

Chapter 1 : John Hasnas, Two theories of environmental regulation - PhilPapers

Two theories of environmental regulation. John Hasnas. Social Philosophy and Policy 26 (2) () Abstract The over-exploitation of commonly-held resources is.

The Challenge of Environmental Ethics Suppose putting out natural fires, culling feral animals or destroying some individual members of overpopulated indigenous species is necessary for the protection of the integrity of a certain ecosystem. Will these actions be morally permissible or even required? Is it morally acceptable for farmers in non-industrial countries to practise slash and burn techniques to clear areas for agriculture? Consider a mining company which has performed open pit mining in some previously unspoiled area. Does the company have a moral obligation to restore the landform and surface ecology? And what is the value of a humanly restored environment compared with the originally natural environment? If that is wrong, is it simply because a sustainable environment is essential to present and future human well-being? These are among the questions investigated by environmental ethics. Some of them are specific questions faced by individuals in particular circumstances, while others are more global questions faced by groups and communities. Yet others are more abstract questions concerning the value and moral standing of the natural environment and its non-human components. The former is the value of things as means to further some other ends, whereas the latter is the value of things as ends in themselves regardless of whether they are also useful as means to other ends. For instance, certain fruits have instrumental value for bats who feed on them, since feeding on the fruits is a means to survival for the bats. However, it is not widely agreed that fruits have value as ends in themselves. We can likewise think of a person who teaches others as having instrumental value for those who want to acquire knowledge. Yet, in addition to any such value, it is normally said that a person, as a person, has intrinsic value, i. For another example, a certain wild plant may have instrumental value because it provides the ingredients for some medicine or as an aesthetic object for human observers. But if the plant also has some value in itself independently of its prospects for furthering some other ends such as human health, or the pleasure from aesthetic experience, then the plant also has intrinsic value. Many traditional western ethical perspectives, however, are anthropocentric or human-centered in that either they assign intrinsic value to human beings alone i. For example, Aristotle Politics, Bk. Generally, anthropocentric positions find it problematic to articulate what is wrong with the cruel treatment of non-human animals, except to the extent that such treatment may lead to bad consequences for human beings. From this standpoint, cruelty towards non-human animals would be instrumentally, rather than intrinsically, wrong. Likewise, anthropocentrism often recognizes some non-intrinsic wrongness of anthropogenic i. Such destruction might damage the well-being of human beings now and in the future, since our well-being is essentially dependent on a sustainable environment see Passmore ; Bookchin ; Norton et al. When environmental ethics emerged as a new sub-discipline of philosophy in the early s, it did so by posing a challenge to traditional anthropocentrism. In the first place, it questioned the assumed moral superiority of human beings to members of other species on earth. In the second place, it investigated the possibility of rational arguments for assigning intrinsic value to the natural environment and its non-human contents. It should be noted, however, that some theorists working in the field see no need to develop new, non-anthropocentric theories. Instead, they advocate what may be called enlightened anthropocentrism or, perhaps more appropriately called, prudential anthropocentrism. Briefly, this is the view that all the moral duties we have towards the environment are derived from our direct duties to its human inhabitants. Enlightened anthropocentrism, they argue, is sufficient for that practical purpose, and perhaps even more effective in delivering pragmatic outcomes, in terms of policy-making, than non-anthropocentric theories given the theoretical burden on the latter to provide sound arguments for its more radical view that the non-human environment has intrinsic value cf. Norton , de Shalit , Light and Katz. Furthermore, some prudential anthropocentrists may hold what might be called cynical anthropocentrism, which says that we have a higher-level anthropocentric reason to be non-anthropocentric in our day-to-day

thinking. Suppose that a day-to-day non-anthropocentrist tends to act more benignly towards the non-human environment on which human well-being depends. This would provide reason for encouraging non-anthropocentric thinking, even to those who find the idea of non-anthropocentric intrinsic value hard to swallow. The position can be structurally compared to some indirect form of consequentialism and may attract parallel critiques see Henry Sidgwick on utilitarianism and esoteric morality, and Bernard Williams on indirect utilitarianism.

