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Whose Environmental Justice? An Analysis of the Governance Structure of Environmental Justice Organizations in the United States

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To be able to satisfy these functions in the sense of democratic opinion and consensus formation, [a social movement organization's] inner structure must first be organized in accord with the principle of publicity and must institutionally permit an intraparty or intra-association democracy to allow for unhampered communication and public rational-critical debate.

—Jürgen Habermas (1962: 142)

The means by which citizens act together to pursue their common interests has long been a topic of intellectual inquiry and practical politics. The important potential role played by civil society in the maintenance, legitimacy, and stability of democratic society has been recently examined by a number of authors (e.g. Skocpol 2003; Barber 1984; Calhoun 1993; Habermas 1984, 1987, 1991, 1996; Putnam 2000; Fiorina and Skocpol 1999; Fung 2003). Civic organizations, based in civil society, are seen as a critical link in translating the impulses from everyday experience into political demands for change (Habermas 1987, 1998). The core idea is civil society forms an autonomous site independent of the market economy and the state, providing citizens with the opportunity to freely associate, develop an ethical life and exercise their citizenship. Thus civic associations form an important site for the creation and maintenance of a democratic society (Skocpol 2003; Clarke 2001). This puts civic associations at the center of the renewal and transformation of social institutions, including the transition to an ecologically sustainable society.

Thus, how environmental movement organizations are governed has important consequences for the viability of this movement. First, to enhance and strengthen the democratic nature of civic life of the communities in which these organizations work, it is important that they have open and

participatory structures. A participatory structure enables the community to develop its indigenous leadership capabilities, and increases its ability to meaningfully participate in its own governance. Conversely, as Clarke (2001: 141–142) notes, “to the extent that these are oligarchical, professionalized organizations with weak links to members and gendered leadership structures, the opportunities for developing political identities and skills decline.” Secondly, the political capacity of social movement organization is linked to the organization’s ability to mobilize their constituency. As Skocpol (2003) demonstrates, organizations with open and participatory structures are better able to develop committed members, which in turn, enhances the mobilization capacity, and thus political power of the group. Conversely, professionally managed, oligarchic institutions have a limited capacity to mobilize their members. Thus, both the mobilization capacity of an organization and the political power of a community are heavily influenced by the structural characteristics of civic associations.

The environmental justice (EJ) movement is generally seen as composed of democratic and participatory organizations. To date, most scholars of environmental justice and social movements have summarily labeled EJ as a grassroots phenomenon, citing among other things, its lack of a nationally recognizable structure, and its reliance on local groups (Bullard 2000; McAdam et al. 1996; Mahoney 2000; Schlosberg 1998). For example, Cook (1992: 38) contrasts the highly institutionalized and bureaucratic structure of mainstream environmental groups with environmental justice organizations noting that they are “organized in a highly democratized fashion, and shun top-down hierarchical models.” However, this and many other analyses are anecdotal, or are based on case studies of only a few organizations.

One major consideration regarding the effectiveness and potential of the environmental justice movement is the nature of the organizational structure of the groups that make up this movement. The more open and democratic the movement’s organizations are, the greater will be its political capacity. The aim of this chapter is to conduct an empirical analysis of the organizational structure of environmental justice organizations.

Democracy, Civic Life, and Political Power

The linkage of democracy and intentional social change is based on the well-founded theoretical formulation developed by Jürgen Habermas.

