The justification of illegal anti-ecological behavior

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Abstract

Background: Not everyone considers breaches of environmental laws as reprehensible behaviors or to the same extent. Research on the causal explanations of illegal anti-ecological behavior given by individuals is useful to analyze the social support of environmental laws and their consolidation as social and/or personal norms. This study aims to analyze the explanations selected by participants as most likely for environmental transgressions perpetrated by other persons in participants’ surroundings.

Method: 573 persons of both genders, aged between 17 and 74 years, living in a setting of high environmental protection answered a questionnaire including seven environmental breaches and 11 scales related to the amount of punishment that they would mete out to perpetrators, and possible causal explanations of the facts being described. Results: Data show that people generally consider illegal anti-ecological behavior as a reflection of the “badness” of perpetrators, but that certain circumstances can lead anyone to behave illegally in environmental terms. Conclusions: These results are discussed comparing participants’ explanations with the explanations given by environmental transgressors in previous studies.

Keywords: anti-ecological behavior, environmental laws, justification, casual explanations, punishment.

References:

Legislation for environmental protection is a fragmented field that covers administrative, criminal, and civil laws that are applicable nationwide at regional, island, or municipal level (Parejo-Alfonso, 2008). Transgressions of environmental laws are acts that not everyone considers reprehensible nor to the same extent, since their “badness” is not always obvious or apparent (Mårald, 2001). And the nature of their consequences, sanctions, transgressors, and victims is a contributing factor (Martín & Hernández, 2008).

Research on the explanations that people proffer when faced with illegal anti-ecological behavior is particularly useful for two reasons. On the one hand, such explanations reflect the factors that these same persons consider important in order to place the blame on whoever the perpetrator may be (Walton, 1985). On the other hand, these explanations mirror the social support behind environmental laws, most of which are very recent, and their consolidation as social and/or personal norms.

Studies to date of explanations as to why environmental protection laws are transgressed fall into two categories: those that focus on neutralization techniques and those that focus on explanations in conflicting social interactions. Works undertaken in line with Sykes and Matza’s (1957) neutralization theory suggest that the guilt felt when violating a norm is cancelled out by modifying the view of transgressor behavior through reinterpretations known as neutralization techniques. Research carried out from this perspective essentially concentrates on describing the neutralization techniques used by environmental transgressors and by the professionals responsible for applying environmental protection laws.

Situ (1998) found that environmental transgressors in the U.S.A. believed their behavior not to be illegal, even though the law stated otherwise; they denied having caused damage or victims. The professionals responsible for detaining them appeared not to understand the illegal nature of the conduct they were required
transgressions. Eliason and Dodder (1999) con
proving the serious consequences that had resulted from the
because of the dif
unwilling to press charges against environmental delinquents
to pursue. The author highlighted the fact that prosecutors were
not for a trophy kill; the game wardens who had reported them were
all corrupt, to be blamed for what had happened, and ultimately
responsible for the situation.

Du Rées (2001) in Sweden has also examined the use of
neutralization techniques by professionals responsible for applying
environmental protection laws. This researcher asked professionals
why the enforcement agencies did not report all firms suspected of
committing ecological offenses. The most common justifications
were lack of confidence in the capacity of the legal system to
manage offenses satisfactorily, the transgressions caused no direct
harm, the consequences were not very serious, and the need to
keep good relations with firms and/or local authorities.

In the area of research into conflicting situations in which a
norm has been violated transgressors are also asked the reasons
for their behavior. Previous studies on social norms show that
transgressors use justifications in social interactions in order to
reduce conflict, for self-presentation purposes, and as a way to
avoid punishment (Fritsche, 2002). From this perspective, Martín,
Salazar-Laplace et al. (2008) analyzed the explanations included in
the allegations brought before four public administrations by
persons accused of having broken an environmental protection law
in a context of high environmental protection. The results revealed
that the explanations most used by transgressors throughout the
sanctioning process were negating the norm, reparation measures,
redefining the fact, denying intention/responsibility, and appealing
to emotional/relational objectives.

These results demonstrate that transgressors want to avoid
the sanction, but also that, of all the justifications available, they
choose the shortage of laws related to their behavior, the non-
applicability of prevailing laws, the existence of errors in the
report or presentation of the case, the coexistence of incongruent
administrative norms, and, especially, the popularity of a social
norm that contradicts the legal norm. The most commonly used
expression is “everybody does it”, which suggests the lack of
social legitimacy (Tyler, 2006) of environmental protection laws.

