Western allies.

24. Under these loose arrangements, UN forces agreed not to eliminate the existence of the North Korean government and to refrain from bombing targets in China. China refrained from sea-borne attacks against UN supply vessels. Within a few weeks after the invasion, the Soviet Union scrupulously avoided providing assistance to communist forces, and only reluctantly sold small arms to China on a cash basis (Halperin, 1963; Hastings, 1987). See also "Mao's Cable Explains Drive Into Korea," The New York Times, 26 February 1992, A8.

25. An overview of India's role in the war is found in Foot, 1990.
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REFERENCES


Daniel A. Austin


Commonwealth


This article examines changes in general elections in Pennsylvania from 1984 to 1996. The county level vote of New Democrat Bill Clinton is compared with that of traditional Democrats, Walter Mondale and Michael Dukakis. Clinton won Pennsylvania by gaining votes in the traditionally Republican suburban counties around Philadelphia. Compared to that of previous Democratic presidential candidates, Clinton’s percentage of the vote actually declined in the Democratic counties of western Pennsylvania.

Introduction

The Republican party won five of six presidential elections between 1968 and 1988. Some commentators believed that the Republicans had a significant advantage in the electoral college that made it difficult for Democrats to win the presidency (Wayne, 1992). The Republican advantage in presidential elections was widely held to be rooted in the party’s seeming stranglehold on the electoral votes of the South (Black and Black, 1992).


The Republican advantage in the South was attributed to the Democratic party’s racial and social liberalism (Black and Black, 1987; Rae, 1991). Racial and social liberalism certainly hurt the Democratic party in many non-southern regions of the country (Edsall and Edsall, 1992). However, in the North, the weakness of the Democrats was also attributed to the declining share of states’ votes cast by the heavily Democratic major cities and to the increasing share of states’ votes cast by fast growing, predominantly Republican suburban counties (Schneider, 1992).

Democratic leaning cities in the North have been declining in population for decades. Because many suburban counties experienced continual population growth, Republican presidential candidates were thought to have favorable prospects in large northern states.
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In 1992, William Schneider raised doubt about future Republican dominance of northern suburbs in presidential elections. Schneider predicted that the Republicans' conservative positions on social issues and the environment might cause them problems among many moderate suburban voters who had supported Republican presidential candidates in the 1970s and 1980s. Citing California as an example, Schneider noted that while the California electorate was opposed to tax increases, California was among the most environmentally aware and strongly pro-choice states on the abortion question. Schneider concluded that the Republican dominance of suburbs outside of the South might be threatened by the very social conservatism that contributed to the party's electoral success in the South (Schneider, 1992).

After the 1996 election at least one commentator believed that Republican conservatism and Democratic moderation had combined to give the Democrats an advantage in Presidential elections (Cook, 1997). Rhodes Cook argued that Clinton's strength in suburbs outside the South helped him win nearly 200 electoral votes in 1996.

Bill Clinton, desiring to avoid the liberal image that was widely have thought to have contributed to Democratic failures in recent presidential elections, presented himself as a new Democrat who was fiscally prudent, tough on crime, protective of the environment and socially moderate (Dionne, 1995). Clinton did, in both his campaigns and in his first administration, take liberal positions on social issues like gun control and abortion that were viewed as likely to appeal to suburban voters. Combining liberal views on certain social issues with strong doses of moderation and conservatism on many issues, Clinton was appropriately positioned to do well in the crucial northern suburbs.

Exit poll results from the presidential elections of 1972 through 1996 indicate that Clinton was the only Democratic nominee to carry suburban voters (New York Times, 1996). Clinton's narrow 11.39 percent edge over George Bush in 1992 was expanded into a slightly larger 47-42 lead among suburbanites in 1996. (George Bush defeated Michael Dukakis by a 15 percent margin in the suburbs in 1988).

As Clinton sought to reposition the Democratic party in Presidential politics, it would be expected that the change in appeal would strengthen the party in some regions and with some voters, while weakening it in other regions and among other groups of voters. James Sundquist, in his study of realignment in American politics, has noted that even the creation of the New Deal coalition in the 1930's, which greatly increased Democratic support in many regions of the country, caused a reaction against the Democrats in other parts of the United States (Sundquist, 1983). A uniform surge or decline in partisan support should not be expected across even a single large state with a diverse electorate.

Other research indicates that since the 1960s, much of the North experienced a gradual Democratic trend. However, some regions within states have become more Republican, while others have become more Democratic (Speel, 1994). For example, while Vermont has seen a strong Democratic trend
over the past few decades, this trend has been much stronger in some regions of the state than others.

A Democratic upsurge in the North might be expected after the Southern-dominated Republican congressional party gained majority status. Gary Jacobson has argued that the hard edged conservatism of the congressional GOP gives Democrats an advantage in presidential elections (Jacobson, 1997).

The primary purpose of this article is to investigate whether Clinton’s appeal as a New Democrat changed the geographic basis of Democratic support in presidential elections in Pennsylvania. Clinton’s percentage of the vote in Pennsylvania counties will be compared with that of Democratic nominees Walter Mondale and Michael Dukakis, who lost Pennsylvania in their unsuccessful campaigns for the presidency.

**Pennsylvania**

Pennsylvania is a particularly interesting state to examine when investigating changes in presidential election returns from 1984 through 1996. Within the state are areas that have large numbers of socially conservative, blue collar Democrats who might not be attracted to a pro-choice, pro gun control, free trade Democrat like Bill Clinton. At the same time, the populous Philadelphia suburbs have often elected relatively moderate Republicans to Congress. Voters in the suburban counties might well be attracted to a fiscal moderate with some liberal positions on social issues.

Gun control and abortion are issues that have had considerable salience in Pennsylvania politics. In 1968, liberal Democratic Senator Joseph Clark’s defeat by Republican Richard Schweiker was attributed in part to Clark’s support for gun control (Barone, Ujifusa, Mathews, 1973). In the 1990s, most Democratic members of Congress from outside the Philadelphia region opposed efforts to limit legal access to firearms.

Even before the 1973 Supreme Court ruling in *Roe v. Wade* that women had a constitutional right to abortion, Pennsylvania had been in the forefront of the effort to curtail access to abortion (Nossiff, 1994). Robert Casey, the Democratic governor of Pennsylvania from 1987 to 1995, was an outspoken champion of the pro-life cause, who refused to endorse Clinton in 1992 because of differences on the abortion issue (Barone and Ujifusa, 1995). In 1997 only two of the eleven Democrats in the Pennsylvania U.S. House delegation voted against the proposed ban on late term or partial birth abortion (*Congressional Quarterly Weekly Report*, 1997).

This article investigates change in presidential election voting patterns in the 1980s and 1990s. County level presidential election returns from Pennsylvania are examined to evaluate the evolution of the state’s presidential voting from 1984 to 1996.

It should be noted that Bill Clinton won Pennsylvania in 1992 and 1996. However, as Table 1 indicates Pennsylvania’s relative position as a Democratic state has weakened over the four elections examined in this article.
Commonwealth

Table 1
Pennsylvania and the Nation in Presidential Elections 1984-1996

<table>
<thead>
<tr>
<th>Year</th>
<th>% Democratic National Vote</th>
<th>% Democratic PA Vote</th>
<th>PA Rank as Democratic State</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>40.8</td>
<td>46.3</td>
<td>5</td>
</tr>
<tr>
<td>1988</td>
<td>46.1</td>
<td>48.8</td>
<td>12</td>
</tr>
<tr>
<td>1992</td>
<td>45.1</td>
<td>43.0</td>
<td>13</td>
</tr>
<tr>
<td>1996</td>
<td>49.0</td>
<td>49.0</td>
<td>21</td>
</tr>
</tbody>
</table>

Presidential Politics in Pennsylvania 1984-1996

To examine the extent to which the trend toward the Democrats in 1992 and 1996 was greater in the Philadelphia metropolitan area than in rest of the state, the popular vote for four presidential elections 1984-1996 was calculated into three different categories. Philadelphia county, which is the city of Philadelphia, was treated separately. The four suburban counties around Philadelphia (Bucks, Chester, Delaware, and Montgomery) were combined into a single total. The vote for the rest of the state was combined into a third category. Finally the swing in the percentage of the vote won by the Democratic candidate from 1984 to 1996 is calculated. The results of these calculations are presented in Table 2.