The Early Development of Environmental Ethics Although nature was the focus of much nineteenth and twentieth century philosophy, contemporary environmental ethics only emerged as an academic discipline in the s. The questioning and rethinking of the relationship of human beings with the natural environment over the last thirty years reflected an already widespread perception in the s that the late twentieth century faced a human population explosion as well as a serious environmental crisis. Commercial farming practices aimed at maximizing crop yields and profits, Carson speculates, are capable of impacting simultaneously on environmental and public health. In a much cited essay White on the historical roots of the environmental crisis, historian Lynn White argued that the main strands of Judeo-Christian thinking had encouraged the overexploitation of nature by maintaining the superiority of humans over all other forms of life on earth, and by depicting all of nature as created for the use of humans. Central to the rationale for his thesis were the works of the Church Fathers and The Bible itself, supporting the anthropocentric perspective that humans are the only things that matter on Earth. Consequently, they may utilize and consume everything else to their advantage without any injustice. For example, Genesis 1: And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: According to White, the Judeo-Christian idea that humans are created in the image of the transcendent supernatural God, who is radically separate from nature, also by extension radically separates humans themselves from nature. This ideology further opened the way for untrammelled exploitation of nature. Clearly, without technology and science, the environmental extremes to which we are now exposed would probably not be realized. Nevertheless, White argued that some minority traditions within Christianity e. Around the same time, the Stanford ecologists Paul and Anne Ehrlich warned in *The Population Bomb* Ehrlich that the growth of human population threatened the viability of planetary life-support systems. Here, plain to see, was a living, shining planet voyaging through space and shared by all of humanity, a precious vessel vulnerable to pollution and to the overuse of its limited capacities. In a team of researchers at MIT led by Dennis Meadows published the *Limits to Growth* study, a work that summed up in many ways the emerging concerns of the previous decade and the sense of vulnerability triggered by the view of the earth from space. In the commentary to the study, the researchers wrote: We affirm finally that any deliberate attempt to reach a rational and enduring state of equilibrium by planned measures, rather than by chance or catastrophe, must ultimately be founded on a basic change of values and goals at individual, national and world levels. The new field emerged almost simultaneously in three countriesâ€”the United States, Australia, and Norway. In the first two of these countries, direction and inspiration largely came from the earlier twentieth century American literature of the environment. That land is a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics. It is wrong when it tends otherwise. His views therefore presented a challenge and opportunity for moral theorists: The land ethic sketched by Leopold, attempting to extend our moral concern to cover the natural environment and its non-human contents, was drawn on explicitly by the Australian philosopher Richard Routley later Sylvan. According to Routley cf. From the human-chauvinistic or absolutely anthropocentric perspective, the last person would do nothing morally wrong, since his or her destructive act in question would not cause any damage to the interest and well-being of humans, who would by then have disappeared. Nevertheless, Routley points out that there is a moral intuition that the imagined last acts would be morally wrong. An explanation for this judgment, he argued, is that those non-human objects in the environment, whose destruction is ensured by the last person or last people, have intrinsic value, a kind of value independent of their usefulness for humans. From his critique, Routley concluded that the main approaches in traditional western moral thinking were unable to allow the recognition that natural things have