In *The Theory of Communicative Action* (1984, 1987), Habermas links democratic movement organizations and rational social change. For Habermas (1984), a rational social order is based on providing good reasons for accepting a particular discourse through democratic dialogue. This dialogue forms the basis for rational action by establishing an intersubjective consensus for which valid arguments can be made. Habermas argues that such open and participatory communicative action is vital to the renewal of institutions to meet new circumstances. If this process is blocked, the institutions are unable to adjust to new circumstances. Habermas maintains that Western society's capability for self-correction is systematically blocked by the institutions of the capitalist world economy and the bureaucratic state. Specifically, the learning capability of our society is hindered by the dominance of decision-making criteria based in the institutions of the market and state administrative agencies. The market bases its decisions on the profitability of an activity, without regard to either its social or environmental costs. The decision-making process of the state is based on the political calculus of the governing party, and its attempt to retain power. Both of these institutions are thus based on a limited notion of instrumental reason, and unable to effectively generate creative alternatives. This systematic restriction of communicative action has created a society that is unable to hold these institutions accountable for their actions. One result of this dynamic is the creation of the ecological crisis (Habermas 1984, 1987; Dunlap 1992; Brulle 2000).

Habermas thus sees social movement organizations, being based in civil society, as the agents of rational control over the market and the state. These institutions, since they are based in communicative action, offer a possible means to restore democratic control over the political and economic systems (Habermas 1987). Accordingly, these organizations provide an arena in which an ethical life can be developed and citizenship exercised (Offe 1990; Habermas 1987). This links the resolution of ecological problems to the development of a democratic social order. Since social learning is based on open communicative action in the lifeworld, the enhancement of the democratic capacity of society is a necessary prerequisite for initiation of the actions through which environmental problems could be resolved.

To ensure a process of open and democratic communication in these organizations, their internal structure must be democratic and open. Hence, Habermas (1962: 142) has concluded that the public sphere could "only

be realized today, on an altered basis, as a rational reorganization of social and political power under the mutual control of rival organizations committed to the public sphere in their internal structure as well as in their relations with the state and each other.” This leads Habermas to specify in the following statement, the requirements that these organizations must meet to contribute to an open communicative process:

To be able to satisfy these functions in the sense of democratic opinion and consensus formation their inner structure must first be organized in accord with the principle of publicity and must institutionally permit an intraparty or intra-association democracy—to allow for unhampered communication and public rational-critical debate. In addition, by making the internal affairs of the parties and special-interest associations public, the linkage between such an intra-organizational public sphere and the public sphere of the entire public has to be assured. Finally, the activities of the organizations themselves—their pressure on the state apparatus and their use of power against one another, as well as the manifold relations of dependency and of economic intertwining—need a far-reaching publicity. This would include, for instance, requiring that the organizations provide the public with information concerning the source and deployment of their financial means. (ibid.: 209)

Skocpol (2003) echoes Habermas’s concern. Skocpol argues that the once vital civic life in the United States has undergone a substantial transformation, from large-scale participatory membership organizations to oligarchically managed, professional advocacy organizations. As a result, the quality of civic life and political dialogue has fragmented. Professional advocacy has also diluted the potential for broad-based civic engagement:

The profound reorganizations (of civic institutions) of the late twentieth century still make it difficult to bridge between national and local activities and discourage the involvement of large numbers of citizens in organized, ongoing civic endeavors. (Skocpol 2003: 251)

As a consequence, the mobilization capacity of civic institutions has declined, and concomitantly, their political power.

One is left with competing images of social movement organizational governance. In the typical view, social movement organizations are seen as a “bottom-up” grassroots organization, based in face-to-face social interactions (Hayes 1986; Cohen 1985). Members are presumably recruited through personal networks and face-to-face communication and, at least formally, these groups are democratic and open (e.g. Gould, Schnaiberg, and Weinberg 1996). This view is partially supported by the empirical

research on this topic. Minkoff (2003), Edwards and Foley (2003), and Edwards and Andrews (2004) found significant levels of public participation in a number of social movement organizations. Additionally, Brulle (2000) found that several of the major national environmental organizations were grassroots membership organizations with active local chapters and formal participatory structures.