Table 2
The Philadelphia Region and the Pennsylvania Presidential Vote 1984-1996

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Philadelphia</td>
<td>65.2</td>
<td>67.2</td>
<td>68.7</td>
<td>78.1</td>
<td>12.9</td>
</tr>
<tr>
<td>Suburban Counties</td>
<td>35.4</td>
<td>38.2</td>
<td>40.7</td>
<td>47.7</td>
<td>12.3</td>
</tr>
<tr>
<td>Rest of PA</td>
<td>44.7</td>
<td>47.8</td>
<td>42.4</td>
<td>45.5</td>
<td>.8</td>
</tr>
</tbody>
</table>

Note: The number in each cell is the percentage of the popular vote received by the Democratic presidential candidate.
Donald W. Beachler

An examination of Table 2 indicates that the shift to Clinton was greater in Philadelphia and the four suburban counties than in the rest of the state. (It should be noted that the shift from Walter Mondale's 1984 showing in 1984 to Michael Dukakis's performance in 1988, which is not formally calculated in Table 2, was nearly uniform, ranging from two percent in Philadelphia to 3.1 percent in the non-Philadelphia region.) Compared to 1984, the 1996 the Democratic percentage of the vote increased by 12.9 percent in Philadelphia and 13.7 percent in the Philadelphia suburbs. The Democratic vote in the rest of the state increased by only 1.1 percent from 1984 to 1996. A similar pattern exists in the trend from 1988 to 1996. The Philadelphia Democratic vote increased by 10.9 percent, while the suburban Democratic vote increased by 9.9 percent. The Democratic vote in the rest of the state actually declined by two percent from 1988 to 1996.

Table 3

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Philadelphia</td>
<td>68.1</td>
<td>61.8</td>
<td>66.3</td>
<td>78.1</td>
</tr>
<tr>
<td>Philadelphia Suburban Counties</td>
<td>42.5</td>
<td>39.0</td>
<td>42.7</td>
<td>47.7</td>
</tr>
<tr>
<td>Rest of PA</td>
<td>48.4</td>
<td>46.0</td>
<td>50.0</td>
<td>45.5</td>
</tr>
</tbody>
</table>

The number in each cell is the percentage of the popular vote received by the Democratic presidential candidate.

Clinton's performance in the Philadelphia region and the rest of Pennsylvania is also interesting when compared to some Democratic presidential candidates who won Pennsylvania in closely contested elections in the 1960s and 1970s. Table 4 indicates that, in 1996, Clinton did better in both Philadelphia and in the Philadelphia suburban counties than did John F. Kennedy in 1960, Hubert Humphrey in 1968, and Jimmy Carter in 1976. Clinton also received a lower percentage of the vote in the non-Philadelphia region of the state than did Kennedy, Carter, or Humphrey.

Table 4 demonstrates that there was a real increase in Democratic support in the Philadelphia suburbs. The fact that Clinton received 126,000 more popular votes than Walter Mondale did in the four suburban counties indicates that his increased percentage of the popular votes was not caused entirely by the abstentions of Republicans disillusioned with their presidential nominees in 1992 and 1996.
Table 4
Presidential Election Popular Vote
in the Philadelphia Suburbs 1984-1996

<table>
<thead>
<tr>
<th></th>
<th>Democratic</th>
<th>Republican</th>
<th>Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>311,386</td>
<td>565,520</td>
<td></td>
</tr>
<tr>
<td>1988</td>
<td>333,043</td>
<td>539,035</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>405,327</td>
<td>402,877</td>
<td>185,923</td>
</tr>
<tr>
<td>1996</td>
<td>427,501</td>
<td>383,742</td>
<td>84,652</td>
</tr>
</tbody>
</table>

The results in Tables 2 and 4 do indicate that there was a much stronger Democratic trend in the Philadelphia metropolitan region in 1992 and 1996 than in the rest of the state. However, the analysis does not permit investigation of trends in other regions of Pennsylvania.

To examine change in each of Pennsylvania's 67 counties the partisan swings were calculated for each election from 1984 through 1996. In each election the variable chosen as the measure of partisan support was the Democratic percentage of the total vote cast for president in each county. In addition to the individual vote swing in each county, a mean swing vote for each pair of elections compared was calculated. A standard deviation from the mean was also computed. To illustrate where the Democratic trend was strongest and where it was weakest, the counties where the vote swing to the Democrats was at least one standard deviation below the mean and the counties where the vote swing to the Democrats was at least one standard deviation above the mean are presented in individual tables.

Each individual election is compared to the one that preceded it. For a longer perspective the elections of 1984 and 1988 are also contrasted with 1996. Table 5 indicates that the pattern of Democratic voting between 1984 and 1988 was basically stable. (Table 2 indicates that Michael Dukakis exceeded Walter Mondale's Vote by two percent in Philadelphia, 2.8 percent in the Philadelphia suburbs and 3.1 percent in the rest of the state combined.) At 1.7 percent, the standard deviation was the smallest of any of the elections compared in this article. Michael Dukakis did better than Walter Mondale in every county in Pennsylvania. There was no particular pattern to the counties where Dukakis's showing improved the least, as these eight counties were spread around the state. All of the eleven counties where Dukakis's percentage of the vote increased most from that of Walter Mondale were rural counties in the north central and northwest regions of Pennsylvania.
Table 5
Partisan Change in Pennsylvania Counties 1984-1988

<table>
<thead>
<tr>
<th>Counties with Smallest Democratic Swing</th>
<th>Counties With Largest Democratic Swing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mifflin .7</td>
<td>Clarion 5.7</td>
</tr>
<tr>
<td>Butler .8</td>
<td>McKean 5.7</td>
</tr>
<tr>
<td>Cambria 1.4</td>
<td>Bradford 5.8</td>
</tr>
<tr>
<td>Delaware 1.6</td>
<td>Tioga 5.9</td>
</tr>
<tr>
<td>Franklin 1.7</td>
<td>Warren 6.4</td>
</tr>
<tr>
<td>Perry 1.7</td>
<td>Potter 6.4</td>
</tr>
<tr>
<td>Carbon 1.9</td>
<td>Columbia 6.7</td>
</tr>
<tr>
<td>N’hampton 1.9</td>
<td>Indiana (w) 6.8</td>
</tr>
<tr>
<td>Philadelphia 2.0</td>
<td>Clearfield 7.0</td>
</tr>
</tbody>
</table>

(w) = Western PA County
Mean Change in Democratic Vote: 3.9
Standard deviation From the Mean: 1.7
Change in Median Democratic Vote: 3.6
Note: the figure in each column is the change in the Democratic presidential vote from 1984 to 1988. Counties whose partisan swing is at least one standard deviation from the mean are included.

Table 6 compares county level presidential voting in the 1988 and 1992 elections. Although Clinton was the first Democrat since Jimmy Carter in 1976 to win Pennsylvania, because of the presence of a strong third party candidate, Clinton won with a lower percentage of the popular vote than Mondale and Dukakis received in their losing efforts. The average county Democratic vote declined by four percent. The variation in change in Democratic support was regional. Clinton’s vote declined most substantially in the western part of the state. The Democratic vote improved slightly in Philadelphia and in the four suburban counties around the state’s largest city. Clinton also did relatively well in certain counties in the northeastern corner of the state (Monroe, Wyoming, Pike) and in some counties in the center of the state (Perry, Union, York).

Table 7 compares the elections of 1992 and 1996. As was true when 1988 and 1992 were compared, the greater Pittsburgh area was the region of the state with smallest Democratic trend. All of the counties in which the trend in support for Clinton was at least one standard deviation below the mean were in western Pennsylvania. Of the six counties where the trend towards the Democratic candidate was most substantial, two were in the northeastern portion of the state.
Table 6
Partisan Change in Pennsylvania Counties 1988-1992

<table>
<thead>
<tr>
<th>Counties With Most Negative Democratic Swing</th>
<th>Counties With Least Negative or Positive Democratic Swing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegheny (w) -7.3</td>
<td>Franklin -.6</td>
</tr>
<tr>
<td>Lawrence (w) -7.4</td>
<td>Monroe -.6</td>
</tr>
<tr>
<td>Washington (w) -7.7</td>
<td>Wyoming -.6</td>
</tr>
<tr>
<td>Butler (w) -8.1</td>
<td>York .1</td>
</tr>
<tr>
<td>Cambria (w) -8.3</td>
<td>Pike .5</td>
</tr>
<tr>
<td>Fayette (w) -9.4</td>
<td>Union .6</td>
</tr>
<tr>
<td>Greene (w) -9.4</td>
<td>Perry .7</td>
</tr>
<tr>
<td>Westmoreland (w) -10.3</td>
<td>Bucks (ps) .9</td>
</tr>
<tr>
<td>Elk (w) -10.4</td>
<td>Philadelphia 1.0</td>
</tr>
<tr>
<td>Beaver (w) -11.6</td>
<td>Delaware(ps) 2.4</td>
</tr>
<tr>
<td></td>
<td>Chester (ps) 2.8</td>
</tr>
<tr>
<td></td>
<td>Montgomery (ps) 3.7</td>
</tr>
</tbody>
</table>

(w) = Western PA County
(ps) = Philadelphia Suburban County
Mean Change in Democratic Vote: -4.0
Change in Median Democratic Vote: -4.5
Standard Deviation From the Mean: 3.3

Note: The number in each cell is the change in the Democratic percentage of the popular vote from 1988-1992. Counties whose partisan swing is at least one standard deviation from the mean are included.

