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Private Property Rights, Not Ideologies, Are the Crux

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JANE S. SHAW

Stephen M. Colarelli offers a provocative argument. He claims that conservatives and liberals tend to be true to their principles except when it comes to the environment, at which point they switch sides. With respect to environmental matters, “conservatives are liberal, and liberals are conservative,” he says.

The reader soon discovers that Colarelli is not simply drawing a symmetrical picture of the foibles of human nature. His goal is to persuade conservatives to change their positions on environmental issues. “How can conservatives, who value tradition in the social world, be blind to the tradition in the environment?” he asks. “How can they respect the integrity of social ecosystems, yet disrespect the integrity of natural ecosystems?”

The paradox that Colarelli has identified contains a nugget of truth. Its validity depends, however, on a dramatic redefinition of environmental problems and humans’ relationship with nature. In addition, Colarelli’s essay is flawed by an emphasis on attitudes and ideologies when, in fact, environmental decisions reflect the incentives people face.

Consider the paradox first. Colarelli is right to say that liberals have become conservatives in their desire to keep nature from changing. However, they remain true to their historical positions in their willingness to intervene in people’s lives. They do not

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hesitate to reduce human freedom in the pursuit of a higher goal—in this case, keeping nature “as is.”

Liberals have become conservative about nature because they consider the environment “different.” They think that it is inviolate and must be protected at all costs (although others generally pay most of the costs). Yes, this “hands-off” policy goes against the grain of a liberal outlook, as Colarelli claims, but he implies that this inconsistency is a heroic one. When it comes to the environment, the rules that apply in society should be reexamined and perhaps even jettisoned for the protection of nature.

When one looks a little deeper than Colarelli does, however, the conservatives prove to be more consistent than the liberals. The conservative approach to nature seems to be at odds with its traditional positions only because Colarelli redefines environmental protection to be tantamount to the preservation of nature untouched.

Although Colarelli starts out with a good grasp of the differences of principle between conservatives and liberals, he slips away from this clarity and gradually begins to describe as “conservative” any environmental position that differs from his. He says flatly: “Conservatives oppose preservation of the environment.” They are “blind to the interconnectedness of natural ecosystems.” Their goal is “getting rid of laws and regulations that restrict people’s pursuit of self-interest.” The conservative whom I defend, however, is not this concatenation of stereotypes. Rather, it is the Hayekian, free-market conservative who respects the liberty of others and recognizes the harm that comes from restrictions on liberty. This conservatism, increasingly known as free-market environmentalism, is a framework for analysis based on principle.

Free-market environmentalists do not consider the environment to be radically different from other realms of human experience. They see nature as a place of human action. Only humans make decisions about the treatment of nature; nature itself makes no conscious choices. Dealing with nature is a social activity, like virtually all activities in which humans engage. Human action is guided by laws and customs developed over centuries, and governments should not arbitrarily intervene in those decisions without a strong reason. The free-market environmentalist is consistent in wanting to avoid excessive coercive intervention in human activities, including those affecting the natural environment.

To free-market environmentalists, it is not inherently wrong to use grassland to raise cattle or to dig underground for mineral ores, although there may be something wrong with doing so in specific instances. As long as the people engaged in such activities do not harm the persons or the property of others, they should be free to act. If the activities intrude on the commons, then public laws against intrusion may be appropriate.

Besides advancing a flawed paradox, Colarelli erroneously elevates attitudes and ideologies above incentives, yet it is incentives that determine people’s actions. When Colarelli begins to disparage “conservatives,” most of his irritation is really directed toward people who use natural resources to make products. These people—miners, ranchers, logging executives, and developers—are not acting for themselves alone but

also for the many people who use minerals, eat beef, and live in houses, including those made of wood. In other words, they are acting for us—and for Colarelli. Their livelihood depends on being able to provide the rest of the world with valuable goods. Naturally, they have an incentive to defend that livelihood.

Indeed, although Colarelli is intensely concerned about the “interconnectedness of natural ecosystems,” he is somewhat blind to the interconnectedness of society. This interconnectedness of society enables most people seamlessly to obtain food, clothing, and shelter—not to mention entertainment and other satisfactions of modern society—without ever having to worry about how they are produced.

Just as conservatives respond to the incentives they face, so do liberal environmentalists. Most of these individuals live in urban areas and make occasional forays into the woods or mountains. They have the luxury of exulting in a romantic view of nature, one that exalts pristine surroundings, nature supposedly untouched. They can wax nostalgic about a presumed Golden Age before industrial pollution only because social interactions—primarily trade based on private property rights—enable them not to have to live by the sweat of their brow. They are free to do so because they are relatively affluent and because capitalism sustains a society in which many people do not have to produce their own food, clothing, and shelter.