On the other hand, Ellefson (1992: 307) argued that “interest groups are in reality almost always dominated by staff, elected officials, and a small cadre of very active members.” Brulle (2000) also found that, despite some democratic organizations existing in the environmental movement, the majority are formal oligarchies with constitutions providing for self-selecting boards and lacking formal participatory mechanisms. Such organizations have been labeled “professional social movement organizations (Zald and McCarthy 1987) and “astro turf” organizations (Cigler and Loomis 1995) and have been called “protest businesses” (Jordan and Maloney 1997) in which the professional staff dominates the organization and members are treated simply as financial contributors. Drawing on this material and her own research, Skocpol (1999) maintains that these type of professional advocacy organizations have created “a new civic America largely run by advocates and managers without members.”

However, Clemens and Minkoff (2004: 163) argue, “there is no necessary trajectory of movement organizations toward goal displacement or institutionalization. Rather the incentives for organizational transformation, growth, decline, and change, derive from a combination of internal and external pressures some of which are more easily overcome than others.” This was noted by Clarke (2001: 141), who argued that the governance structures of civic institutions are rather mixed. We agree with Clark, and thus we seek to examine the particular governance structures of the environmental justice movement.

The Structure of the Environmental Justice Movement

The organizations that make up the environmental justice movement are generally perceived to have decentralized structures based on multiple local community groups (Schwab 1994, Bullard 1993). In general, environmental justice groups are seen as small and as based in communities (Schlosberg

1998). There are three relevant analyses of environmental justice organizations that address their structure.

Schlosberg (1998) conducted an in-depth case study of two major environmental justice umbrella organizations. Schlosberg (*ibid.*: 121) notes that that, unlike the mainstream components of the environmental movement, the environmental justice movement has developed a unique network structure: "What makes environmental justice a movement are the linkages formed beyond the local." He maintains that the network structure creates a stronger environmental justice movement because it "gives the movement many points of attack, positions from which to argue, and tactics to use, while helping to pool resources efficiently" (*ibid.*). To the extent that this is actually the case, Schlosberg maintains that the environmental justice community embodies many of the characteristics of an open and democratic community, and the increased learning capacity that this entails.

Schlosberg's analysis, though interesting and important, is not definitive regarding the question of democracy and openness within the environmental justice movement. First, Schlosberg overstates the uniqueness of networks to environmental justice organizations. His dichotomization between national organizations and networks of environmental justice organizations is a false one. As shown by the work of network analysts (Emirbayer and Goodwin 1994; Knoke 1990), different discourses form networks of communicative action. These discourses create real communities that work together, and are not a unique characteristic of the environmental justice community. There are many mainstream environmental organizations that have a national scope and have similar network structures, including organizations as varied as Trout Unlimited, the National Wildlife Federation, and the Sierra Club. In addition, these organizations work together in numerous networks in a manner similar to the environmental justice movement. For example, Tober (1989) shows how networks operate within the field of wildlife management. In addition, the empirical case for Schlosberg's findings is not established. Schlosberg's analysis is based on case studies of two environmental justice organizations. In a field composed of several hundred organizations, this makes his conclusions suggestive but not definitive.

The second analysis of the structure of the environmental justice is Rios 2000. The objective of Rios's analysis was to assess the overall structure of the EJ movement, based on two competing images. The first image is that

of the conventional social movement, based in formal organizations, with a paid staff, external funding support, and engaging in insider political tactics. The other model, based on McAdam's (1982) characterization of an insurgency, is of a movement with an informal organizational structure, lacking financial resources and a dominant leadership, engaging in disruptive protest activities. Based on an extensive analysis of 81 environmental justice groups, Rios found that the environmental justice movement mostly conformed to the conventional social movement model. Specifically, she maintains that her analyses "reflect a movement that has an institutionalized organizational structure, receives nongovernmental funding resources, and uses education and training as activities targeted to attain the movement's objectives. This analysis indicates that the environmental justice movement does not particularly follow the tenets of the political process model of insurgency." (2000: 197)