(Wayne and Wyoming). Lackawanna county also showed significant Democratic gains as did Elk county in the northwestern part of the state.

Table 8 examines the trend towards the Democrats from 1984 to 1996. There were nine counties in Pennsylvania in which the Democratic vote was at least ten percent higher in 1996 than in 1984. All were located in the eastern portion of the state. Philadelphia and its four suburban counties all had strong Democratic trends between 1984 and 1996. Also showing a Democratic surge were four northeastern counties (Bradford, Pike, Wayne, Wyoming).

All of the counties that gave Clinton a lower percentage of the vote than Mondale were in western Pennsylvania. The Democratic percentage of the vote was lower in 1996 than in 1984 in every county in the Pittsburgh region.

Table 9 shows the county trends between the 1988 and the 1996 elections. The patterns detected in previous tables is evident, as Philadelphia, some of its suburban counties, and the fast growing counties in the Pocono region registered the greatest trend towards the Democrats. (Perry County, in central Pennsylvania, also had a significant trend toward the Democrats, though it should be noted that
Table 7
Partisan Change in Presidential Counties 1992-1996

<table>
<thead>
<tr>
<th>Counties with Least Positive or Negative Democratic Swing</th>
<th>Counties With Most Positive Democratic Swing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegheny (w) .75</td>
<td>Wayne 8.1</td>
</tr>
<tr>
<td>Fayette (w) .49</td>
<td>Elk 8.2</td>
</tr>
<tr>
<td>Greene (w) .19</td>
<td>Delaware (ps) 8.9</td>
</tr>
<tr>
<td>Cambria (w) .11</td>
<td>Lackawanna 8.9</td>
</tr>
<tr>
<td>Butler (w) .04</td>
<td>Wyoming 9.2</td>
</tr>
<tr>
<td>Indiana (w) .01</td>
<td>Philadelphia 9.8</td>
</tr>
<tr>
<td>Westmoreland (w) -.30</td>
<td></td>
</tr>
<tr>
<td>Beaver (w) -.86</td>
<td></td>
</tr>
<tr>
<td>Washington (w) 1.7</td>
<td></td>
</tr>
<tr>
<td>Armstrong (w) -2.5</td>
<td></td>
</tr>
</tbody>
</table>

(w) = Western PA County
(ps) = Philadelphia Suburban County
Mean Change in Democratic Vote: 4.6
Median Change in Democratic Vote: 5.2
Standard Deviation from the Mean: 2.71

Note: The number in each cell is the change in the Democratic percentage of the popular vote from 1992 to 1996. Counties whose partisan swing is at least one standard deviation from the mean are included.

Clinton received a meager percentage of the vote in the county. The 1984-1988 Democratic trend in the northern tier and north central counties did not continue in the Clinton years. Once again the western counties showed a decline in support for Democratic candidates.

Analysis

The results presented in the preceding tables clearly indicate that there was a strong Democratic surge in eastern Pennsylvania in the 1992 and 1996 presidential elections. The Democratic gains were concentrated in three portions of the East. The city of Philadelphia, a Democratic stronghold since the realignment of the 1930s, saw the largest movement to the Democrats of any county in Pennsylvania between 1984 and 1996. The 78 percent of the vote that Clinton received in Philadelphia in 1996 was the best showing by a Democratic presidential candidate since the two parties began competing.3

Clinton also greatly improved on the showings of Walter Mondale and Michael Dukakis in the Philadelphia suburbs. Indeed Clinton carried three of the four counties (Bucks, Delaware and Montgomery) in 1996 and his combined
### Table 8
Partisan Change in Pennsylvania Counties 1984-1996

<table>
<thead>
<tr>
<th>Counties With Most Negative Democratic Swing</th>
<th>Counties With Most Positive Democratic Swing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somerset (w)</td>
<td>Bucks (ps)</td>
</tr>
<tr>
<td>Lawrence (w)</td>
<td>Bradford</td>
</tr>
<tr>
<td>Allegheny (w)</td>
<td>Pike</td>
</tr>
<tr>
<td>Greene (w)</td>
<td>Chester (ps)</td>
</tr>
<tr>
<td>Fayette (w)</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>Washington (w)</td>
<td>Wayne</td>
</tr>
<tr>
<td>Butler (w)</td>
<td>Delaware (ps)</td>
</tr>
<tr>
<td>Armstrong (w)</td>
<td>Wyoming</td>
</tr>
<tr>
<td>Westmoreland (w)</td>
<td>Montgomery(ps)</td>
</tr>
<tr>
<td>Beaver (w)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **(w)** = Western PA County
- **(ps)** = Philadelphia Suburban County
- **Mean Change in Democratic Vote**: 4.43
- **Change in Median Democratic Vote**: 4.96
- **Standard Deviation From the Mean**: 5.40

Note: the number in each cell is the change in Democratic percentage of the popular vote between the elections of 1984 and 1996. Counties whose partisan swing between the two elections is at least one standard deviation from the mean are included.

The percentage of the vote in the suburbs exceeded his total in the non-Philadelphia region of the state by 3.3 percent, a dramatic change in the relative pattern of support from that of Mondale and Dukakis who, in the suburban counties, ran nine to ten percent behind their outstate showing.

Clinton’s brand of Democratic moderation with its emphasis on fiscal restraint combined with socially moderate views that included liberal views on abortion and gun control may have been ideally pitched to increase the Democrat’s support in the Philadelphia suburbs whose Republicans have often been moderate on social issues. In the last decade Republican Representatives from the Philadelphia suburbs have often been the only Republican members of the state’s US House delegation to vote for gun control measures and, on occasion, to oppose restrictions on abortion. Clinton’s generally moderate appeal, derided as a weak version of Republicanism by liberal Democratic opponents, is not inconsistent with the views espoused by Republican representatives from the Philadelphia suburbs (Balz, 1997).

The other counties trending strongly to Clinton were in the northeastern region of the state. Pike, Wayne, and Wyoming show a strong movement to the
Table 9
Partisan Change in Pennsylvania Counties 1988-1996

<table>
<thead>
<tr>
<th>Counties with Most Negative Democratic Swing</th>
<th>Counties with Most Positive Democratic Swing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegheny (w)</td>
<td>Monroe</td>
</tr>
<tr>
<td>Indiana (w)</td>
<td>Perry</td>
</tr>
<tr>
<td>Butler (w)</td>
<td>Bucks (ps)</td>
</tr>
<tr>
<td>Cambria (w)</td>
<td>Pike</td>
</tr>
<tr>
<td>Fayette (w)</td>
<td>Chester (ps)</td>
</tr>
<tr>
<td>Greene (w)</td>
<td>Wyoming</td>
</tr>
<tr>
<td>Washington (w)</td>
<td>Montgomery (ps)</td>
</tr>
<tr>
<td>Westmoreland (w)</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>Armstrong (w)</td>
<td>Delaware (ps)</td>
</tr>
<tr>
<td>Beaver (w)</td>
<td></td>
</tr>
</tbody>
</table>

(w) = Western PA County
(ps) = Philadelphia Suburban County
Mean Change in Democratic Vote: .53
Median Change in Democratic Vote: 1.02
Standard Deviation From the Mean: 5.43

Note: the number in each cell is the change in the Democratic percentage of the popular vote between the elections of 1988 and 1996. Counties with a swing of at least one standard deviation from the mean are included.

Democrats in 1996 when compared with the 1984 or 1988 election. Monroe County is included in this group of counties when the 1988 and 1996 Democratic votes are compared. The northeastern counties are in the greater Pocono region of Pennsylvania and have experienced extensive population growth in the past twenty years. The northeastern counties had the greatest population increase of any counties in the state. Many of the new migrants to the northeastern counties are commuters to the New York City metropolitan area. They are likely to resemble the moderates of the Philadelphia suburbs, and many also come from New Jersey and New York, states that showed strong movement away from the Republican party in 1996.4

While counties in the Philadelphia and Pocono regions of the state were moving toward Clinton, Clinton did worse than Walter Mondale in virtually all the counties in the greater Pittsburgh region. (It is important to reiterate that Clinton did not actually lose most of the western counties, but his relative performance there was poor.)