One result of this luxury is that some people have come to view environmental issues as one grand problem—what political philosopher Charles Rubin calls “everythingism.” Because liberals treat all environmental matters as “interconnected,” they pay little attention to the details. Thus, they fail to make critical distinctions about environmental problems.

This failure leads to unwarranted claims. For example, Colarelli contends that, according to conservatives, “What one does on one’s own private property—or on property leased from the government—affects nothing outside of it.” This contention could not be farther from the truth, at least for the free-market environmentalists I am defending. The history of Western civilization, with its tradition of individual freedom, is based on the right to do what one wants on one’s private property *as long as it does not unlawfully harm another’s person or property*. Historically, jurisprudence has involved determining the conditions under which other people’s property (or commonly owned “public” property) is harmed unlawfully (conditions that change over time). Rather than observe such differentiations, Colarelli wants to treat just about everything as being connected to ranchers, miners, and the like, and therefore—preferably—as being under someone else’s control. He is vague about who should exert control, but his support of current laws and regulations suggests that the government should do it.

Colarelli appears to be unaware that private property is the strongest protector of the environment because people respond to incentives. As Aristotle said in his *Politics*, “What is common to many is taken least care of, for all men have greater regard for what is their own than for what they possess in common with others” (qtd. in Will Durant, *The Life of Greece* [New York: Simon and Schuster, 1939], p. 536). Owners are good stewards. They know that in most cases they ultimately will suffer financially

if they neglect their property but will gain financially if they take good care of it. This recognition gives them an incentive to care for private property.

The cause of most environmental problems is the *absence* of private property rights. Whether it is the air, water, a park, or a forest, commonly owned or public property is more likely to be littered, polluted, or contaminated than is private property. Anyone who visits a public city park knows this truth. Each person who carelessly tosses a candy wrapper makes only a small contribution to the mess and so does not feel responsible; furthermore, that person does not have to clean up the mess as a private owner would. Typically, no one is there to insist on cleanliness. If someone does venture forth to try to keep the park clean, that person has no power of the sort that stems from private ownership. He is just another person. And where is the government? For most urban parks, the government “of the people” cannot come up with sufficient monitors because the people (taxpayers) are not willing to pay the cost of policing parks that they visit only occasionally. In sum, common ownership does not hold people accountable in the way that private ownership does. Environmental harm occurs primarily in commonly owned water, air (including the ozone layer), and land.

The best antidote to environmental harm is to own the part of the environment at issue, as the Nature Conservancy and other land trusts typically do. Once they own it, they have a strong incentive to take good care of it, as well as an incentive to monitor its treatment by others and a legal right to keep others from trashing it. Unfortunately, such private ownership is generally not possible with air, although there are common-law protections against harm caused by air pollution. Private ownership is possible with water, as in England, where the right to fish is a firmly protected right, but in the United States water is usually the responsibility of a public agency, which experiences the same failure of monitoring and enforcement found in a typical public park.

Environmental protection and good stewardship historically have come about because individuals have turned the commons into private property. Societies based on private property prosper, and that prosperity provides the wherewithal to reduce pollution and to remedy environmental harm. Such progress has been validated by numerous studies comparing environmental conditions in developed and developing nations. The developed nations have relatively clean air and water and land that provides habitat for wildlife without serious threats from poachers or squatters.

Once one understands that environmental problems are discrete and have specific, identifiable causes—such as common ownership—one finds many more opportunities to resolve problems than Colarelli seems to think exist. Court cases brought by aggrieved parties can stop severe pollution (and did so extensively in the past, before government regulations displaced them). Environmental or citizen groups can take on responsibility for the “commons” and begin to act like owners, as the Central Park Conservancy does for New York’s Central Park and as groups affiliated with the Adopt-a-Stream Foundation do for waterways.

Resolving problems also involves actually studying the connections—for example, among industrial pollution in Lake Michigan, contamination of fish, and possible

cancers, an example that Colarelli mentions. Such study takes time and care. Neither liberals nor conservatives want to condemn a person for a crime on the basis of flimsy evidence. Similarly, they should not want to condemn anyone (an individual or a company or an agency) for environmental harm without substantiation. Yet Colarelli seems content to assume that all who tamper with nature are guilty of harming someone or something. It is as though the evidence does not matter.

In sum, Colarelli has an intriguing idea, but he will not win over conservatives—especially free-market environmentalists—with it. The conservatives I have described contend that humans are a part of nature. Human decisions, even those affecting nature, reflect responses to incentives, and those incentives are shaped by the laws and traditions that guide societies. Private property provides strong incentives for stewardship. Hence, private property should be encouraged, not discouraged, and coercive interference in private affairs should be viewed skeptically. Free-market conservatives are more consistent than Colarelli is willing to admit—however innovative and clever his observations.