

IMPACT OF SOCIAL JUSTICE CONCEPTS
ON ANTICIPATORY PROJECT ASSESSMENT FUNCTION

By Dr. Louis H. Mayo
October 8, 1973

I - The Anticipatory Project Assessment
Function

Anticipatory Project Assessment (APA), whether expressed as policy analysis, social impact evaluation, or technology assessment, can be characterized as the capacity to perform, and the disposition to take into account in relevant decisional arenas, the following operations:

- . Identification of the significant Effects (necessary or inevitable, probable, or possible) which will result from the introduction of a specified project configuration into alternative projected future social environments during the planning, implementation and operational stages.
- . Evaluation of such Effects in terms of Social Impacts on affected participants and social value-institutional processes in accord with specified concepts/standards of Social Justice, i.e., schemes of social value weight and distribution.

In brief, the purpose of the anticipatory assessment function is to clarify policy and project options in terms of their full social effects in order that intelligent choices can be made by responsible public sector decision makers. The optimistic assumption that the APA function can in fact result in substantially achieving this objective is, of course, by no means universally shared.

II - Relevance of Social Justice Concepts to APA

Anticipatory Project Assessment (APA) is here discussed primarily 1) from the perspective of the "scholarly observer" and/or that of the inclusive-oriented assessment entity (that entity which takes into account the full scope of effects pursuant to an open and explicit analytical framework) as contrasted with the exclusive-oriented or partisan participant; 2) with respect to public sector programs, projects, and actions; and 3) with emphasis on the implications of concepts and standards of "distributive justice" for anticipatory assessments.

Why must the inclusive APA entity be concerned with notions of "social justice" or "equity"? The reason is simply that every proposed project clearly has social justice implications; there will likely be benefits, there will certainly be costs, and such benefits and costs will be distributed among various segments of society. Those who bear the costs of a particular project are frequently not the direct or primary beneficiaries. The intended beneficiaries of a given project may turn out not to be the actual beneficiaries. Alternative project configurations (means) for achieving a specified social policy objective may have quite different distributional consequences for affected participants. This being so, notions of social justice can strongly influence the selection of alternative means. The difficulties of assessing proposed actions, even many existing programs, for distributional effects and the supposedly high political intensity of distributional judgments have retarded

the development of useful analytical frameworks. But this challenge can be escaped by the inclusive APA entity only by incurring costly limitations on its potential contributions to the Public Decision Process.

Attention to social justice outcomes may not be essential to every APA. This depends upon the precise Task-Objective assigned or assumed by the assessing entity. The anticipatory assessment function must be viewed in the framework of Goals, Means, and Conditions. In general, the assessment task-objective will relate to: 1) the prospective outcome of a specific project configuration (or alternative project configurations); or to 2) the design of a project configuration which will most closely approximate a posited or otherwise preferred outcome. There are, of course, innumerable modes of posing the APA task-objective. The task may be limited to the projection of alternative futures during a given time frame by plausible scenarios. Or the task may be to identify those community participants who will be most directly and immediately affected by a specified project configuration. Or the task may be to attempt to identify all of the directly intended as well as the immediate consequential and long term derivative effects (including measures of probability and magnitude) which will flow from the introduction of one or more specified project configurations into one or more future social environments. Or the task may be to make a social impact evaluation of the distributional effects of a given project configuration. Or the task may be to design a public program which will have a prescribed social benefit/cost ratio and benefit/cost distribution. Or certain studies might be undertaken for

the purpose of conditioning authoritative decision makers and public/private sector analysts to give greater attention to the reasonable prospects for the introduction of specific project proposals.

Whatever the task-objective, it cannot be too strongly emphasized that the assessment, to have relevance, must be intimately related to the Specific Decisional Context in which it is to be deployed. This means that the precise task-objective, the nature of the contending participants (their perspectives, claims and resources), the relevant decisional entity (its authority and constraints), the alternatives available to the decisional entity to provide relief, set standards, etc., the effects to be identified and measured, the extent to which social impact evaluations are to be made of such effects, and whether the social impacts of certain effects are to be balanced against the social impacts of conflicting effects must be made explicit.

Implicit in the specific decisional context approach is the proposition that there is no single "true" or "right" social benefit/cost assessment of a given project configuration but essentially unlimited possibilities for social benefit/cost assessment outcomes. These differing outcomes will vary with such factors as the effects identified, the probabilities assigned to such effects, the techniques employed for the measurement of their magnitude, and the concept or standard of social justice utilized to calculate the social impacts of the various effects. Put otherwise, there are infinite possibilities for calculating a social

benefit/cost assessment outcome for a given project configuration even though in practice the number may be reduced to a relatively few alternatives which would receive serious attention in the public decision process.