Three factors may explain the relative weakness of Clinton's performance in western Pennsylvania. The western region of the state was greatly affected by the deindustrialization that occurred in the 1980s and 1990s. All but one of the
Commonwealth counties in the greater Pittsburgh region experienced population decline from 1980 to 1995. In 1993 all five of the representatives from western Pennsylvania voted against the NAFTA accord. Clinton’s support of free trade policies, as evidenced by his support of the NAFTA and Gatt accords, has probably not endeared him to many working class voters in a region where economic change has led to the loss of thousands of well paid union industrial jobs.

Clinton’s embrace of abortion rights, even to the point of vetoing the ban on late term or partial birth abortions in 1996, may have hurt him in a region of the state where all the Democratic members of the House, except one have compiled solidly anti-abortion records. Likewise, Clinton’s support for gun control probably cost him votes in socially conservative western Pennsylvania, where again the Democratic members of the House, with one exception voted against gun control measures.

Conclusion

Bill Clinton sought to rectify the political problems faced by Democratic presidential candidates in the 1970s and 1980s by presenting a much more moderate Democratic image. Clinton had served as president of the Democratic Leadership Council which sought to move the Democratic party to the middle of the political spectrum. On economic policy, Clinton supported the free trade regime promoted by business elites in both political parties and quickly moved to embrace the deficit reduction policies favored by the financial markets. With the advent of a Republican Congress after the 1994 elections, Clinton endorsed the concept of enacting a balanced federal budget by the year 2002. While embracing fiscal restraint, Clinton campaigned for reelection as a moderate, who would protect the public from allegedly radical Republican cuts in Medicare, Medicaid, education, and the environment.

On social issues Clinton moved the Democratic party to the right on some issues, most notably crime. However, Clinton also held liberal social positions that, by design or accident, were likely to appeal to moderate suburban voters. At great cost to his fellow Democrats in the 1994 elections, Clinton secured the passage of two gun control measures during his first two years. He also maintained a strong pro-choice record on abortion.

Bill Clinton sought reelection as a generally pro-business social moderate concerned about crime. Clinton improved most on previous Democratic performances in precisely those areas of Pennsylvania where moderate Republicanism had been most entrenched and in the northeast counties where New York and New Jersey migrants and commuters resided. Clinton managed to improve the Democratic vote in the Philadelphia suburbs while also increasing the Democratic vote in the city itself.

An anomalous region is the socially conservative Scranton and Wilkes-Barre area of Northeastern Pennsylvania where Clinton improved his vote substantially from 1992 to 1996. No definitive answer to this conundrum is
presented here. It is worth noting that Scranton and Wilkes-Barre are in the Democratic trending northeast region of the state. Also, it is possible, given the high percentage of senior citizens in Lackawanna (Scranton) and Luzerne (Wilkes-Barre) counties, that the Republican plans to impose cuts on Medicare and President Clinton's oft repeated pledge to protect Medicare had a significant impact on presidential voting in the Scranton and Wilkes-Barre region in 1996. 10

In the early 1970s Pennsylvania's Democratic base was the city of Philadelphia, some industrial areas like Bethlehem, Allentown, Scranton, Wilkes-Barre, and the coal and industrial regions of the western portions of the state. Republicans dominated the Philadelphia suburbs, the Pennsylvania Dutch region in the south central portion of the state and virtually all the rural counties in the northern tier(Pierce and Barone, 1977). By the 1990s the basic regional/partisan patterns still held for much of the state.

Despite his reduced vote margins, Bill Clinton carried the coal and steel counties of western Pennsylvania. However in the six county Pittsburgh region, Clinton received 51.3 percent of the popular vote in 1996 compared to Walter Mondale's 57 percent of the vote in 1984.11

The major exceptions to the continuation of the pattern observed in the 1970s were that in 1992 and 1996 the Philadelphia suburbs voted Democratic by small margins, the Republican vote share had decreased significantly in Philadelphia, and the Pocono region was more Democratic. Clinton's strong performance in the traditionally Republican suburbs, made it virtually impossible for George Bush and Bob Dole to win Pennsylvania.

Because they are few in number, presidential elections are difficult events from which to draw conclusions and generate predictions. It is easy to find particular causes for the outcome of any election. It is obvious that in 1996, Bill Clinton benefited from the ineptness of the Dole campaign and from the strong state of the economy (Burnham, 1997). However, the very different changes in the pattern of support for Clinton in Pennsylvania indicate that there may be trends with longer term implications at work as well. It is clear that if the Republican party continues to nominate presidential candidates who are positioned well to the right on social issues and the Democratic party nominates Clintonian moderates, the Democratic gains in the Philadelphia suburbs may make Pennsylvania a very difficult state for Republican presidential nominees.

Nationally, in 1996 Bill Clinton defeated Bob Dole in nearly two thirds of the congressional districts classified as suburban by Congressional Quarterly.12 Control of the suburbs may enable future Democratic presidential candidates to win other major states.

It is also important to note the dramatic decline in Pennsylvania’s rank as a Democratic state from 1984 to 1996. While Clinton won Pennsylvania's 23 electoral votes in 1992 and 1996, his percentage of the popular vote in each election was not as great as would be expected based on the showings of Walter Mondale and Michael Dukakis. (Clinton's 1996 popular vote percentage was slightly higher in traditionally Republican New Hampshire than in Pennsylvania.) Clinton’s substantial gains in the Philadelphia region were partly offset by his relative weakness in the western industrial regions of Pennsylvania.
Commonwealth

Notes

1. Schneider notes that southern suburban voters were strongly conservative on both economic and social issues.

2. The Democratic percentage of the total vote was chosen because using the Democratic percentage of the two party vote might lead to an inflated Democratic total simply because of the presence of Ross Perot in 1992 and 1996. For example, if a Democratic candidate lost a hypothetical county by a margin of 40 to 60 percent in 1988 and won 40 percent in 1992, with the Republican candidate winning 40 percent and Perot 20 percent, the Democratic percent of the two party vote would have increased ten percent though there was no actual increase in support for the Democratic candidate.

3. By contrast, Franklin Roosevelt received 60.9 percent of the vote in Philadelphia in his landslide reelection victory in 1936.

4. Between the 1980 census and the Census Bureau's 1995 estimate of population Pennsylvania's population increased just 1.8 percent. Pike County's population increased 102 percent, Monroe County's by 68 percent, Wayne County by 25 percent, Wyoming county by 12 percent.

5. Only Butler county gained population from 1980 to 1995. Allegheny county, which includes the city of Pittsburgh, lost over nine percent of its population over the fifteen year period. Other counties suffering population decline were Cambria (-11%), Fayette (-9%), Beaver (-7%), Westmoreland (-5%), and Washington (-5%).

6. The representatives were Democrats Ron Klink (D-4th), John Murtha (D-12), William Coyne (D-14th), Austin Murphy (D-20th) and Republican Rick Santorum from the 18th district.

7. Western Pennsylvania Democratic Representatives Ron Klink, John Murtha, and Austin Murphy, who retired in 1994, all compiled uniformly anti-abortion records in the House. Representatives Frank Mascara, who replaced Murphy in 1995, and Mike Doyle, who replaced Republican Rick Santorum in a suburban Pittsburgh district, after Santorum's election to the senate in 1994, compiled anti-abortion records in the House. Only Democratic William Coyne, whose district is based in the city of Pittsburgh and some of its surrounding Allegheny county suburbs, has voted the pro-choice position on abortion.

8. William Coyne of Pittsburgh was the only Democrat from Western Pennsylvania to vote in favor of the major gun control measures of the Clinton administration. Coyne supported the 1993 Brady Bill imposing a five day waiting limit on handgun purchases and the 1994 assault weapons ban.
9. Prominent anti-abortion Democrat former Governor Casey was from Scranton. Both U.S. representatives from this region, Republican Joseph McDade of Scranton and Democrat Paul Kanjorski from the Wilkes-Barre area compiled anti-abortion voting records in the House.

10. According to the 1990 census, Pennsylvania with 15.4 percent of its population over 65 years of age, had the second largest percentage of senior citizens in the nation. (Florida was first). Lackawanna and Luzerne Counties, with 19.8 and 19.7 percent of their populations over age 65 in 1990 were well above the state average.