intrinsic value, and that the tradition required overhaul of a significant kind. It would be wrong, he maintained, to eliminate a rare butterfly species simply to increase the monetary value of specimens already held by collectors. Species, Rolston went on to argue, are intrinsically valuable and are usually more valuable than individual specimens, since the loss of a species is a loss of genetic possibilities and the deliberate destruction of a species would show disrespect for the very biological processes which make possible the emergence of individual living things also see Rolston , Ch Meanwhile, the work of Christopher Stone a professor of law at the University of Southern California had become widely discussed. Stone proposed that trees and other natural objects should have at least the same standing in law as corporations. This suggestion was inspired by a particular case in which the Sierra Club had mounted a challenge against the permit granted by the U. Forest Service to Walt Disney Enterprises for surveys preparatory to the development of the Mineral King Valley, which was at the time a relatively remote game refuge, but not designated as a national park or protected wilderness area. The Disney proposal was to develop a major resort complex serving visitors daily to be accessed by a purpose-built highway through Sequoia National Park. The Sierra Club, as a body with a general concern for wilderness conservation, challenged the development on the grounds that the valley should be kept in its original state for its own sake. Stone reasoned that if trees, forests and mountains could be given standing in law then they could be represented in their own right in the courts by groups such as the Sierra Club. Moreover, like any other legal person, these natural things could become beneficiaries of compensation if it could be shown that they had suffered compensatable injury through human activity. When the case went to the U. Supreme Court, it was determined by a narrow majority that the Sierra Club did not meet the condition for bringing a case to court, for the Club was unable and unwilling to prove the likelihood of injury to the interest of the Club or its members. Only items that have interests, Feinberg argued, can be regarded as having legal standing and, likewise, moral standing. For it is interests which are capable of being represented in legal proceedings and moral debates. This same point would also seem to apply to political debates. Granted that some animals have interests that can be represented in this way, would it also make sense to speak of trees, forests, rivers, barnacles, or termites as having interests of a morally relevant kind? This issue was hotly contested in the years that followed. Skeptical of the prospects for any radically new ethic, Passmore cautioned that traditions of thought could not be abruptly overhauled. Any change in attitudes to our natural surroundings which stood the chance of widespread acceptance, he argued, would have to resonate and have some continuities with the very tradition which had legitimized our destructive practices. The confluence of ethical, political and legal debates about the environment, the emergence of philosophies to underpin animal rights activism and the puzzles over whether an environmental ethic would be something new rather than a modification or extension of existing ethical theories were reflected in wider social and political movements. It is not clear, however, that collectivist or communist countries do any better in terms of their environmental record see Dominick All three shared a passion for the great mountains. The deep ecologist respects this intrinsic value, taking care, for example, when walking on the mountainside not to cause unnecessary damage to the plants. To make such a separation not only leads to selfishness towards other people, but also induces human selfishness towards nature. The identity of a living thing is essentially constituted by its relations to other things in the world, especially its ecological relations to other living things. If people conceptualise themselves and the world in relational terms, the deep ecologists argue, then people will take better care of nature and the world in general. The idea is, briefly, that by identifying with nature I can enlarge the boundaries of the self beyond my skin. To respect and to care for my Self is also to respect and to care for the natural environment, which is actually part of me and with which I should identify. Grey , Taylor and Zimmerman It also remains unclear in what sense rivers, mountains and forests can be regarded as possessors of any kind of interests. Biospheric egalitarianism was modified in the s to the weaker claim that the flourishing of both human and non-human life have value in themselves. The platform was conceived as establishing a middle ground, between underlying philosophical orientations, whether Christian, Buddhist, Daoist, process philosophy, or whatever, and the practical principles for action in specific situations, principles

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generated from the underlying philosophies. Thus the deep ecological movement became explicitly pluralist see Brennan ; c. These "relationalist" developments of deep ecology are, however, criticized by some feminist theorists. The idea of nature as part of oneself, one might argue, could justify the continued exploitation of nature instead. For one is presumably more entitled to treat oneself in whatever ways one likes than to treat another independent agent in whatever ways one likes.

Chapter 2 : Environmental Ethics (Stanford Encyclopedia of Philosophy)

TWO THEORIES OF ENVIRONMENTAL REGULATION - Volume 26 Issue 2 - John Hasnas Skip to main content We use cookies to distinguish you from other users and to provide you with a better experience on our websites.