Obviously, many APA's will involve not merely one but a pattern of parallel and successive specific decisional contexts and the question becomes: what project configuration is to be assessed for what effects and with respect to what particular task-objective by what assessment/decisional entity and at what time in the progression to the ultimate APA outcome? Therefore, an inclusive APA entity may not be in position to attempt an ultimate social benefit/cost outcome assessment at the initial phase of assessing alternative project configurations except in the most provisional manner since by the requirements of the project it might recommend, additional successive assessments become part of the project configuration. For example, in many assessment contexts the project configuration proposed may necessarily be one basically of process with only a tentative "hypothetical judgment" made that the eventual outcome will produce both a net social benefit and a social benefit/social cost distribution which will satisfy an authoritatively acceptable scheme of social justice.

III - Illustrative APA Involving a Succession of Hypothetical Judgments with Respect to Social Justice Outcomes

The subject assessment situation can be illustrated by reference to a Policy Formulation/Program Implementation Process now taking place in the United States with respect to aircraft/airport noise abatement. Enactment of the Noise Control Act of 1972 was a Congressional mandate to the

Environmental Protection Agency (EPA) to recommend proposed regulations to the Federal Aviation Administration (FAA) to bring aircraft/airport noise to a level consistent with the "public health and welfare" pursuant to §5 of the Act. This statutory directive was in effect a performance specification (social goal) established by the Congress to be achieved by cooperative EPA and FAA regulatory action with ultimate decisional responsibility in the FAA. No project configuration (as to an overall abatement program) was specified by the Noise Control Act. Having set the "public health and welfare" goal, the means was left to the EPA and the FAA to achieve this goal in a context involving a national civil air transportation system encompassing widely geographically distributed airports owned and operated by a diversity of governmental subdivisions (States and municipalities) and with each airport having a somewhat unique noise abatement problem.

Pursuant to the §7 mandate of the Act (Aircraft Noise Standards), the EPA organized a broadly representative task force of public/private sector participants to assess the full range of technological, operational, and land use techniques for aircraft/airport noise abatement and to develop a legal/institutional structure for the implementation of an integrated abatement strategy. An independent, inclusive-oriented APA entity was engaged to assist with the legal/institutional task of formulating the structure of legal doctrine and implementing institutions (including funding sources and mechanisms) which would constitute an appropriate configuration for achieving the "public health and welfare" goal. Note that a provisional or "hypothetical judgment"

had been made by the Congress that the reduction of aircraft/airport noise to a level to avoid injury to the "public health and welfare" would result in a net social gain. The EPA did not in fact have to make this judgment since it had a Congressional mandate to comply with the "public health and welfare" requirement, but it was evident that the EPA also made this provisional judgment. Further, it was implicit in the task-objective assigned to the inclusive APA entity that attention would need to be given to the distributional effects of the eventual implementation of an integrated abatement strategy, including suggestions for the allocation of the costs of recommended abatement action which could be justified by acceptable notions of social justice.

The assessment outcome of both the EPA task group and that of the independent APA entity was a recommendation that, in accord with authoritative doctrine (full control over aircraft/airport noise abatement being located at the Federal level in EPA and FAA), the FAA should implement EPA "public health and welfare" noise levels in part by requiring that each airport develop, jointly with all affected participants, an airport noise abatement plan pursuant to an FAA "airport certification for noise" regulation.

Hence, the assessment locus following the EPA study would be a formal regulatory hearing conducted by the FAA providing for all interested parties to submit responses to proposed regulations for aircraft/airport noise abatement. In this specific decisional context each interested party will produce an assessment in some form, likely partial and partisan, leaving

to the FAA the responsibility of making a total social impact assessment pursuant to the requirements of §611(d) of the Federal Aviation Act to render a decision (promulgate regulations) based on EPA "public health and welfare" noise levels but which is consistent with technological practicability, economic reasonableness, and the highest degree of safety in air transportation.

Assuming the promulgation by the FAA of a regulation requiring that every airport be certified for noise as well as safety, it would then become incumbent upon each airport operator to develop an airport noise abatement plan which would give reasonable assurance of the reduction of aircraft/airport noise to the prescribed EPA level within a specified period of time. Depending upon the guidelines set forth in the FAA regulation, each airport operator may be required to involve all affected public and private sector participants in this planning process during which technological initiatives for abatement (such as acoustical nacelle retrofitting or quicker phase-in of new, quieter type aircraft), operational changes of flight path or landing and take-off procedures, and land use alternatives to reduce the land mass and number of people exposed would need to be taken into account. Such abatement plans would then be subject to EPA/FAA approval for airport certification.

So far, four loci/levels of APA have been described (Congress, Environmental Protection Agency, Federal Aviation Administration, and each of over 400 airports) and this involves only the APA's required through the assessment of alternatives phase, the prescribing phase, and the implementation phase.