11. The six counties in the Pittsburgh area are Allegheny, Beaver, Butler, Fayette, Washington, and Westmoreland.

12. Clinton won 105 of the 160 House districts that CQ classified as suburban. This information is presented in a table in the September 20, 1997 issue of Congressional Quarterly Weekly Report.
Commonwealth

References


Decentralization of Environmental Enforcement: The Pennsylvania Air Quality Program

Douglas Camp Chaffey
Chatham College

This article examines the consequences of one organizational structure (regional decentralization) on the enforcement of environmental regulations. Using interviews conducted with the staff of and data drawn from the Pennsylvania Department of Environmental Protection, the results of this study suggest that the reporting structure in the Pennsylvania air quality program sometimes produces conflicting directives to the various regional offices while also making efforts to arrive at a common approach to enforcement more difficult.

Background

The primacy which many federal environmental laws give to state and local enforcement has had significant implications for the implementation and the outcomes of U.S. environmental policies. It is evident that state and local governments have varied widely in performing these federally-mandated responsibilities (Lowry, 1992; Bryner, 1990; Mazmanian and Sabatier, 1989; Rosenbaum, 1991; Downing and Kimball, 1982; Lester and Lombard, 1990; Lester, 1994; Goggin, Bowman, Lester and O'Toole, 1990). Various systems for rating the states in terms of their commitment to environmental enforcement have been used, but all of them point to wide differences between the states, whatever measure is used (see especially Lester, 1994; Ridley, 1989).

A number of factors contribute to these differing state responses. Inadequate financing and lack of personnel are partly to blame (Lester and Lombard, 1990; Lester, 1994; Rosenbaum; Roberts and O'Farrell, 1978). Each state's cultural and political commitment to environmental protection itself must also be considered (Lester, 1994; Lowry, 1992). Third, interstate competition for business may place a lid on how stringently many states are willing to enforce these laws (Lowry, p.14). Finally, it has been suggested that the organizational structure within which environmental protection takes place may significantly affect implementation. Goggin et. al. argue that “simple structures reduce coordination costs and ease the transmission of information, thus enhancing capacity to act” (p. 38).

Whether to provide public services through a centralized or a decentralized approach is one of the critical issues of organizational structure which all levels of government must visit and re-visit, and this aspect of state enforcement of federal environmental laws has not been much explored in existing scholarship. States do
differ a great deal along this centralization-decentralization continuum in environmental enforcement. For example, in the “Tri-State” air shed which includes southwestern Pennsylvania, northern West Virginia and eastern Ohio, air quality enforcement is carried out by four very different organizational structures: a centralized program located within a county health department (Allegheny County), a centralized state approach (West Virginia), a mixed regional and state approach (Ohio), and a regional approach within a matrix reporting structure (Pennsylvania outside of Allegheny County). Does the use of one organizational structure as opposed to another have significant consequences for the enforcement of federal and state environmental laws? Is one organizational structure more likely than another to produce results more consistent with the policy goals embedded in state and federal environmental laws?

The use of a decentralized approach to enforcement creates the potential for obvious coordination problems. In his classic study of the U.S. Forest Service, Herbert Kaufman stressed that there are a number of centrifugal forces operating on any organization which relies heavily upon scattered field offices to carry out its basic policies (Kaufman, 1967). These forces include (1) directives from above which would require the field office to carry out mutually exclusive courses of action (p. 68); (2) the development of informal norms in the immediate work group which may run counter to organizational norms or directives (p. 73); and (3) the possibility that important interests and private individuals with whom the field staff have frequent contact will unduly influence his or her conduct (p. 75).

Kaufman found that U.S. Forest Service policies were carried out with remarkable uniformity and consistency, despite the widely scattered nature of Forest Service operations. He attributed this organizational success in overcoming centrifugal forces to a number of factors, including the use of budgets and reports to superiors, the elaborate Forest Service Manual, and frequent field inspections by superior officers. But perhaps more important was the education and socialization process which all Rangers underwent: the specialized university education, elaborate in-service training, frequent transfers from one national forest to another, and the use of symbols of identification with the Forest Service and its goals. The end product was a professional staff which identified strongly with the organization, and conformed willingly to Forest Service policy. The centrifugal forces were largely overcome.

To illustrate the impact that one organizational structure may have on state environmental responsibilities, this article explores some of the consequences of the Pennsylvania air quality program’s use of a regional approach with a matrix reporting structure. At the time the research on this program was undertaken, enforcement of federal and state air quality laws was one of the responsibilities of the Pennsylvania Department of Environmental Resources. In 1995, the DER was split into two agencies, and air quality enforcement came under the new Department of Environmental Protection. However, the organizational structure for environmental enforcement remained the same; for the purposes of this article, the agency will be referred to as DER(DEP). Its responsibilities are carried out
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largely through six regional offices, which encompass the state, but exclude Allegheny and Philadelphia Counties (which have their own enforcement agencies). As has been said, the Pennsylvania environmental agency uses a matrix approach to its environmental responsibilities. In each region, the staff responsible for enforcing all environmental laws are grouped into program areas, each headed by a Manager, reporting to a politically appointed Regional Environmental Protection Director, who coordinates these responsibilities and reports to the state DER(DEP) directorate for field operations. There is a parallel state directorate responsible for air quality, the functions of which are now those of budgeting, liaison with other government agencies at the state and national level, the updating and rewriting of state regulations, and coordination of regional office air quality practices. A map of the regions and a partial organization chart of the Pennsylvania Department of Environmental Resources (Protection) follow.

Pennsylvania Department of Environmental Resources (DEP) Partial Organization Chart

Governor

<table>
<thead>
<tr>
<th>Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Air Quality</td>
</tr>
<tr>
<td>Asst. Secretary</td>
</tr>
</tbody>
</table>

Region 1 Region 2 Region 3 Region 4 Region 5 Region 6

Water Management Program Air Quality Program Waste Management Program
Regional Director Regional Director Regional Director

Engineering Services Technical Services Operations
Chief Supervisor (now Chief)

Air Quality Control Engineers Air Quality Control Specialists

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Are these centrifugal forces overcome in the enforcement of federal and state air quality laws within the Commonwealth of Pennsylvania? In an effort to answer this question, this article will examine two of the major responsibilities of the regional offices of DER(DEP): the issuance of permits to polluters, and enforcement actions against polluters exceeding allowable standards. At the outset of this research effort, the author spent several months as an intern in one of the regional air quality offices. Following this experience, the author interviewed air quality staff in the six regional offices in charge of permitting (in agency terminology, the Chiefs of Engineering Services), enforcement (the Supervisors of Operations), and the heads of the regional air quality programs (the Regional Managers). In some of the regions, other available staff were interviewed as well -- for example, other permitting and enforcement staff, as well as the DER attorneys who do the bulk of the legal work required in the air quality program in five of the regions. In one of the regions, access was somewhat limited, and in two other regions the Regional Managers were unavailable. In total, twenty-one air quality staff and attorneys were interviewed. Those interviewed were asked to describe their work, how they carried out their responsibilities, the priorities in air quality enforcement within their region, and how they would characterize their regional air quality program.

In addition, data were collected and analyzed relative to the six regions for the period 1990 through 1992: the number of staff in each office in this period, the number of active permits in each region as of the end of 1992, and the recorded civil actions taken by each regional office for the 1990-1992 period. This three-year period was selected both because it fell within the experience of all those interviewed, and because it was stable in terms of staffing and the counties served by each regional office. Most of the activity in terms both of permits and enforcement actions would have taken place prior to the implementation of permitting and enforcement provisions of the 1990 federal Clean Air Act, and the 1992 amendments to Pennsylvania law implementing this act. (It should be noted here that these acts led to a great increase in staffing in the regional offices after the period under study here, largely because of the pollution fees allowed by that act; however, regional enforcement through a matrix reporting structure continues within the Department of Environmental Protection to the present time.) This internal data was compared with other available regional data: the 1990 regional populations, the number of incorporated firms, and the number of manufacturing firms. These data are used to determine whether regional air quality efforts were more directly related to what might be considered the “air pollution business” or staff of each region rather than to centrifugal forces which result in lack of coordination. Knowledgeable staff within the agency suggested that data such as air pollutant levels or emissions inventories for the period in question would be unreliable measures of regional efforts, since air pollutants do not respect state or regional boundaries. In addition, the emissions inventories were then both inaccurate and incomplete, covering only sources with 100 tons or more of monitored pollutants.
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The Air Quality Personnel Environment

It is useful to begin by laying out some basic characteristics of personnel hiring and training within the air quality program, and some features of the work environment in the regional offices, since these characteristics are important for understanding regional differences which are explored below. First, job applicants for the PA DER(DEP) apply through Harrisburg, but they are interviewed and hired through the regional offices. The opportunity for lateral transfer (from one region to another) exists within the agency, but very few employees take advantage of this opportunity, unless the opportunity exists to move closer to family roots. Secondly, to be eligible for employment in the permitting program, candidates must possess an engineering degree; however, environmental engineering degrees are not specifically required. Any college science major is acceptable for employment in the enforcement program, and there are a wide variety of college degrees here. Third, much of the post-entry training of employees is done either through EPA-sponsored courses, or “on-the-job,” that is, working with older employees and mastering the federal and state codes and regulations covering air quality laws. Fourth, the state air quality directorate does not make use of systematic inspections of regional offices and programs, at least within the memory of those interviewed. Finally, the air quality program eschews the use of what might be called “badges of office:” uniforms, official cars, or other means of identification with the agency. Regional offices are tucked away in rented, out-of-the-way office quarters around the state, and employees go about their business in a variety of attire and vehicles.