This analysis undermines Schlosberg's view that the environmental justice movement is distinct from other social movements, or even mainstream environmental movement organizations. Rios's conclusions are further amplified by Brulle's (2000) examination of the bylaws of nine environmental justice organizations. This analysis showed that only a slim majority (56 percent) have a participatory structure. In addition, while the single largest category of economic income is the membership (42.5 percent), a substantial portion (47.7 percent) of economic support comes from foundations or from government grants. Accordingly, these groups have the potential to be influenced by external funding organizations. Thus, Brulle finds that the organizational practices informed by the discourse of environmental justice are mixed, with some participatory organizations, and a high percentage (44 percent) having an oligarchic structure. However, like Schlosberg, the sample size of nine EJ groups cannot be deemed as a representative sample of the movement. To establish a firm picture of the governance structure of the environmental justice movement, a larger sample of groups is needed.

Analysis of Environmental Justice Organizational Governance

To further examine the governance structure of the environmental justice movement, a list of 140 environmental justice organizations was developed using data from prior research studies, internet website listings and the 2000

edition of *People of Color Environmental Groups* (Bullard 2000). Each organization was contacted via mail, email, and phone, and was requested to provide a copy of the latest IRS Annual Information Return, their annual report, and a copy of their organization's bylaws. Thirty-one (22 percent) of these organizations had become defunct. Out of the remaining 109 organizations, 49 of the organizations (45 percent) provided these materials. (A list of the organizations in the sample is available from the lead author.) Each environmental justice organization was coded for its Form of Governance, following the analyses described by Lipset (1956) and Brulle (2000). The four governance forms used are as follows:

Democracy—Governed by members. Board of Directors and Officers of the Organization are nominated and elected by membership. Policies of the organization can be debated and voted upon by individual members.

Limited Democracy—Governed by mix between Board of Directors and members. Individual members can nominate/elect some of the members of the board of directors or officers of the organization. However, certain aspects of organizational control are specifically delegated to the Board of Directors.

Representative—Members can elect representatives for their local chapter of the organization. These representatives then participate in the selection of the board of directors, officers, and policies of the organization.

Oligarchy—Governed by Board of Directors. The Board of Directors is a self-replicating mechanism and elects the officers of the organization. No provisions for individual member input exist.

The results of the analysis are shown in table 1. As this analysis shows, the preponderant organizational structure of these organizations is oligarchic, with over 60 percent of the environmental justice groups having no provision for individual membership input into the policies and practices of the organization. The remaining 38 percent have some mechanisms for inclusion of the membership in the direction of the organization.

For comparison, table 2 was constructed using data (from Brulle 2000: 250) regarding the forms of governance across the environmental movement for the more mainstream environmental discourses of wildlife management, conservation, preservation, and reform environmentalism, and the recalculated data for the governance of environmental justice organizations.

Table 1

Form of governance	Number of organizations	Percent distribution
Oligarchy	30	61.2%
Representative	6	12.2%
Limited democracy	6	12.2%
Democracy	7	14.4%
Total	49	100%

Table 2

Discursive frame	Percent oligarchic
Wildlife management	33.3%
Conservation	42.9%
Preservation	62.5%
Reform environmentalism	67.7%
Environmental justice	61.2%

As these data show, environmental justice organizations have a governance structure similar to organizations with discursive frames of preservationism or reform environmentalism. Environmental justice organizations also have lower levels of democracy than do organizations based in the discursive frames of wildlife management or conservation. Thus, in comparison to the other components of the environmental movement, environmental justice organizations have a similar preponderance of oligarchic governance structures. However, in comparison to all nonprofit boards, both environmental justice organizations and the environmental movement as a whole have higher levels of democracy. A survey conducted in the mid 1990s by the National Center for Nonprofit Boards found that only 19 percent of nonprofit boards were elected by members. Thus, fully 81 percent of nonprofit organizations at the national level have an oligarchic structure (Moyers and Enright 1997). This is in keeping with Skocpol's finding (2003) that "national public life is now dominated by professionally managed advocacy groups without chapters or members."