In a later work, Martín, Salazar-Laplace and Ruíz (2008)
used sequential analysis (Bakeman & Quera, 1995) to show that
when environmental transgressors begin their argument with an
explanation of a specific category (acceptance, justification, excuse
or denial), they maintain the same type of explanation throughout
their line of reasoning. They thus use argument sequences that are
more defensive or more conciliatory. This always occurs except with
regard to the category appealing to emotional/relational objectives,
which functions as a “referentialization”, according to Fristche’s
(2002) definition. When this category is used, transgressors
provide information that does not appear in the accusations by the
authorities, thereby enabling them to reduce their culpability by
referring to other norms, persons, or behaviors.

The study presented here contributes information to data on
the social evaluation of previously published environmental
transgressions (Martín, Hernández et al., 2008) about the way these
transgressions are explained and the weight of such explanations
when assigning punishment. This objective is particularly important
to the extent that awareness of the social support for environmental
laws and the factors that lead to the rejection of illegal anti-
ecological behavior is essential for preventing and monitoring
ecological offenses. Given that most of these laws are very recent,
research in this field may be useful for their consolidation as social
and/or personal norms. This work aims to help fill the current void
in empirical research in this area.

This study therefore proposes to analyze the explanations given
by individuals to the environmental transgressions committed by
others in their immediate surroundings. More specifically, we
analyze the following: 1) if there are differences in the explanations
given for different types of transgressions; 2) if there are differences
in the explanations given by different social groups; and 3) which
explanations are associated with a more punitive attitude towards
environmental transgressions.

Method

Participants

The study involved 573 participants of both genders, aged
between 17 and 74 years (M = 37.34; SD = 13.94), resident
on an island of high environmental protection (http://www.
todotenerife.es/). This island has 43 protected natural areas—
48.6% of its territory. In addition to gender and age, the sample
also took residential area into account, to ensure that the number of
participants living in rural, urban, and tourist areas was
proportional, as shown in Table 1.

Instruments

Participants answered a questionnaire that included seven
transgressions of environmental laws, 10 explanations for them,
and a scale that reflected the severity of punishment assigned to
each transgression.

Environmental transgressions

The utterances used to describe environmental transgressions
were based on real cases taken from disciplinary proceedings
carried out by four public administrations with environmental
jurisdiction at state, regional, island, and municipal level (see
Hernández et al., 2005; Martín, Hernández et al., 2008; Martín,
Salazar-Laplace et al., 2008 for a more detailed description of the
selection process). These utterances are shown in Table 2.

Table 1

| Distribution of participants according to gender, age, and residential area |
|-----------------|-----------------|-----------------|
|                  | Rural           | Urban           | Tourist         |
| Residential Area | Women           | Men             | Women           | Men             | Women           | Men             |
| Age              |                 |                 |                 |                 |                 |                 |
| <26              | 49              | 38              | 39              | 24              | 28              | 28              |
| 26-45            | 35              | 33              | 27              | 30              | 34              | 28              |
| <45              | 32              | 33              | 29              | 26              | 26              | 34              |

<table>
<thead>
<tr>
<th>Age (years)</th>
<th>Women</th>
<th>Men</th>
<th>Women</th>
<th>Men</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;26</td>
<td>49</td>
<td>38</td>
<td>39</td>
<td>24</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>26-45</td>
<td>35</td>
<td>33</td>
<td>27</td>
<td>30</td>
<td>34</td>
<td>28</td>
</tr>
<tr>
<td>&lt;45</td>
<td>32</td>
<td>33</td>
<td>29</td>
<td>26</td>
<td>26</td>
<td>34</td>
</tr>
</tbody>
</table>
Details of the study: to check the differences between the seven transgressions studied in the type of explanations assigned. Then we performed a mixed-design MANOVA 7 × 10 × 2 × 3 × 3 with the intra-group variables, Transgression and Explanations, and the inter-group variables, Gender, Age Range, and Place of Residence. Finally, we did a stepwise multiple regression analysis for each of the seven transgressions. In each multiple regression analysis, Severity of Punishment assigned was the criterion variable and the 10 explanations were the predictor variables. All analyses were carried out with the SPSS software program.