Permitting

The Pennsylvania DER(DEP) regulates the installation of new, modified or reactivated stationary sources of air pollution through the issuance of permits. The applicable requirements for the issuance of the permit (prior to changes required to implement the 1990 federal amendments) were contained in Title 25 of the Pennsylvania Code, Subpart C, Article III: Air Resources. Chapter 127 of that title defined for the regional permitting staff the sources which were required to obtain a permit, the information which must be submitted to the agency, and the public notification and comment that must be allowed. The chapter contemplated that applicants must first obtain an approval for the new, modified or reactivated source, and then an operating permit subject to agency inspection and periodic renewal. The chapter also contained a list of exemptions from these requirements, basically small combustion units, mobile sources, and “other sources and classes of sources determined to be of minor significance by the Department” (Sec. 127.14, Paragraph 8).

Did these statutory requirements lead to a uniform approach to the permitting task in the six regional offices during the period in question? Certainly, there were some common elements. To oversimplify somewhat, applications for...
plan approval and for operating permits came into the regional office, the required fee was processed, a cover sheet was prepared, and the application was assigned to one of the permitting staff (officially called Air Quality Control Engineers). The engineers assigned to the application then dealt with the business requesting the approval or permit to obtain whatever additional information was needed. Eventually, the plan approval and later the operating permit were either granted with such operating conditions as the office might impose, or were denied. If the response was positive, the local government affected by the approval was notified, and a period for public comment took place. For the non-controversial permit, this period passed without public protest, and the plan approval or operating permit was then in effect, after approval by the regional hierarchy and publication in the Pennsylvania Bulletin. If the business was not satisfied with the conditions the agency attached, or if the approval or permit were denied, the business might appeal to the state Environmental Hearing Board, and eventually to the state's Commonwealth Court.

Given these common elements, it was evident from interviews that very different approaches to the task have evolved in the six regional offices. It is useful to begin with the initiation of applications itself. Some regional offices were basically reactive: they waited for applicants to initiate inquires about whether permits were needed, or for an application to be filed. At least one regional office, on the other hand, scoured the regional newspapers for information about new businesses or industrial changes in the region, and sent such businesses information about applicable regulations and the possible necessity of permits. The data presented below suggest that a higher percentage of stationary sources of air pollution received permits in the proactive regions than in the reactive regions.

A second regional difference relates to the relationship that developed between the applicant and the regional office. One regional office encouraged applicants to come to the agency for a pre-application conference, where information could be exchanged relative to the nature of the application and the requirements of the agency. Other regional offices preferred to deal with applicants by phone and discouraged face-to-face contact. Engineers in a few regions believed they were free to give a business which was struggling to come up with an acceptable application a range of advice on available consultants or on alternative pollution control strategies. Permit staff in other regions believed that it was inappropriate or even dangerous for the agency to provide such advice to applicants. Thus, depending on the approach the region in general used in interacting with an applicant, the applicant might face a rather impersonal and arms-length reception, or a friendly offering of advice.

A third difference becomes evident when we examine how each region interpreted the applicable regulations regarding permitting. The regulations themselves gave the agency some discretion in this regard, as mentioned above. At least two regional offices have had the reputation of issuing permits to every possible source, whereas other regional offices issued permits only to those sources which the applicable regulations required to be permitted. At least one of these
regional offices issued a permit for each source of air pollution within a plant, whereas other regions have favored the issuance of a single permit to cover multiple sources within a plant.

Given the fact that the regional offices evolved rather different approaches to the permitting task, it was inevitable that some businesses and utilities with multiple sites sometimes complained about the regional differences. And in response, efforts have been made within the air quality program of the DER(DEP) to arrive at a more standardized approach to regional permitting. These efforts are largely the products of periodic statewide meetings of the Regional Managers and the Chiefs of Engineering Services from each region, in conjunction with representatives of the state air quality directorate. As the result of one such meeting a few years ago, the regions agreed to consolidate permits, so that each industry or business would have one permit per site with all necessary conditions to cover all air emissions sources. A few regions, according to interviewees, made an effort in this direction, and operated generally with this goal in mind. However, it seemed to have little impact upon the region with the history of multiple permits, and the policy was seen as a failure. There was very little the central office could do to force the regions into the same process, given the fact that the regional offices report to a different directorate. The state air quality directorate has the responsibility to coordinate regional efforts, but lacks the authority to compel coordination.

From the viewpoint of the regional offices, the more important state "directive" that influenced regional operations was the message that came down from the governor (then Casey, but the message is even stronger under Ridge) and from his Secretary of Environmental Resources(Environmental Protection) that the department become more "user-friendly," more cooperative with permit applicants and more responsive to the public of Pennsylvania. This message came down to the regional offices particularly through the politically appointed Regional Environmental Protection Director, who controls all environmental activity within the region, to the Regional Manager of air quality and the permit staff. This is a much more significant control mechanism for the regional permit staff and, in various ways, the permit operations have attempted to appear more helpful to applicants, and to process applications with greater dispatch. But this directive does not necessarily result in more uniformity across the regions. If anything, it probably has the result of making the regional offices more subject to political and business pressures within the region. Indeed, a number of interviewees pointed to examples, recent and not so recent, of regional political pressures applied on the permitting task. At times, the demand was for quicker processing of a particular application, and at times the drift was that an application should be approved which the responsible permitting engineer felt to be not justified. The Regional Environmental Protection Director sometimes served as the conduit for these demands. Usually, the permitting staff were supported by the regional hierarchy in resisting such pressures, but not always.

Perhaps the most telling evidence that differences existed in the regional air quality permitting process comes from permitting actions in 1994 in two regional
offices relating to a company which wanted to install exactly the same new industrial process in plants located in these two regions (Plan Approval #36-313-022A, Region Three; Plan Approval #04-309-035, Region Five). The region that completed its plan approval first issued a plan approval with a very brief overview and ten conditions. The second region found itself dealing with a hostile company when it attached twenty-one conditions, after a much more thorough study and review in a much more detailed document. The process and the outcomes, even the format of the plan approvals, are quite different -- not to mention the consequences for the company with its two plants in two regions.

Enforcement

Enforcement constitutes the other major responsibility of the regional air quality program offices. It falls under the direction of the regional Supervisor of Operations, and a staff of field inspectors (Officially Air Quality Control Specialists). This staff is responsible for insuring that federal and state air quality requirements are adhered to within the region, and for instituting proceedings against violators of these laws. In practical terms, the field inspector is assigned a territory (in the 1987-92 period, typically a county or more in size), and within this territory, the field inspector is responsible for several related enforcement matters: the collection of data from source-based or state-run air quality monitors, inspection of permitted business for compliance purposes, investigation of citizen complaints about air quality, and the initiation of some type of action to bring within compliance those who have violated permit conditions or who have released air pollutants in excess of what the laws allow.