Specifically, I argue that there are two distinct forms of environmental regulation, and that proper public policy analysis requires a comparative assessment of which constitutes the more effective means of combating any particular environmental problem. In Section IV, I apply the second of these lessons to demonstrate that environmental protection is correctly understood as a public policy problem. In Section V, I apply the third lesson to demonstrate that there are two potentially effective approaches to environmental regulation: I argue that common law privatization, which is frequently more effective, is typically and improperly ignored by public policy analysts. I conclude by suggesting that sound public policy analysis of environmental issues must include a comparative assessment of the two approaches to environmental regulation. The author also wishes to thank Ann C. Tunstall of SciLucent, LLC, for her insightful comments on a draft of this essay, and Annette and Ava Hasnas of the Montessori School of Northern Virginia for giving him keen insight on the need for alternative forms of regulation. Printed in the USA. The first, that commonly held resources will be overexploited,² is the one most frequently associated with the article. The other two “that the tragedy of the commons cannot be remedied by appealing to the consciences of those exploiting the resource ³ and that the only solutions to the tragedy are to privatize or restrict access to the resource ⁴” are equally important, if less frequently remarked upon. Any renewable resource has a carrying capacity “a maximum number of individuals that can utilize the resource indefinitely without permanently damaging the ability of the resource to replenish itself. As long as the number of individuals exploiting a resource remains below the carrying capacity, the resource will continue to exist and provide benefit. Once the carrying capacity is exceeded, however, the resource will be totally consumed by the present users and yield no future benefit. When such a resource is held in common, the individuals utilizing it gain percent of the benefit of their activities for themselves, but share the costs of their activities with all other users of the resource. This is the tragedy of the commons. Hardin illustrates this point with the example of herdsmen grazing their livestock on a common pasture. Yet each herdsman knows that if he adds an animal to his herd, he will gain the entire benefit of the sale of the animal for himself, but share the costs the animal imposes on the pasture with all other herdsmen. Therefore, it always makes sense for him to add the animal. Since all herdsmen reason in this way, the group continues to add animals to the pasture until its carrying capacity is exceeded and the pasture is destroyed. At first blush, one might think that the destruction of commonly held resources can be avoided simply by acquainting those exploiting the resource with the situation and calling upon them to exercise self-restraint. Hardin points out, however, that people vary in their receptiveness to appeals to act against their own interests. The more scrupulous or public-spirited among those ² See See ⁴ See ⁵ See ³ *ibid.* Thus, they will do so, gaining a competitive advantage over their more conscientious brethren. Over time, this competitive advantage will flush the more scrupulous out of the marketplace. As Hardin puts it, in a commons, conscience is self-eliminating. Imagine that the herdsmen hold a meeting at which the danger of exhausting the pasture is explained and all are called upon to voluntarily refrain from adding animals above a certain number to their herds. In the middle of the scale are the ordinarily conscientious herdsmen “those who normally keep their agreements and are usually willing to do their part in projects to achieve the common good. And at the bottom of the scale are the least conscientious herdsmen “those who are motivated primarily by self-interest and participate in projects to achieve the common good only to obtain benefits for themselves. At first, all the herdsmen voluntarily limit their herds. However, before long, those at the bottom of the conscientiousness scale reason that because the other herdsmen are exercising self-restraint, they can increase the size of their herds without overgrazing the pasture. They do so, and reap gains relative to their more conscientious fellows. Some of the herdsmen in the middle of the conscientiousness scale are willing to limit their personal gain as