Results

Differences between transgressions depending on the explanations assigned

We performed a MANOVA of repeated measures with the variables, Type of Explanation and Type of Transgression, in order to check whether different scores were assigned for the different explanations of the transgressions examined. The results point to a significant interaction between both variables (\( \lambda = 0.13, F (54,510) = 59.71, p<0.001, \eta^2 = 0.86 \)) and the post hoc contrasts lead to the conclusion that the differences per pair are statistically significant, except in a few cases. Table 3 gives the mean scores assigned to the seven transgressions in the 10 explanations, and the significance of the a posteriori contrasts. To demonstrate which contrasts are significant, we used letters of the alphabet as subindices, in accordance with the APA Publication Manual (APA, 2012, p. 140). Means that do not share a subindex are statistically different. When two means share at least one subindex they do not differ statistically.

Transgressions involving gravel extraction, noise from a bar, and sewage dumped into the ocean by a local authority are mainly explained by referring to making or saving money. Sewage dumping by a local authority, shooting a kestrel, and illegal off-roading are largely accounted for by the explanation that the perpetrator is not concerned about the environment. The remaining explanations are less frequently used but are interesting in some cases. For instance, it is logical to think that poachers, illegal off-roaders, and those who extract gravel without a license are more concerned about people than the environment. Illegal camping is associated with the idea that everybody does it and with the fact that the authorities raise too many objections. This negative connotation of authority is also associated with illegal gravel extraction, as perpetrators are attributed with believing that both the authorities and lawmakers leave them no other option. The transgressions described as doing no harm to anyone are illegal camping and inappropriate window replacement. It is interesting to note that the transgressions most frequently alluding to the perpetrator as a bad person are sewage dumping into the ocean by local authorities and hunters who kill kestrels.

The relationship between age, gender, and residential area with perceiving transgressions from the perspective of the explanations

For the purpose of analyzing whether there were differences between the explanations that participants attributed to the various transgressions, we performed a second mixed-design MANOVA 7 × 10 × 2 × 3 × 3, in which the inter-group variables,
The justification of illegal anti-ecological behavior

Gender, Age Range, and Place of Residence, were added to the intra-group variables, Transgression and Explanations. The results reveal that the following interactions are significant: Transgression × Explanation × Place of Residence ($\lambda = 0.67$, $F (108,986) = 1.98$, $p<0.001$, $\eta^2 = 0.18$) and Transgression × Explanation × Age ($\lambda = 0.73$, $F (108,986) = 10.53$, $p<0.001$, $\eta^2 = 0.14$). The post hoc contrasts highlighted several significant but marginal differences that prevent us from establishing a trend or characteristic profile of the age groups or places of residence (these results are available from the first author upon request).

Criteria that predict the assignment of punishment to the various transgressions based on the explanations

For the purpose of analyzing the relation between the punishment assigned to each transgression and the explanations preferred by participants, we performed seven stepwise multiple regression analyses, one for each transgression. In each regression analysis, Severity of Punishment assigned was the criterion variable and the 10 explanations were the predictor variables.

Table 4 gives the standardized coefficients of the explanations that significantly predict the criterion variable, as well as the

### Table 3
Means and standard deviations of the 10 explanations for the seven transgressions

<table>
<thead>
<tr>
<th>Transgressions</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-roading</td>
<td>Illegal camping</td>
</tr>
<tr>
<td>S/He is a bad person</td>
<td>3.94 (2.24)</td>
</tr>
<tr>
<td>Not concerned about the environment</td>
<td>7.16 (2.96)</td>
</tr>
<tr>
<td>People are more important than the environment</td>
<td>5.63 (3.17)</td>
</tr>
<tr>
<td>Does other things for the environment</td>
<td>3.01 (2.89)</td>
</tr>
<tr>
<td>Everybody does it</td>
<td>4.57 (3.39)</td>
</tr>
<tr>
<td>Doesn’t know it’s forbidden</td>
<td>3.13 (3.18)</td>
</tr>
<tr>
<td>Doesn’t harm anyone</td>
<td>5.45 (3.25)</td>
</tr>
<tr>
<td>Authorities leave no other option</td>
<td>3.06 (3.18)</td>
</tr>
<tr>
<td>Authorities cheat</td>
<td>4.34 (3.38)</td>
</tr>
<tr>
<td>To save or make money</td>
<td>2.92 (3.27)</td>
</tr>
</tbody>
</table>

Note: The means with no shared subindex in the same row are significantly different from each other, for $p<0.05$