As is the case in other states, Pennsylvania law provides for both civil and criminal actions against those who violate clean air laws. Any violation of the acts can be treated as a summary misdemeanor or a more serious criminal offense (35 P.S.4009). In terms of civil actions, the law at the time specified a number of factors to be taken into account in assessing a civil penalty:

the department shall consider the willfulness of the violation; damage to air, soil, water or other natural resources of the Commonwealth or their uses; financial benefit to the person in consequence of the violation; deterrence of future violations; cost to the department; the size of the source or facility; the severity and duration of the violation; the speed with which compliance is ultimately achieved; whether the violation was voluntarily reported; other factors unique to the owners or operator of the source or facility; and other relevant factors. (35 P.S. Sec 4009.1 a)

Thus, the applicable laws gave considerable discretion to the agency in determining both whether to initiate a criminal prosecution or a civil penalty, and in assessing the amount of the penalty; and this discretion is exercised through the regional air quality offices.
On the other hand, just as Pennsylvania regulations are fairly specific in terms of which businesses must obtain plan approval and operating permits, so federal and Pennsylvania laws are quite specific in spelling out exactly what air emissions or exceedences of permit conditions constitute violations of laws and regulations. Did this specificity lead to uniformity in how the six regions approached the task of enforcement? Certainly there are common elements. Those who served as field enforcement staff were all judged on the quality of their work through criteria developed by the Operations Section of each regional office. They were all expected to keep daily logs as they travel to sites, and these logs were subject to review by the regional Operations Chief. Any action the field enforcement staff contemplated taking in response to what was found in the field had to be cleared by the Chief of Operations, and potentially by the legal staff handling the air quality work for the region and others in the hierarchy.

But neither the law or the constraints on the field enforcement staff produced uniformity in enforcement in the six regions in the pre-1993 period. It is important in this regard that the regional offices by anyone’s judgment were seriously understaffed until 1993-4. One region had as few as one field inspector for every three counties in the region, and few inspectors had less than one county as a territory. Given this problem, each region had to determine some priorities in terms of air quality enforcement, and these naturally related to how each region viewed its most serious air quality problems. For example, Region One, surrounding Philadelphia, has a large concentration of petroleum refining operations, and chemical industries. Region Four, in North Central Pennsylvania, is the most rural and least populated region, allowing it more flexibility in enforcement and permitting. It seemed natural to those interviewed that each region exercised its discretion to concentrate on its most important air quality problems, and gave lower priority to other possible offenses which the region saw as less important.

Regional discretion in enforcement actions was evident on other levels as well. Those interviewed agreed that the field enforcement staff operated with enormous discretion in their work, much of which, like the police officer on the beat, takes place outside the office in interactions with potential targets of enforcement action. How that discretion was used varied a great deal. It was the universal experience of Operations Chiefs interviewed that new field enforcement staff were most prone to cite every violation they found in the field. But whether this was considered appropriate field behavior varied from region to region. Some of the regions saw themselves or were seen by others as being “tough” in these enforcement situations, encouraging their field enforcement staff in this proactive, “by the book” posture toward air quality violations of any sort. Other regions saw themselves, and were seen by others, as less prone to cite all violators, and to concentrate their field effort on verbal warnings to “good guys” and more serious enforcement measures for the more serious or repeat offender.
Regional discretion is seen as well in the decisions which each regional enforcement staff made once a violation was both found and cited by the field inspector. The field enforcement staff and the supervisor might agree that no further action should be taken in a situation where the violation had been corrected, and where the problem was seen as a minor one not endangering public safety. Beyond that, the issue was whether to seek criminal prosecution of the offender or a civil penalty. Some of the regions made extensive use of summary criminal citations against violators where it was believed compliance would not otherwise take place. Other regions in the period under study preferred to operate largely through civil penalty assessments.

The civil penalty provisions of Pennsylvania law, as mentioned above, left each region with significant discretion over how to evaluate an air pollution violation and over how to assess a penalty. What evolved within the regional enforcement operations were regional civil penalty policies with some elements common to all regions. For past violations, the office would send a “letter agreement” to the violator specifying the violation and attaching a civil fine. Usually this letter was preceded by verbal negotiations between the agency and the offender, so that the fine was agreed to in advance. If the violator was unhappy with the assessment, appeal lay to the state Environmental Hearing Board. Since most regions were and continue to be litigation-averse, there was incentive to keep the amount high enough to make the company prone to comply in the future, and low enough so that the award would not be challenged. Companies preferred the letter agreement, because they did not have to acknowledge wrong-doing. Each region developed ground rules of its own for these calculations, and some regions perceived themselves to be more stringent in assessments than were others. For on-going violations, the air quality program developed a range of consent orders with assessments which, if the violator did not agree, could be enforced through the Environmental Hearing Board or through the state Commonwealth Court. Again, interviews indicated that some regions perceived themselves to be tougher in the employment of these bigger guns than was true in other regions.

As is the case with permitting, the state air quality directorate has attempted to bring more uniformity to the enforcement actions of the regional offices. These efforts have taken place largely through periodic meetings over the past ten years of the Regional Managers and the Operations Chiefs with representatives from the state air quality directorate, and have resulted in a number of policies over the past ten years relative to the assessment of penalties. For example, in 1984 the regions agreed to a policy relative to minor air pollution violations (the Pollution Incident Penalties Policy), and another relating to gasoline tank trucks (Policy for Enforcement of Violations of Sec. 129.62).

In 1988, Region Three, which in general has had the reputation for the most vigorous enforcement posture, developed its own penalty policy to cover all situations and with the enthusiastic support of the legal staff serving the air quality program, the state air quality directorate advocated its adoption by the regions in general. This led to a series of drafts of such a policy by the legal staff, and in 1992 the Regional Managers agreed to the adoption of a new Regional Civil
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Penalty Assessment Procedure. The impetus for the agreement came from several directions: the perception of the legal staff that enforcement in general was lax; complaints from businesses relating to regional differences in penalties; somewhat strengthened enforcement powers made possible by the 1992 state Clean Air Act amendments; and apparently pressure from the U.S. Environmental Protection Agency. It is probably still too early to see whether the new policy will result in more uniform enforcement in the regional offices. However, when the Regional Chiefs attempted in 1993 to apply the new policy to hypothetical air pollution situations, their estimation of the civil penalties to be attached varied by hundreds of thousands of dollars when applied to the same factual situations. Given this, the policy continued to be revised.

There are, then, a number of pressures operating on the regional offices which should result in a more uniform approach to enforcement. However, it is again important to consider the fit between these pressures for uniformity and the pressures on the regional offices which come from the field operations directorate through the Regional Environmental Protection Director to the Regional Manager in charge of the regional air quality operation and to the Operations Chief. According to interviewees, the pressure on the regional offices to become more user-friendly and responsive means that the field inspectors are expected to give priority to citizen complaints. Most citizen calls relate to road dust, open burning, and malodors -- matters which some regions consider to be of minor importance -- but which, especially in warm weather, take valuable time away from inspections and more serious (from the staff's viewpoint) violations of which the public is usually unaware. Some regions respond more positively to these state pressures than other regions, and the result is not more uniformity, but rather more variability. In addition, there are from time to time political and business pressures brought to bear on regional enforcement, which occasionally have affected how regions have dealt with particular issues of enforcement, and the regional program is not always able to withstand such pressures.

Permitting and Enforcement Actions, 1990 - 92

To determine whether objective data bear out the perceptions of those interviewed, the number of active permits per region at the end of 1992, and the arithmetic means of the civil actions taken by the regional offices in the period 1990-92 were compared to available data relative to each region; 1990 population and number of incorporated firms (from census data), the number of manufacturing firms in 1992 (from the Harris Directory), and the size of the regional air quality staffs in 1991-92. The civil actions taken are against a number of businesses or homeowners identified in Table 1 as Polluters, and the number of offenses lodged against them appears as Citations. Two particular offenses are singled out of the citations for attention; both are considered "optional" by hard-pressed regional offices: open burning and asbestos removal. For each region, the ratio of citations
to number of offenders was calculated for the period, as was the median civil penalty in dollars for the period for each region.

