

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.

Resumen

La justificación del comportamiento anti-ecológico ilegal. Antecedentes: las transgresiones de las leyes medioambientales son actos que no todo el mundo considera reprobables, ni en la misma medida. El estudio de las explicaciones que las personas dan ante este comportamiento es útil para analizar el apoyo social que reciben las leyes medioambientales y su consolidación como normas sociales y/o personales. El propósito de este trabajo es analizar las explicaciones que las personas dan a las transgresiones medioambientales llevadas a cabo por otros en su contexto inmediato. **Método:** 573 personas de ambos sexos, de entre 17 y 74 años, residentes en un contexto de alta protección medioambiental, contestaron a un cuestionario que incluía siete transgresiones medioambientales y 11 escalas de evaluación referidas a la cantidad de castigo que les asignarían a los transgresores y a las posibles explicaciones de los hechos descritos. **Resultados:** los datos obtenidos ponen de manifiesto que, en general, los participantes consideran que el comportamiento anti-ecológico ilegal es un reflejo de "la maldad" de quien lo realiza, pero que existen circunstancias que pueden llevar a cualquier persona a comportarse ilegalmente en términos medioambientales. **Conclusiones:** estos resultados se discuten contrastando las explicaciones dadas por los participantes con las dadas por transgresores medioambientales en estudios previos.

Palabras clave: comportamiento anti-ecológico ilegal, leyes medioambientales, justificaciones, explicaciones causales, castigo.

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 (Márald, 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

to pursue. The author highlighted the fact that prosecutors were unwilling to press charges against environmental delinquents because of the difficulties of establishing criminal intent and of proving the serious consequences that had resulted from the transgressions. Eliason and Dodder (1999) confirmed that poachers believed poaching to be wrong, while considering themselves to be persons who respected the law in general. They justified their behavior by alleging that it had been a mistake or accident; they did not deserve being sanctioned for having broken the law “this time”; they had done it in order to feed their families and 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 Ruiz (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 Fritsche’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

Age	Residential Area					
	Rural		Urban		Tourist	
	Women	Men	Women	Men	Women	Men
<26	49	38	39	24	28	28
26-45	35	33	27	30	34	28
>45	32	33	29	26	26	34

Explanations

Each transgression in the questionnaire was followed by 10 possible explanations that, from the participant’s perspective, might explain the behavior of the offender. Each one was evaluated on an 11-point scale, where zero indicated that the explanation totally failed to explain the transgressor’s behavior and where 10 indicated that such behavior was fully explained. These explanations, which are given in Table 2, were selected according to how often they appeared in the statements of those accused of an ecological offense (Martín, Salazar-Laplace et al., 2008) and to their importance in psychoenvironmental research.

Participants were also asked to what extent each transgression deserved punishment. An 11-point scale was used for that purpose, where zero indicated “does not deserve punishment” and 10 “deserves the maximum punishment”. The questionnaire also requested demographic data such as gender, age, place of residence, level of studies, and occupation.

Procedure

The questionnaires were carried out as interviews by trained interviewers who received payment for this work and who travelled to interviewees’ places of residence. Participants were approached randomly as they went about their everyday lives and informed that the university was carrying out a research project to discover public opinion about certain behaviors that can affect the environment, that their collaboration would be voluntary and anonymous, and that the incidents described had actually taken place in their close surroundings. Subsequently, a supervisor made random calls to 30% of the sample, confirming that the questionnaires had been undertaken in all the cases.

Data analysis

First we undertook a multivariate analysis of variance (MANOVA) of repeated measures to check the differences between

the seven transgressions studied in the type of explanations assigned. Then we performed a mixed-design MANOVA $7 \times 10 \times 2 \times 3 \times 3$ 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 $7 \times 10 \times 2 \times 3 \times 3$, in which the inter-group variables,

Table 2
Transgressions and explanations used in the study

<p>A man drives off road through a nature reserve. A group of people put up tents on a beach without the required authorization. A local authority allows sewage from residential areas to flow into the ocean. A bar in a night spot plays the music so loud that it can be heard in the street. A woman replaces wooden windows with aluminium ones in the historic centre of a World Heritage City. A cement manufacturer extracts volcanic gravel from its own land but without a license. A hunter shoots a kestrel—a protected species—with a shotgun.</p> <p>(Think about the person who behaved in this way. Why do you think they did it?) (Score from zero to 10)</p> <ol style="list-style-type: none"> 1. Because s/he is a bad person. 2. Because s/he is not concerned about the environment. 3. Because s/he thinks that people are more important than the environment. 4. Because s/he believes s/he does other things that are good for the environment. 5. Because s/he believes that everybody does it. 6. Because s/he doesn't know it is forbidden. 7. Because s/he thinks that this doesn't harm anyone. 8. Because s/he thinks the authorities raise so many objections that there is no other option. 9. Because s/he believes that lawmakers do the same. 10. Because s/he wants to save or make money.