### Table 4
Standard coefficients of the explanations included in the final regression model for each transgression

<table>
<thead>
<tr>
<th>Transgressions</th>
<th>Off-roading</th>
<th>Illegal camping</th>
<th>Sewage</th>
<th>Bar</th>
<th>Windows</th>
<th>Volcanic gravel</th>
<th>Kestrel</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/He is a bad person</td>
<td>0.30</td>
<td>0.14</td>
<td>0.08</td>
<td>0.22</td>
<td>0.23</td>
<td>0.23</td>
<td>0.15</td>
</tr>
<tr>
<td>Not concerned about the environment</td>
<td>0.19</td>
<td>0.37</td>
<td>0.16</td>
<td>0.24</td>
<td>0.29</td>
<td>0.21</td>
<td>0.28</td>
</tr>
<tr>
<td>People are more important</td>
<td>0.17</td>
<td>0.13</td>
<td>-0.11</td>
<td>-0.12</td>
<td>-0.12</td>
<td>0.11</td>
<td></td>
</tr>
<tr>
<td>Does other things for the environment</td>
<td>-0.13</td>
<td>-0.11</td>
<td>-0.12</td>
<td>-0.12</td>
<td>-0.10</td>
<td>-0.09</td>
<td>-0.08</td>
</tr>
<tr>
<td>Everybody does it</td>
<td>-0.13</td>
<td>-0.15</td>
<td>-0.09</td>
<td>0.09</td>
<td>0.09</td>
<td>-0.09</td>
<td>0.13</td>
</tr>
<tr>
<td>Doesn’t know it’s forbidden</td>
<td>-0.10</td>
<td>0.10</td>
<td>0.25</td>
<td>0.18</td>
<td>0.22</td>
<td>0.22</td>
<td>0.32</td>
</tr>
<tr>
<td>Doesn’t harm anyone</td>
<td>0.10</td>
<td>-0.13</td>
<td>-0.10</td>
<td>-0.09</td>
<td>-0.09</td>
<td>0.09</td>
<td>0.13</td>
</tr>
<tr>
<td>Authorities leave no other option</td>
<td>0.30</td>
<td>0.14</td>
<td>0.08</td>
<td>0.22</td>
<td>0.23</td>
<td>0.23</td>
<td>0.15</td>
</tr>
<tr>
<td>Authorities cheat</td>
<td>0.19</td>
<td>0.26</td>
<td>0.22</td>
<td>0.22</td>
<td>0.32</td>
<td>0.32</td>
<td>0.16</td>
</tr>
</tbody>
</table>

$R^2$
percentage of explained variance for each transgression. The relative weight of each explanation varied depending on the transgression explained. Thus, for instance, in the case of illegal off-roading, the explanation that carries most weight is being a bad person, followed by not being concerned about the environment, and, in a negative sense, doing other things for the environment.

The standardized coefficients that are given in Table 4 vary between 0.14 and 0.33 for the explanations S/He is a bad person and Not concerned about the environment, except in the case of the explanation S/He is a bad person regarding sewage dumping by local authorities (0.08). The standardized coefficients for the explanation Does other things for the environment vary between -0.13 and 0.00. The $R^2$ range from 0.16, in the case of the explanation S/He is a bad person, to 0.32, for illegal gravel extraction and inappropriate window replacement.

As seen in Table 5, the simple correlation coefficients between the punishment assigned by participants and the explanations S/He is a bad person and Not concerned about the environment show indices that range between 0.21 and 0.48, while values for the explanation Does other things for the environment vary between -0.18 and 0.06.

Moreover, if we examine the semipartial correlation coefficients shown in Table 5, the explanations that report more severity of punishment in a non-redundant manner are S/He is a bad person and Not concerned about the environment, with correlations that vary between 0.12 and 0.30, except in the case of the explanation S/He is a bad person for sewage dumping into the ocean by a local authority (0.07) and the explanation Does other things for the environment (between -0.12 and 0).

Discussion and conclusions

The analyses made reveal that people generally consider illegal anti-ecological behavior as a reflection of the “badness” of the perpetrator, but that certain circumstances may drive individuals who are not really “bad” to illegal conduct in environmental terms. In order to explain behavior in these circumstances, reasons are given that can be considered as much a justification as an excuse. This theoretical analysis implies the acceptance of classical distinctions between causes and reasons (Buss, 1978) and between excuses and justifications (Scott & Lyman, 1968). It also assumes that, by mainly focusing on attributed causes and not on reasons, traditional attribution theories are insufficient to give an account of the results obtained. For this reason, we have used subsequent theoretical developments that emerged from Scott and Lyman (1968), Walton (1985) and Fritsche (2002).