APA's at the operational monitoring and evaluation phase and modification phase are still to be conducted if the assessment function is to be carried out through the full Policy Formulation/Program Implementation Process. Clearly, there will be innumerable partial, exclusive APA's at each of these phases, and there can be (and should be) APA's by inclusive assessment entities also. But in any event, it can be seen that a sequence of APA's are involved in this overall assessment function. The responsible authoritative decisional entity and any inclusive APA entities engaged for the purpose will make what has been termed "hypothetical judgments" at each phase. Presumably, these succeeding APA's should produce an increasingly closer approximation of the effects to be anticipated and the social impacts to be expected in the implementation/operations of the integrated aircraft/airport noise abatement strategy. For the inclusive APA entity at the initial phase (evaluation of alternative aircraft/airport noise abatement strategies) to undertake a precise projection (let alone prediction) of such effects and the eventual social impacts of all such effects prior to the outcomes of the FAA regulatory hearings and the preparation of the airport noise abatement plans would necessarily be viewed with considerable skepticism.

The EPA, along with the independent, inclusive APA entity, might have recommended at the initial phase, in connection with the "airport certification for noise" proposal, that the costs of the eventual abatement actions be allocated in a certain manner. But this problem of "distributive justice" could vary considerably among the various airports. Some airports are

profitable; some are not. The latter may strongly prefer increased air traffic to noise abatement. Further, the owner-jurisdictions may have quite different objectives to be served by the airport as well as different capabilities for funding essential abatement actions.

IV - Indices of Adequacy for Evaluation of the APA Function

This brief discussion of an APA involving successive assessments and hence, successive "hypothetical judgments" with respect to the social justice outcome, inevitably invites the question: How is the Adequacy of the performance of the APA function to be evaluated? Adequacy may refer to a particular assessment or to the APA function in the aggregate over time. With respect to a specific APA, the notion of adequacy goes to such questions as: 1) were the intellectual-analytical operations of APA performed so as to merit recognition of competence by "peer" professionals? 2) Did the APA outcome in fact "clarify policy options" for the relevant authoritative decision makers? 3) Did the APA entity produce a project configuration (or alternative configurations) which can be implemented with a net social gain through established or acceptable value-institutional processes? 4) Did the APA entity apply authoritatively recognized or otherwise acceptable concepts/standards of social justice in making its evaluations of social benefits and costs and the distribution thereof?

Clearly, the appropriate "indices of adequacy" will depend upon the specific assessment/decisional situation addressed including:

- . The task-objective posited for or assumed by the APA entity including the analytical operations of the APA to be treated and the phase of the Policy Formulation/Program Implementation Process at which the assessment is to be made.
- . The character of the APA entity (Inclusive or Exclusive)
- . Perspective (observational standpoint) of the APA evaluator for adequacy.

The thrust taken by this paper would suggest that the essential test of the adequacy of an APA would be the extent to which the APA outcome clarifies relevant policy options, i.e., enhances the Enlightenment value, with respect to the Social Justice implications of a proposed action. The positing of a performance standard does not necessarily prescribe the distribution of social benefits and costs. The basic social objective sought through the positing of the performance standard might be met in a variety of ways (alternative project configurations) having quite different consequences in terms of distributive impacts. Further, this emphasis on clarification leaves the APA entity in a more independent position than the conception of the adequacy of the APA function as directly tied to Power, i.e., the prospective influence of the outcome on the policy option adopted by the relevant authoritative decisional entity. This latter perspective would view the expectation of the adoption of the APA outcome (proposed project configuration) as the critical index of adequacy for the APA function. If the social justice outcome reflected by the proposed project configuration should not have reasonable expectation of being accepted, then the APA function would be deficient.

It would further appear that if there is to be a "peer" group evaluation of the performance of an inclusive APA entity that this task would require an evaluation involving the "clarification of options" approach which would include reference to all effects in the APA function commencing with the evaluation of alternative configurations phase and continuing through the prescribing/authorizing, implementing/operation, monitoring/evaluation, and project modification phases rather than application of the simplistic test of whether or not the public sector sponsor is satisfied. This approach would also overcome the likely distorting evaluation which would flow from the application of "indices of adequacy" based on the Process/Result dichotomy.

The broad scope of possibilities for specifying APA task-objectives and other conditions shaping specific assessments suggests that the appropriateness and/or suitability of particular "indices of adequacy" may vary with differing patterns of APA's. Hence, the importance of the notion of specific decisional context is again stressed. In any event, these provisional thoughts on the formulation of useful "indices of adequacy" for evaluating the Anticipatory Project Assessment Function have been offered with both the hope and the expectation that this task will be accorded increasing attention.