long as everyone does so, but not if it means that others will gain at their expense. Before long, the only herdsmen observing the limit are the most conscientious, for whom doing so is a matter of principle. But these herdsmen are placed at such a competitive disadvantage that eventually they can no longer operate profitably. At that point, the only herdsmen utilizing the pasture are those who are not receptive to an appeal to their conscience for self-restraint. Conscience has been eliminated from the pasture. Hardin published his essay in the journal *Science* because he was arguing that there are problems for which there are no technological solutions. Hardin contended that the only way to avoid the tragedy is to alter the incentive structures, and that there are only two ways to do this – “privatize the commons or restrict access to it. Privatizing the commons means giving those utilizing the resource an ownership interest in a portion of it. As owners, individuals have the right to exclude others from using their portion of the resource. With regard to his or her portion of the former commons, each individual reaps percent of the benefit of using the resource, but also bears percent of the costs of doing so. Hence, privatization aligns the interests of individuals exploiting the resource with the common good of its preservation. Using economic terminology, privatization internalizes the social cost of using the resource. In the example of the common pasture, privatization means assigning each herdsman a portion of the pasture as his private property. Since only the individual herdsman can graze animals on his land, he does not have to fear that animals from other herds will overgraze and destroy his portion of the pasture. However, because he must graze his animals exclusively on his own land, he bears the entire cost his animals impose on the pasture. To remain in business, therefore, he must ensure that his herd does not exceed the carrying capacity of his portion of the pasture. Because all the herdsmen utilizing the privatized pasture have the same incentives, the carrying capacity of the pasture as a whole will not be exceeded, and the pasture will be preserved. Restricting access to the commons means enlisting a coercive agency to limit the amount of use individuals can make of a common resource. This may be done by empowering some agency to impose financial penalties or other sanctions on any party using more of the resource than he or she is allotted. As long as the fine properly discounted by the probability of the violation going undetected is large enough or the alternative sanction fearful enough, the cost of overexploiting the resource will outweigh the benefit that may be obtained by doing so. Hence, the carrying capacity of the resource will not be exceeded and the resource will be preserved. Although unscrupulous herdsmen may be tempted to add animals to their herd in excess of their allotment, fear of the sanction the regulator will impose causes them to resist the temptation. As a result, their more scrupulous colleagues are not tempted to exceed their allotment by the knowledge that others are gaining at their expense. When fisheries are open to all, each fisherman gains the full benefit of all the fish he takes, but shares the cost of the depletion of the fishery with all other fishermen. Should any one of the fishermen elect to restrict his take to allow the fishery to regenerate, his effort will be thwarted by other less enlightened or less conscientious fishermen who simply increase their take. The same logic explains problems such as the deforestation of public land – “each logger personally benefits from every tree he or she harvests, but has no incentive to replant because there is no guarantee that the replanted trees will not be harvested by others – “and the loss of endangered species – “anyone killing an African elephant personally benefits from the sale of its ivory tusks, but has no incentive to restrain himself in order to give the animal time to reproduce, because there is nothing to stop another hunter from immediately killing the animal and taking its tusks. Farmers and ranchers kill gray wolves because they gain the full benefit of the livestock they thereby protect. Loggers eliminate the habitat of spotted owls because they gain the full benefit of the wood they harvest. Oil companies disrupt the mating patterns of caribou because they gain the full benefit of the oil they extract. Yet these parties share the cost of the loss of species with the world at large. Further, voluntarily refraining from their profit-making activity will not save any animals, since others will move in to exploit the opportunities they forgo. Like any other resource, a river has a carrying capacity. Paying others to dispose of such waste is a cost to the factories that can be avoided by discharging the waste into the commonly held river. By doing so, the factory reaps percent of the benefit of avoiding this cost, yet shares the cost of the spoliation of the river with the world at large. And because all factory owners operating along the river reason in the

same way, each increases the amount of waste he or she discharges into the river until the carrying capacity is exceeded. The story is the same for air pollution. Factories, power plants, and automobiles produce soot, sulfur dioxide, ozone, and greenhouse gases as undesirable by-products of their operation. Discharging them into the commonly held atmosphere provides factory, utility, and car owners with the full benefit of reduced waste-disposal costs while sharing the cost of the spoliation of the air with the world at large. Hence, it is in their interest to discharge the pollutants into the air regardless of the deterioration in overall air quality. The incentive structures of a commons are such that those who respond to appeals to their conscience “appeals to do the right thing” are placed at a competitive disadvantage with respect to those who do not. Over time, this competitive disadvantage eliminates the conscientious from the commons, leaving only the unscrupulous exploiting the commonly held resource. What this tells us is that environmental problems are problems of collective action—that is, public policy problems. Many important ethical issues concern the discovery and application of the proper standards for individual action—the proper way for individual entities, whether human or corporate, to behave. Public policy issues concern the proper standards for collective action—the proper rules and decisions that will govern the actions of all members of a particular community or society. The question of whether any women should be permitted to have an abortion “of whether abortion should be legal” is a public policy question. Recognizing that environmental problems are public policy problems is far from a trivial observation, for it implies that a significant portion of contemporary environmental activism is misguided. Over the past four decades, public awareness of and concern over environmental problems has skyrocketed. Air pollution, water pollution, the plight of endangered species, acid rain, pesticide use, the increasing generation of nonbiodegradable waste, the depletion of the ozone layer, and global warming are examples of environmental problems that have generated considerable public alarm. Environmental activists have reacted with calls for individuals, corporations, and even nations to alter their behavior. These are direct appeals to the consciences of individual parties to place the common good ahead of self-interest. In calling on individual actors to behave better, activists are treating environmental problems as individual rather than collective action problems—problems that arise because individuals either do not understand how or are unwilling to behave in the ethically proper way. Individuals who bear the discomfort of driving smaller cars or incur the expense of purchasing a hybrid in an effort to combat smog merely reduce the demand for oil, which keeps its price low enough for less conscientious citizens to indulge their desire to drive Hummers. In all such cases, conscientious parties bear the costs of efforts to protect the environment that are rendered ineffective by the actions of their less conscientious counterparts, who profit at their expense. Hence, it is counterproductive to address such problems by exhorting individuals to more ethical behavior.