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

Explanations	Transgressions						
	Off-roading	Illegal camping	Sewage	Bar	Windows	Volcanic gravel	Kestrel
S/He is a bad person	3.94 _{af} (3.24)	2.10 _{bc} (2.72)	5.81 _{cg} (3.53)	3.35 _{af} (3.22)	1.84 _{bc} (2.63)	3.71 _{af} (3.18)	5.39 _{cg} (3.46)
Not concerned about the environment	7.16 _{af} (2.96)	4.78 _{bc} (3.33)	7.94 _{cg} (2.84)	5.88 (3.30)	4.49 _{bc} (3.38)	7.12 _{af} (2.84)	7.76 _{cg} (2.69)
People are more important than the environment	5.63 _{afg} (3.17)	4.84 _{bcd} (3.23)	4.88 _{bcd} (3.73)	4.96 _{bcd} (3.45)	4.81 _{bcd} (3.17)	5.57 _{afg} (3.14)	5.56 _{afg} (3.41)
Does other things for the environment	3.01 _{acdef} (2.89)	3.67 _{bc} (2.94)	2.84 _{acdefg} (3.17)	2.64 _{acdfg} (2.74)	3.32 _{abc} (3.04)	2.77 _{acdfg} (2.94)	2.53 _{cdfg} (2.86)
Everybody does it	4.57 _{ac} (3.39)	6.31 _{bd} (2.99)	2.90 (3.23)	5.89 _{bd} (3.25)	4.80 _{ac} (3.49)	4.95 _{ac} (3.36)	3.74 (3.25)
Doesn't know it's forbidden	3.13 (3.18)	3.84 (3.19)	0.97 (2.16)	1.63 _{af} (2.48)	4.51 (3.37)	1.84 _{af} (2.59)	2.47 (2.96)
Doesn't harm anyone	5.45 _{afg} (3.25)	6.96 _{bc} (2.94)	2.15 (3.10)	4.05 (3.26)	6.96 _{bc} (2.94)	5.20 _{afg} (3.20)	5.00 _{afg} (3.38)
Authorities leave no other option	3.06 _{ac} (3.18)	5.66 _{bf} (3.37)	2.93 _{ac} (3.33)	4.43 _{bc} (3.41)	3.95 _{bc} (3.47)	5.36 _{bf} (3.28)	2.36 (2.93)
Authorities cheat	4.34 _{abcde} (3.38)	4.32 _{abcde} (3.46)	4.42 _{abcde} (3.85)	4.44 _{abcde} (3.52)	4.36 _{abcde} (3.58)	5.56 (3.46)	3.77 (3.43)
To save or make money	2.92 _{af} (3.27)	5.09 (3.72)	8.48 _{cd} (2.65)	8.60 _{cd} (2.37)	5.69 (3.76)	9.11 (1.85)	2.72 _{af} (3.39)

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

Explanations	Transgressions						
	Off-roading	Illegal camping	Sewage	Bar	Windows	Volcanic gravel	Kestrel
S/He is a bad person	0.30	0.14	0.08	0.22	0.23	0.23	0.15
Not concerned about the environment	0.19	0.37	0.16	0.24	0.29	0.21	0.28
People are more important					0.17		
Does other things for the environment	-0.13		-0.11	-0.12	-0.12		
Everybody does it						0.11	
Doesn't know it's forbidden			-0.13			-0.15	-0.08
Doesn't harm anyone				-0.10	-0.09		
Authorities leave no other option						-0.09	
Authorities cheat	0.10					-0.13	
To save or make money		0.10	0.25	0.18		0.22	
R^2	0.19	0.26	0.22	0.22	0.32	0.32	0.16

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

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 kestrel death, 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 give 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, unawareness 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

Explanations	Transgressions													
	Off-roading		Illegal camping		Sewage		Bar		Windows		Volcanic gravel		Kestrel	
	r	sr	r	sr	r	sr	r	sr	r	Sr	r	sr	r	sr
S/he is a bad person	.28	.27	.14	.12	.08	.07	.22	.20	.23	.19	.24	.21	.14	.13
Not concerned about the environment	.19	.17	.33	.30	.16	.14	.24	.22	.28	.24	.22	.19	.26	.24
People are more important									.18	.15				
Does other things for the environment	-.13	-.11			-.11	-.10	-.12	-.11	-.13	-.10				
Everybody does it											.09	.73		
Doesn't know it's forbidden					-.12	-.11					-.13	.81	-.08	-.08
Doesn't harm anyone							-.10	.09	-.09	-.07				
Authorities leave no other option											-.09	-.08		
Authorities cheat	.09	.08									-.13	-.11		
To save or make money			.11	.10	.26	.24	.19	.17			.24	.21		

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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