

Private property rights serving the environment

A new issue of the Natural Resources Journal.

The Natural Resources Journal, published since 1961 by the University of New Mexico School of Law, is a real institution. This quarterly review has published all the great names connected to what could be called classical ecology, where regulation and public authority action are considered to be the best tools of environmental progress, both in the United States and internationally.

Liberal ecology dubbed "Free Market Environmentalism" has had no place in this temple of legal thinking other than as a target for sharp criticism, until now.

But last spring's issue (vol.44, n°2) described a remarkable symposium organized by PERC¹ under the title "Private Land Conservation". This document is something of an event because it endorses the theory and practice of an intellectual movement whose founding fathers were Coase, Dales, Demsetz and of course Hardin, whose article "The Tragedy of the Commons" was so extraordinarily successful.

Politically speaking the arguments of liberal ecology have not been as successful as might have been expected. But it was perhaps overambitious to expect politicians and civil servants to leave the protection of the environment to the market and landowners, and to turn their backs on legislation, at least in part. However, since the Reagan years the idea has made headway and the dogma of the all-knowing, all seeing public authority is now being critically reassessed.

To return to the periodical, according to its introduction, "the group of authors contributing to this issue are new to this journal but their arrival undoubtedly enriches it. These old subjects and well-established writers are like new wine in old

bottles, bringing a fresh taste to the journal's traditional thinking." The 12 articles, making up some 300 pages, make interesting reading (and we would recommend them for translation). They throw new light on the role of property rights in the conservation and management of environmental resources. Some of the authors are familiar to us such as Terry Anderson and Bruce Yandle², but there are new names too, which proves this school of thought is alive and kicking.

Some of the titles speak volumes:

- Viewing Land Conservation through Coase-colored Glasses
- Legal and Economic Issues in Private Land Conservation
- Environmental Amenities, Private Property and Public Policy
- Limited Prospects for Privatization of Public Lands
- Land Trusts and the Choice to Conserve Land in Full Ownership or Conservation Easements
- Securing Ecological Investments on Other People's Land
- The Illusions of Perpetuity and the Preservation of Privately Owned Lands
- The Trouble with Time: Influencing the Conservation Choices of Future Generations.

The work ends with a review of books about liberal ecology. Its author admits it can hardly be exhaustive since the role of private landowners in conservation is now mentioned at least briefly in most works, which reluctantly accept the lessons of the fall of the Berlin wall, i.e. that the market works. Some authors have simply replaced 'command and control' by taxes and subsidies, thus seeking to 'buy' more environmental protection by reducing the cost through market mechanisms. Most of the literature on private ownership focuses on the means of usefully mobilizing private landowners through market incentives rather than 'command and control'.

In conclusion it can be said that this issue is a major step towards recognizing a school of thought with its eye on the future. It unreservedly rejects the illusions of state intervention in the environment, of which 'political ecology' is the most recent expression.

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¹ Located in Bozeman, Montana. Initially called the Political Economy Research Center, PERC later became the Property and Environment Center, thus confirming the major role of property rights

² Both were speakers at the International Conferences organized every 2 years by ICREI in Aix-en-Provence.