

What's the Benefit in Cost-Benefit?

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Preface

It may be presumptuous to have a preface to an undergraduate thesis, particularly one only 65 pages long. Nonetheless, one yearns to take the opportunity to prepare the reader for what will follow.

This thesis is the result of many false starts, backtracks and dead ends. Originally I had intended to explore the legal doctrine that treats corporations as persons under the law, and the consequences that follow from that doctrine. A dreary topic. Public interest law, as it has grown up, how it has been used, and the future of the general field of law was my next pursuit. However, "public interest law," like so many topics and ideas bandied about, turned out to be more of an idea than a coherent body of people, institutions or activity that could be examined. Figuring that I'd like to graduate before the end of the century, I landed on cost-benefit analysis as a policy tool, as a fit subject for inquiry and criticism that would be reasonably sized and coherent.

My interest grew out of several simultaneous things. First, I have been skeptical of the idea ever since I first heard it. My subsequent work in environmental studies and public interest work caused me to bump into the term, and the idea, with increasing frequency. Second, the advent of

the Reagan administration, with its very particular view of environmental, safety and health regulation, began to reinforce the concept of cost-benefit as a fine way of making those regulatory decisions. Skeptical of so much else that the Regan administration wanted to do and believed in, this caused me to take a renewed and more substantial look at cost-benefit. Third, a series of spirited debates with a colleague, while we were both teaching an introductory course in environmental studies, served to spur my thinking, and is arguably the proximate cause of this entire excursion in expository writing.

Theses are traditionally the result of much long study, and sleepless hours spent poring over musty books. In my case, the subject is rather new, and there is not a great deal of material already in print, beyond various bromides from differing sides of the debate, which are usually written and printed with some other political purpose in mind. Moreover, I was uninterested in telling people what cost-benefit was all about, in a dry, expository way. I believe, after much reflection and discussion, that the technique is less than worthless, and ought to be abandoned. Believing so, I felt that the most valuable thing would be a long piece explaining why.

Purely argumentive writing can be dreary, and often times shrill. I pray that I have avoided those pitfalls. However, there are times when it is necessary to stand up and say as

forcefully as you can what you think. Academic writing is notorious for its lack of advocacy. I am an advocate, and will probably be so for the rest of my days. To do a piece that pretended otherwise would be dishonest as best, loathsome to contemplate at worst. My advisor said, after an initial draft, that he "didn't much like the all-out advocacy style." It felt, he said, "more like a brief" than a thesis. And I suppose he's right. This paper presents one side of an issue of public debate. I don't much believe in writing that tries to present both sides of an issue. In my experience, such pieces are with, few exceptions, innaccurate to one or both sides, trivial in that they do not come to any conclusions or nebbish ones at best, or a front to present a single view cloaked in the guise of objectivity.

With these warnings, and a tip of my hat and thanks all 'round to my advisor and the nameless individual whose spirited defense of cost-benefit prompted me to respond in such a drawn out way, I close.

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