As Table 1 demonstrates, the permit and enforcement activity of the six regional offices does not correlate well with external data relative to each region. Although the relationships are positive, we cannot say that permit and enforcement activity is a product of regional characteristics -- one or more regions will not fit the pattern. For example, Regions One and Three have almost identical populations and manufacturing bases, but Region Three had almost twice as many active permits in 1992 as did Region One. Note also that active asbestos and open burning programs are negatively related to these external factors, although again not significantly. The size of the regional staff in this period is a much better predictor of activity in both permits and civil actions. But this cannot be taken to mean that each region simply did what it could with its available resources; it is just as likely that one or more regional programs used aggressive permitting and programs to justify increased regional personnel (and there is some suggestion of this from interviews). What is probably most important in Table 1 is the strong relationship between how regional offices do permitting and how they do enforcement, as is seen by the relationship between numbers of active permits and numbers of polluters and citations (and the strong negative relationship between the citation to polluter ratio and the asbestos and open burning citations, as will be explained below). These relationships support the perceptions of regional office

Table 1
Regional Permitting and Enforcement, 1990-92
Coefficients of Correlation

<table>
<thead>
<tr>
<th></th>
<th># Per.</th>
<th># Pol.</th>
<th># Cites</th>
<th>% Asbest.</th>
<th>% Open B.</th>
<th>Ratio Cites/Pol.</th>
<th>$ Med. Civ. Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>.730</td>
<td>.589</td>
<td>.746</td>
<td>-.486</td>
<td>-.333</td>
<td>-.032</td>
<td>.591</td>
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<td>#Firms</td>
<td>.550</td>
<td>.407</td>
<td>.585</td>
<td>-.508</td>
<td>-.311</td>
<td>.073</td>
<td>.779</td>
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<td>.848</td>
<td>.928</td>
<td>-.257</td>
<td>-.219</td>
<td>-.263</td>
<td>.075</td>
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<tr>
<td># Permits</td>
<td>***</td>
<td>.901</td>
<td>.861</td>
<td>-.090</td>
<td>.280</td>
<td>-.385</td>
<td>.034</td>
</tr>
<tr>
<td># Polluters</td>
<td>.901</td>
<td>***</td>
<td>.895</td>
<td>.197</td>
<td>-.034</td>
<td>-.568</td>
<td>-.094</td>
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<tr>
<td># Citations</td>
<td>.861</td>
<td>.895</td>
<td>***</td>
<td>-.225</td>
<td>-.386</td>
<td>-.162</td>
<td>.155</td>
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<tr>
<td>% Asbestos</td>
<td>-.090</td>
<td>.197</td>
<td>-.225</td>
<td>***</td>
<td>.798</td>
<td>-.814</td>
<td>-.544</td>
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<tr>
<td>% Open Burning</td>
<td>-.280</td>
<td>.034</td>
<td>-.386</td>
<td>.798</td>
<td>***</td>
<td>-.752</td>
<td>-.415</td>
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<tr>
<td>Ratio Cites/Pol.</td>
<td>-.385</td>
<td>-.568</td>
<td>-.162</td>
<td>-.814</td>
<td>-.752</td>
<td>***</td>
<td>.459</td>
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<tr>
<td>$ Med. Civ. Pen.</td>
<td>.044</td>
<td>-.094</td>
<td>.155</td>
<td>-.544</td>
<td>-.415</td>
<td>***</td>
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</table>

The multistage Bonferroni test of correlation coefficients was used. A correlation of .8114 is significant in a two-tailed test with a .05 confidence level.
Commonwealth personnel that each region has used its discretion as its regional priorities and pressures dictated, rather than adopting approaches common to the whole state.

However, the end result is not really six unique postures relative to permitting or enforcement. As Table 2 indicates, the regional offices really fell into two distinct patterns in this period. These patterns were referred to earlier as "proactive" and "reactive." In the proactive regions - Two, Three, and Four - there was a higher percentage of active permits relative to the number of manufacturing plants. The ratio of citations to number of businesses and homeowners cited was lower in these same three regions because the enforcement personnel were citing more minor offenses more frequently. The more reactive regions, on the other hand - One, Five, and Six - were focusing their energies upon larger polluters with multiple violations. This regional pattern is indicated as well by the numbers of asbestos violations cited; the three proactive regions paid significantly more attention to asbestos violations than did the three more reactive regions. The same analogy almost holds relative to citations for open burning, although here Region Three has more in common with the more reactive regions. The regional proactive-reactive patterns begin to break down when we look at the median civil penalty dollar assessment in the period, reflecting the fact that there are many source-specific factors which have gone into this calculation region by region.

<table>
<thead>
<tr>
<th>Region</th>
<th>Permits as % of Manuf.</th>
<th>Ratio Cit. to Pol.</th>
<th>Asbestos as % of Citations</th>
<th>Open B. as % of Citations</th>
<th>Median Civil Penalty</th>
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<td>One</td>
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<td>2.45:1</td>
<td>1.3</td>
<td>3.1</td>
<td>3406.8</td>
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<td>7.1</td>
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<td>1170.2</td>
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<tr>
<td>Three</td>
<td>53</td>
<td>1.43:1</td>
<td>6.3</td>
<td>3.1</td>
<td>1461.9</td>
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<td>Four</td>
<td>54</td>
<td>1.41:1</td>
<td>13.1</td>
<td>9.6</td>
<td>999.9</td>
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<td>42</td>
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<td>966.86</td>
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<td>41</td>
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</tbody>
</table>

The fact that the regional offices fall into two distinct patterns in some aspects of permitting and enforcement does not necessarily mean that the three most proactive regions carried out their tasks in nearly identical fashion; at least one of the "proactive" regions, as mentioned earlier, had a high number of active permits because of its preference for multiple permits, while its neighbor to the north (Region Four) got there through scouring regional newspapers for potential clients. Nor do these differences necessarily mean that the three more "reactive" regions performed their tasks less thoroughly. As the example cited above...
suggests, their permits may have been written more carefully and with greater environmental sensitivity than was the case in one or more of the "proactive" regions. One the other hand, it seems to be the case that enforcement activity in the more proactive regions extended to a greater range of offenses against state and federal clean air laws. And it is certainly the case that much of the time in the period under study, the six regional offices were responding to quite different pressures and priorities than one would expect in an organization mandated to enforce a common set of laws and regulations.

Conclusion

In the final analysis, the nature and the quality of implementation of federal and state clean air laws within the United States is unquestionably influenced by some or all of the factors mentioned as probable influences on state enforcement at the outset of this article. The effort here has been to better understand the contribution that organizational structure makes to a better understanding of state environmental enforcement by examining in some depth one organizational structure used by one environmental program within one state. This article has indicated that the use of regional enforcement with a matrix reporting structure in the Pennsylvania air quality program has resulted in sometimes conflicting directives to the six regional offices -- the one coming from the state air quality directorate, and the other through the state field operations directorate. It was clear that the regional air quality programs usually followed the lead of the field operations directorate when these conflicting messages were present, making efforts at arriving at a common approach more difficult.

The research indicates in addition that all three centrifugal forces Kaufman pointed to have had a profound affect on the air quality program in Pennsylvania. The personnel in each regional air quality program did develop their own informal norms and more routinized approaches both to permitting and enforcement, an organizational drift which began with decentralization of these tasks in the mid-1970's and persisted throughout the period in study, partly due to relatively stable staffing and the particular stamp which the heads of the regional offices put on approaches to the task. It is also evident that important regional political and business interests have influenced the way in which the regions carried out their tasks, interests which have found a frequent ally in the field operations directorate and at least some of the politically appointed heads of the DER(DEP) regional offices.

It is further evident that there have not been countervailing forces within the Pennsylvania Department of Environmental Resources(Environmetal Protection) powerful enough to overcome this regional autonomy. The reporting structure does not make the regional air quality programs responsible to the state air quality directorate for the manner in which the regions carry out their responsibilities. Another contributing factor is that the state air quality directorate plays little or no role in hiring regional staff; as mentioned previously, this is done directly through the regional offices, subject to state civil service regulations. A
third contributing factor is that the state DER(DEP) has not institutionalized field visits to the regional offices to examine their activity; the periodic meetings of regional heads of operations have been the major communication device, and it has been only moderately successful. Fourth, there is no systematic transfer of employees from one region to another, or even of field inspectors from one area to another within a region. Finally, the DER(DEP) makes very little use of symbols of identification except in the case of state park rangers. In sum, there were very few centralizing forces operating in the air quality program in Pennsylvania prior to 1993 to counteract the forces of regional autonomy. The regional programs evolved their own approaches to the tasks of permitting and enforcement, responding to regional concerns and political interests. An agency and staff member, commenting upon an earlier draft of this article, put it this way:

while I agree with your analysis, I think it is important to remember that Pennsylvania is an extremely diverse state. Politicians here have to run three or four different campaigns, region by region. From the perspective of the air quality program, solutions that work in one part of the state don’t work in others - given regional needs and industry. I think we all try to arrive at the same result, but our approach has to differ region by region.

Between 1992 and the present time, the staff of the regional offices has more than doubled, from 82 to 187, a growth made possible by the pollution fees which can now be assessed against larger air polluters across the United States. This rapid growth should allow the regional programs to broaden the scope of their enforcement activity, and to deal with permit applications both more thoroughly and more speedily. At the same time, the regional programs are seeing the need for greater communication and coordination of permitting and enforcement efforts, and there is much more sharing of information than was the case two years ago. The institutionalization of regional enforcement inspections is even under consideration. But it remains to be seen whether these massively expanded regional staffs and this new spirit of cooperation will decrease the powerful centrifugal forces evident in the air quality program. The matrix organizational structure, and the decentralization of control over air quality implementation, have had and may continue to have a dominating role in how Pennsylvania carries out its air quality responsibilities.
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