While the explanation of a person’s badness is an internal attribution coherent with the fundamental attribution error (Ross, 1977), the remaining explanations are as much justifications as excuses and admit that the behavior is reprehensible. Transgressions explained by attributions to internal negative features include sewage dumping into the ocean by a local authority and shooting a protected species. However, illegal camping and inappropriate window replacement in a historic centre are considered reprehensible transgressions but are excused on the basis that they do no harm to anyone. Illegal camping and illegal gravel extraction are justified by saying that the authorities raise so many objections that they leave no other option. In the previous studies (Martín, Salazar-Laplace et al., 2008; Martín, Salazar-Laplace, & Ruiz, 2008), in which the justifications given by environmental transgressors were analyzed, this type of attribution does not appear because it is of little use when attempting to elude institutional punishment. The data provided here facilitate a better understanding of the perception of ecological offenses by society in general. These data are also consistent with those given by Martín, Hernández et al. (2008) in relation to the differential evaluation of environmental transgressions and reveal that lay persons explain some transgressions differently to others.

The explanations are also linked to the differential assignment of punishment to transgressors, as occurred with the assessment of these transgressions in Martín, Hernández et al.’s (2008) work. Although the relative weight of each explanation varies according to the transgression assessed, the greatest assignment of punishment usually depends on whether the perpetrator did it because s/he was a bad person, because s/he is not concerned about the environment, or because s/he is seeking to obtain economic benefit. Conversely, compensatory actions for environmental damage caused, awareness of the prohibition, and the belief that

| Table 5 |
| Simple and semipartial correlation coefficients of the explanations included in the end model and the punishment assigned to each transgression |

<table>
<thead>
<tr>
<th>Transgressions</th>
<th>Off-roading</th>
<th>Illegal camping</th>
<th>Sewage</th>
<th>Bar</th>
<th>Windows</th>
<th>Volcanic gravel</th>
<th>Kestrel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explanations</td>
<td>r</td>
<td>sr</td>
<td>r</td>
<td>sr</td>
<td>r</td>
<td>sr</td>
<td>r</td>
</tr>
<tr>
<td>S/He is a bad person</td>
<td>.28</td>
<td>.27</td>
<td>.14</td>
<td>.12</td>
<td>.08</td>
<td>.07</td>
<td>.22</td>
</tr>
<tr>
<td>People are more important</td>
<td>.18</td>
<td>.15</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does other things for the environment</td>
<td>-.13</td>
<td>-.11</td>
<td>-.11</td>
<td>-.10</td>
<td>-.12</td>
<td>-.11</td>
<td>-.13</td>
</tr>
<tr>
<td>Everybody does it</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doesn’t know it’s forbidden</td>
<td>-.12</td>
<td>-.11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doesn’t harm anyone</td>
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</tr>
<tr>
<td>Authorities leave no other option</td>
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</tr>
<tr>
<td>Authorities cheat</td>
<td>.09</td>
<td>.08</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>To save or make money</td>
<td>.11</td>
<td>.10</td>
<td>.26</td>
<td>.24</td>
<td>.19</td>
<td>.17</td>
<td>.24</td>
</tr>
</tbody>
</table>
the offense harms no one, are used as justifications and excuses for the punishment assigned. These justifications also appear in the previous studies of environmental transgressors mentioned above, although the most frequently used justification involves questioning the legal norm, probably because such justifications take place in a sanctioning context.

The results presented, taken in conjunction with those of Martín, Hernández et al. (2008), therefore suggest the existence of differential social acceptance of environmental laws, perhaps because of the fragmentation of the legal framework outlined in the introduction. Accordingly, this work broadens the knowledge provided by De la Fuente et al. (2002) and García-Cueto et al. (2003) in that, although these authors analyzed the assessment of ecological offenses made by legal experts and lay persons in relation to other common offenses, they only did so for pollution and forest fires. Our results, however, should be completed with data from similar studies carried out both in Spain and in other countries, since, to date, interviewees have all been Spanish and mainly live in an area of high environmental protection, which means that environmental protection laws have high visibility. Further research is required to determine the extent to which this visibility contributes to environmental protection laws being internalized or simply obeyed in order to avoid external sanctions.

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References