Two Theories of Environmental Regulation Once it has been recognized that environmental problems are public policy problems that cannot be resolved by ethical appeals, it becomes clear that the only solution lies in the systemic reform of the incentive structures under which individual parties act. Unfortunately, half of this lesson is frequently overlooked by contemporary public policy analysts. To assert that there are only two ways to resolve environmental problems is also to assert that there are two ways to resolve environmental problems. This implies that determining the optimal solution to environmental problems requires a comparative assessment. If environmental problems may be resolved either by privatizing the commonly held resource or by restricting access to it, the question of which approach will be more effective is always in play. Yet the conventional public policy analysis of environmental issues typically ignores the possibility of privatization. The conventional analysis views decreasing environmental quality as an instance of market failure needing correction by legislation. This analysis derives from the classic market failure argument, which, in simplified form, runs as follows. Individuals functioning in a market contract with each other on terms each finds beneficial. In most cases, this is a good thing. Because each party to the transaction finds the benefits he or she receives to be greater than the costs he or she incurs, both are made better 10 This does not imply that ethical exhortation cannot play a subsidiary role in advancing public policy solutions. For example, efforts to address environmental problems by restricting access to the commons may be significantly aided by ethical

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exhortation. To the extent that such exhortation creates a climate in which compliance with the restrictions is seen as a social good, it can lower the costs and increase the efficiency of enforcing the restrictions. And as long as the transaction imposes no costs on anyone else — as long as the contracting parties who receive percent of the benefits of the transaction also bear percent of its costs — society as a whole is made better off as well.

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Chapter 3 : Works by John Hasnas - PhilPapers

TWO THEORIES OF ENVIRONMENTAL REGULATION By John Hasnas I. Introduction Most essays on environmental regulation begin by referring to "The Tragedy of the Commons."¹ This one is no exception.*

Bloggat om Natural Resources, the Environment, and Liberty, property, environmentalism Carol M. Who is the invader? Alien species, property rights, and the police power Mark Sagoff; 3. Politics and property in natural resources Andrew P. Two theories of environmental regulation John Hasnas; 5. The end of the externality revolution A. Barnett and Bruce Yandle; 6. Freedom and dependency in an environmental age Andrew Dobson; 7. The call of nature Charles T. Do global warming and climate change represent a serious threat to our welfare and environment? History, politics, and claims of man-made global warming John David Lewis; Suppressing liberty, censoring information, wasting resources, and calling it good for the environment J. Clark and Dwight R. Taking property rights seriously: Should endangered species have standing? Towards legal rights for listed species J. Baird Callicott and William Grove-Fanning; The Endangered Species Act, regulatory takings, and public goods N. Understanding the precautionary principle and its threat to human welfare H.

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Chapter 4 : Alarmist view on population growth by noelia bertero on Prezi

TWO THEORIES OF ENVIRONMENTAL REGULATION By John Hasnas. I. Introduction Most essays on environmental regulation begin by referring to "The Tragedy of the Commons." 1 This one is no exception.*

