

Air and water pollution, as well as other, more subtle forms of environmental deterioration, have become a threat to the very existence of urban, industrial civilization. The danger cannot and should not be underestimated. The quality and purity of America's rivers, streams and air is still dangerously poor and too little has been done about it.

A Problem of Rights

At issue is the concept of "rights" and their proper extension.

Since air is a "free good", doesn't a person have the "right" to use it as he sees fit? At the same time, isn't social conflict inevitable if we assume that everyone has a right to clean air?

The main reason why these problems have not been solved is that the dominant collectivist intellectual culture of this and virtually every other nation has little interest in the rights of individuals in general and the right to property in particular. Some forgotten common law judge, deciding damage cases long ago may have solved these problems. But such decisions based upon individual rights have been long forgotten.

Only through a real concern for the rights of individuals can environmental problems be intelligently analyzed and solved. If laissez faire capitalism—the socio-economic system based upon individual rights—had existed in this country in the 20th Century, the environmental catastrophes which we face today would never have occurred. Today's environmental problems are simply a result of widespread violation of individual rights by polluters, violations which have for the most part either been ignored by the U.S. government, or, worse, actually encouraged and created by the government.

Pollution and Economic Costs

Environmental pollution involves questions concerning the costs of production, costs which were often negligible when they first appeared and which were afterwards never fully imposed upon industry by the nation's legal institutions. To understand how these costs arise, consider an example.

Consider a small stream flowing through two properties. It is evident that neither property owner can justly claim a property right to the water in the same sense that they can claim ownership of their land. Thus the downstream owner does not have a right to dam up the stream, causing it to flood the upstream owner's lands. And the upstream owner does not have a right to pollute the stream so that it is no longer useable to the man downstream.

Now suppose that the man upstream were to open a mill or factory on his land which had the side effect of polluting the stream very slightly. At first the man downstream would hardly notice any change in fishing on the stream. But slowly, as the factory's production increased, fish downstream would become fewer and fewer and eventually disappear entirely.

As the water flowing downstream deteriorated more and more, the factory owner was in fact imposing economic costs upon the man living downstream. That is, because the factory owner was able to get away with dumping his wastes into the stream, he saved the cost of cleaning up the water first, at the expense of the man living downstream who lost his usable water supply.

If we accept the fact that each man began with an equal right to use the stream, it is only reasonable and just that the factory owner compensate the man living downstream for losses his pollution of the water caused. At first—when the pollution was slight—compensation might simply be in the form of damages to make up for the slightly impaired fishing downstream. Later, however, as the effects of the factory owner's discharge of waste became more and more pronounced, the man living downstream would have a right to enjoin him to clean up the water the factory owner used from the stream before discharging it. In either case, the new cost would, in a society which respected individual rights, simply become part of the cost of doing business for the factory owner, and the owner's refusal to pay such costs would be a clear violation of the rights of the man living downstream.

Cleaning up the water he used before discharging it would, of course, increase the price the factory owner would have to charge for his product, which his customers would not like. But notice that pollution of the stream would still entail costs, regardless of whether the factory owner cleaned up the water or not. In one case, the man living downstream who lost his fishing and water would bear the costs. In another case, the factory owner and his customers would bear the costs. The only question is *who* should bear the cost, and the answer to that question is clear if we uphold the individual rights of all persons.

This same general analysis applies equally to questions involving air pollution, water pollution, and other forms of pollution. Consider air pollution.

We do not own the air in the same sense that we own our homes. We do, however, have a right to access to the air and to any body of water with which

our property comes in contact. In regard to air, we are all "down stream" with respect to everyone else. Any pollution of the air which causes damages to anyone should either be prevented or rectified by the payment of damages to the injured parties. Every time such pollution is either not prevented or compensated for, individual rights are violated.

Government & Pollution

Unfortunately the government itself is a major source of pollution. Municipal incinerators and sewage plants release tons of waste into the air and water of cities with little or no treatment.

The government also causes environmental deterioration in less obvious ways. For example, the government subsidizes road construction and does not charge for its use, encouraging the use of automobiles by making this form of transportation appear relatively cheap. And cars produce over fifty percent of the country's air pollution.

Perhaps the most pervasive and, in the long run, most damaging way government harms the environment is by continually taking property out of the hands of private owners and putting it in the hands of its bureaucracy and favored businesses. Thus, for example, the government licenses offshore drilling sites to certain oil companies on the continental shelf, but does not permit the companies to own the sites. Since no one really owns the site, no one has cared very much what long-term damages is done to them. So we hear of case after case of oil spills and other environmental damage from these sites.

The only solution to environmental problems is for private property and the rights of all individuals to be socially respected and legally protected. Only then does pollution and environmental deterioration become socially intolerable, bad business and unprofitable.

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