This analysis is limited in two areas. First, the sample size of 49 organizations—while the largest sample undertaken of this movement—still leaves

many environmental justice organizations unexamined. This analysis is limited to only formally structured environmental justice organizations that actually have written bylaws. As shown by Edwards and Andrews (2003), there is a vast population of local or regional groups that remains unexamined and that operate outside the purview of the IRS and other government entities. Thus, this analysis presents only an initial image, not a comprehensive picture, of the organizational structure of environmental justice movement organizations. The second limitation of the analysis is the reliance on the bylaws of the organization as the sole indicator of the organization's form of government. While this is certainly a relevant indicator, it may be biased toward finding more democracies and representative organizations than actually exist. Organizations with officially democratic structures could, in fact, be dominated and controlled by small groups of board members, and/or professional staff members of the organization. The use of bylaws would not reveal this situation. Hence the indicator is unable to distinguish between a formal democratic structure and democratic practices.

Civic Action for Environmental Justice

Our analysis shows that the environmental justice movement's organizational structure is at odds with both its self-assigned image as a democratic and open movement, and the theoretical perspectives on this movement. While there are some limitations to the study, as noted above, there is no empirical evidence that the environmental justice movement lives up to its billing as being primarily comprised of democratic and participatory organizations. The majority of environmental justice organizations do not have a democratic structure. Using a very conservative measure of democracy that is based solely on each organization's bylaws, nearly two thirds of US environmental justice organizations were shown to have an oligarchic structure, and only one third have some form of membership participation in governance. While this is higher than the overall population of nonprofit organizations in the United States, it is in keeping with the overall characteristics of the US environmental movement.

This finding is important in both theoretical and practical terms. As a theoretical issue, this analysis shows that the existing literature on the structure of environmental groups is highly deficient. It refutes the prevailing

and taken-for-granted notions concerning the environmental justice movement that are common within the academic literature. It is not intellectually acceptable to merely accept the self-definition of an organization offered by its leadership without question. As Rucht (1989) noted, a lack of empirical evidence can lead to the "risk that the self-image as grassroots organizations can be too easily adopted by external observers." An empirical analysis of the bylaws and practices of these organizations can be performed, and forms a solid and intellectually defensible basis from which conclusions about the structure of these organizations can be made. This analysis, coupled with the work of Rios (2000), also challenges the supposed uniqueness of the environmental justice movement in comparison to "mainstream" environmental movement organizations. While there are certainly significant differences regarding the demographic characteristics, issue focus, and funding levels between the environmental justice movement and other components of the environmental movement, the governance structures, dependence on foundation funding, the role of professional staff, and tactics to bring about social change are very similar. In fact, on the question of governance, several "mainstream" organizations, including the Sierra Club, the Audubon Society, and the National Wildlife Federation, have open and participatory structures. Arbitrary and constructed dichotomies, such as between the "Group of Ten" and the environmental justice movement obscure the real variation within the environmental movement, and fail to advance our understanding of the dynamics of this movement. Instead, what is needed is a series of careful empirical analyses of the factors that influence variations within nonprofit organizational governance.

This analysis brings to light the disjuncture between the environmental justice movement's self-image and goals and its institutional practices. Environmental justice is a "rights-based" discourse focusing on the democratic participation of all concerned citizens to secure environmental equality. From a practical standpoint, environmental justice groups based in non-representative governing structures fundamentally undermine the ideological premise and legitimacy of this movement. As Schmitter (1983) noted, "many of these groups define their very existence in ways that defy professionalized representation and bureaucratic encadrement. To be organized corporatistically would destroy the very basis of their collective

identity.” Without some degree of organizational democracy and membership participation in the decision making process of the organization, environmental justice movement groups can end up replicating the type of environmental organizations they most criticize and seek to separate themselves from. Although having an oligarchic organizational structure may not always undermine the grassroots and democratic ideals of the environmental justice movement, it casts a doubt on the organization’s legitimacy as an authentic representative of community concerns. The practice of including environmental groups in government decision making is based on the assumption that they are authentic community representatives. Without the presence of a democratic governance structure, this assumption is tenuous at best.