By establishing an enforced system of rules that determine ownership of goods, we can create an environment allowing for the best use of resources property rights allow for a pricing process – most likely an unintended result of early institutions of property. Who determines these rules? In part, they are determined spontaneously. We are implicitly shaping rules when we trade property rights in a division-of-labor. Oftentimes, however, trade through markets is made unattractive by transaction costs. Thus, we also need, for example, legal and political systems. When discussing property right exchange, Coase was specifically addressing the problem of negative externalities: A factory, for example, might pollute, damaging neighboring houses. Or, a cattle rancher may not be able to fully control his cattle, which graze on land which does not belong to him. These people are consuming resources which are claimed by others, causing a dispute. The Coase Theorem states that, assuming zero transaction costs, existing property rules are irrelevant, because the parties involved will flesh out their own rules for their own particular situation. But, when transaction costs are positive, disputes may have to be resolved in other ways. When we think of property disputes with no Coasean solutions we turn to the legal system. When parties cannot privately resolve a conflict, they need someone to arbitrate between them ignoring the possibility of outright violence. On what basis does the justice system solve these conflicts? Whatever the standard, legal systems are also built on rules – not just rules that minimize inefficiency and injustice within the organization, but also rules which help arbitrators reach solutions. When a dispute involves a few people, private solutions may be easy. We may need other organizations, working with a different set of rules, to resolve issues that are too costly for Coasean solutions or the legal system. One such alternative is the state. What I mean by ideal is that a constitution, with more-or-less unanimous consent, binds constrains a set of institutions and organizations of governance. These may include, for example, a bicameral multicameral? Different organizations, such as the House and the Senate, may have asymmetric sets of rules; different legislatures, for example, may have different voter sources, different rules of proceeding, and so on. Decision-making need not be unanimous, as long as there is agreement with the overall rules of the game. Discrimination imposes costs on the discriminated – psychological costs, for example. Think of the costs to women – not only foregone wages and profits, but also potential psychological burdens – a biased, limiting culture may cause. For example, a division-of-labor may only fully agree to associate if there is a general rule to minimax the position of the worst-off. If we frame the state in the context of property rights, it no longer seems so alien. Humans develop rules that govern their claim to property, including their claim over each other. Some of these rules are flexible on a very simple level. Some property rights can be defined with a simple exchange between parties. But, costs to these types of transactions make alternative organizations and rules, such as the legal system, attractive. Like the legal system, governments have their own asymmetric set of rules, and they have a comparative advantage when resolving certain property disputes. This entry was posted in Political Science on.

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Chapter 5 : The Coasean State | Economic Thought

Two theories of environmental regulation. John Hasnas; View. In Law, Legislation and Liberty, Friedrich Hayek distinguishes two types of law: the law that is consciously created through.

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Chapter 6 : Theories of regulation : The Costs and Benefits of Environmental Regulation

2See id. at 3See id. at 4See id. at 2 third lesson to demonstrate that there are two potentially effective approaches to environmental regulation: common law privatization and legislative restriction of access.

For environmental advocates, problems such as resource depletion, air and water pollution, global warming and the loss of biodiversity represent due threats to the well-being of human societies and the planet itself. But just how serious are these threats and how should we go about confronting them? Do environmental problems call for more extensive government controls over industrial activity, energy policy and the like, or is it possible to find solutions by harnessing the incentives of the free market? The essays in this collection address these questions and explore related issues. Liberty, property, environmentalism Carol M. Who is the invader? Alien species, property rights, and the police power Mark Sagoff; 3. Politics and property in natural resources Andrew P. Two theories of environmental regulation John Hasnas; 5. The end of the externality revolution A. Barnett and Bruce Yandle; 6. Freedom and dependency in an environmental age Andrew Dobson; 7. The call of nature Charles T. Do global warming and climate change represent a serious threat to our welfare and environment? History, politics, and claims of man-made global warming John David Lewis; Suppressing liberty, censoring information, wasting resources, and calling it good for the environment J. Clark and Dwight R. Taking property rights seriously: Should endangered species have standing? Towards legal rights for listed species J. Baird Callicott and William Grove-Fanning; The Endangered Species Act, regulatory takings, and public goods N. Understanding the precautionary principle and its threat to human welfare H.

Chapter 7 : Theories of Regulation

Two Theories of Environmental Regulation. John Hasnas - - Social Philosophy and Policy 26 (2) details The over-exploitation of commonly-held resources is typically analyzed as an instance of market failure that calls for legislation to internalize the social costs that private activities impose on the environment.

Chapter 8 : Kids Prefer Cheese: Common Law Environmental Regulation

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