Another practical concern of this analysis is what this implies for the overall ability and effectiveness of the environmental justice movement to generate social learning capable of resolving the problem of environmental degradation. Social learning is dependent on a strong and viable democratic public sphere. Broad-based civic participation and democratic governance cannot be brought about by expert advocacy. Instead, individuals need to actively participate in the creation and maintenance of their civic institutions. The way to institute democratic politics is to practice democratic politics. There is no separation of ends and means in this area. By mobilizing citizens and providing a legitimate and effective representation of their needs, movement organizations are seen as catalysts for the formation of effective political demand for change.

However, if the movement organizations are not authentic community representatives, this limits and compromises the independence of these movement organizations. The mobilization of citizens to create political demand for change can easily be replaced in professional organizations to targeted advocacy activities. Members become seen as something to be managed and as a source of funds solicited via mass mailings. Foundation funding also becomes an appealing source of funding. As the source of funding shifts, the social movement organization is increasingly controlled by external organizations with their own agendas. So instead of serving as an authentic voice of the community, a social movement organization can become subordinated and controlled by external organizations. This can limit the civic capacity and political power of the organization. This in

turn limits the potential development of a democratic public sphere, and for social learning.

What does this analysis imply for how environmental justice groups should structure themselves? There is no single way in which this can be done. There are many creative solutions to the problem of democratic participation. What is important is that environmental justice groups take steps to ensure that they are participatory, open, and representative. Here the legal definition of “representative” organization is relevant. In a series of three US Supreme and District Court cases, the criteria for an authentic and representative organization have been developed and given binding legal status in the United States (Brulle 2000). The US Supreme Court has defined a representative organization as one that expresses its members’ collective views and protects their collective interests. To qualify as such, there are two criteria that the organization must meet. First, there must be a substantial nexus of control of the organization by the members. Second, the organization must be linked to people who have a direct stake in the outcome (i.e., they represent either the interested or affected parties). Conversely, these two criteria also define what does not qualify as “representative” organizations. Particular expertise or special interest in an area does not define an organization as representative organization. Thus organizations governed by self-appointed “community representatives,” or professional, expert staff do not qualify as authentic representatives of collective interests. In addition, organizations without formal elections and mechanisms to enable membership control of an organization, do not qualify as representative organizations. So-called informal mechanisms for membership communication, such as informal communications between members and staff, letter writing, polls, or the fact of financial contributions, do not constitute a representative organization.

What is needed for the continued health and expansion of the environmental justice movement is a broad-based effort to ensure that the organizations of this movement are authentic representatives of the communities in which they are based. In addition, the funders of environmental justice groups need to be more attuned to the governance implications of their funding activities. Their funding strategies can be used to encourage the formation of democratic environmental justice group structures. The Unitarian-Universalist Veatch Program has adopted such an approach and

now considers questions of “membership, leadership and governance, strategy and impact when evaluating existing or potential grantees engages in grassroots organizing” (Faber and McCarthy 2001: 47–48).

The preceding analysis questions the operations but not the motives of environmental justice groups. The environmental justice movement has provided an alternative outlet to give voice to those suffering from the rampant occurrences of environmental injustices. It needs to continue to function in this role. To meet its goals to be an authentic, grassroots, democratic social movement, environmental justice organizations must reflect upon their means of governance and seek to continually expand their democratic responsiveness. Without such reflexivity, the movement could eventually become the non-representational, bureaucratic hegemony against which it now contends. With this reflexivity, it can continue to struggle to meet the high aspirations it has set for itself. As a community, we need this movement to succeed in its quest to create an ecologically sustainable, just, and democratic society.

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