Conservation, Ecology, and Growth in *For a New Liberty*

PETER C. EARLE AND RYAN M. YONK

Published in 1973, Murray Rothbard's *For a New Liberty* is one of the earliest and most influential attempts to provide a comprehensive theoretical and philosophical basis for libertarianism. Rothbard worked to apply the principles he outlined to a wide array of contemporary societal concerns. His arguments stood in stark contrast to the then mainstream political ideologies. Although previous writings had explored libertarian or classical liberalism conceptually, Rothbard's work stood out for its unwavering, methodical application of anarcho-capitalist principles across explicitly policy relevant areas.

Among the areas he explored in detail were increasingly salient claims about the environment, conservation, and population growth. His chapter "Conservation, Ecology, and Growth" came at a propitious time. Although environmental activism goes back to at least the nineteenth century, and conservationist measures to the 1872 designation of Yellowstone National Park as a protected area, the early 1970s saw a significant uptick in legislation and public awareness.

Rothbard, with his characteristic acerbic wit and his unique ability to clearly articulate problems with the intellectual elite and their perceptions, is an early predecessor of what would later become free market environmentalism—although

Peter C. Earle and **Ryan M. Yonk** are senior research faculty at the American Institute for Economic Research.

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he would surely have critiqued it as full of half measures rather than fundamental reform. His own arguments foreshadowed those of Julian Simon (1981) in important ways.

This early recognition of the potential for private individuals and the marketplace to deal with environmental issues is emblematic of Rothbard's approach both to economics generally and to the implications of policy specifically. Our goal in this paper is to both examine his arguments and to extend them by exploring the development of environmentalism and environmental policy in the fifty years since the publication of *For a New Liberty*.

Environmental Issues and Approaches in the 1970s

A suitable place to start our examination of the policy landscape to which Rothbard was responding is the inception of Earth Day on April 22, 1970. Conceived of by Senator Gaylord Nelson, a Democrat from Wisconsin, and inspired by the anti–Vietnam War protests, Earth Day sought to direct the energy of antiwar demonstrations toward increasingly salient environmental concerns. The first Earth Day saw some twenty million Americans gather in public places to protest rising levels of pollution, environmental degradation, and wildlife extinction (Nelson 1980). With it, the burgeoning environmental and conservation movement established a commemorative anchor, unifying what in many cases had been regional and issue-specific concerns beneath a comprehensive ideological framework.

Contemporaneously a 1969 proposal by President Richard Nixon to reorganize the federal government to better address environmental issues was being advanced. The plan submitted to Congress in July under the inert heading "Reorganization Plan No. 3" became effective on December 2, 1970, consolidating a handful of federal agencies under a newly established Environmental Protection Agency (EPA). With 5,800 employees and a starting budget of $1.4 billion, the EPA launched with a mission to "protect human health and the environment" via the conduct of research, standard-setting, and guideline issuance (Coglianese and Nash 2001).

The Clean Water Act (officially the Federal Water Pollution Control Act Amendments of 1972), which sought to regulate the discharge of pollutants into waterways, followed shortly thereafter. Although sometimes referred to as landmark legislation, it was not the first enactment of this sort. The 1972 CWA was only the most recent in a series of federal efforts to oversee rivers and water routes, starting with the Federal Water Pollution Control Act of 1948 and subsequent amendments in 1956 and 1965 (Foster and Matlock 2001). In fact, state, county, and municipal ordinances pertaining to water quality and sewage disposal had been in effect for over half a century before the 1948 act, among the earliest of which were the 1886 Massachusetts State Board of Health rules regarding the discharge of industrial waste into bodies of water (Cumbler 1995). Cities including Chicago and New York

also had sanitary codes by the late nineteenth century (Stone 1979). (A recurring theme both in issues raised by Rothbard in *For a New Liberty* and in the decades after its publication is legislative incrementalism in government at all levels.)

This was followed by the Endangered Species Act in 1973, which sought to give the federal government powers to forestall the extinction of imperiled species. Like the CWA, substantial legislation and ordinances preceded it. At the federal level were the Lacey Act of 1900, the Migratory Bird Treaty Act of 1918, and the Bald Eagle Protection Act of 1940. The 1973 act was in fact a significant expansion of the Endangered Species Preservation Act of 1966 (Doub 2012).

Yet the most consequential development in the years just prior to the publication of *For a New Liberty* was the June 1972 United Nations Conference on the Human Environment in Stockholm, Sweden. With 113 nations in attendance, the meeting represented the first significant international gathering focused exclusively on the impact of economic development upon the environment. It culminated in the Declaration of the United Nations Conference on the Human Environment, comprising twenty-six principles, which led in turn to the establishment of the United Nations Environment Programme (UNEP) in December of that year (Handl 2012).

This was the policy landscape that Rothbard observed as he was writing *For a New Liberty.* It was activist, interventionist, and rife with the expectation that environmental issues could be solved only by direct intervention of the state. Rothbard's prescription was nearly the opposite, focused instead on the actions of private individuals, the rule of law, and actions taken outside the realm of the regulator.

The immediate backdrop of Rothbard's writing on ecological and environmental concerns was a handful of significant cultural developments that had influenced—and would continue to influence—the development of environmental policy going forward. In the beginning of "Conservation, Ecology, and Growth," he mentions the publication of John Kenneth Galbraith's *The Affluent Society* (1958) and Michael Harrington's *The Other America* (1962). Not directly mentioned but of similar or greater impact to the social and policy outcomes Rothbard was observing were Rachel Carson's *Silent Spring* (1962), latter-day Malthusian Paul Ehrlich's *The Population Bomb* (1968), and the Club of Rome's *The Limits to Growth* (Meadows et al. 1972).

Throughout these works and others, whose common theme and sentiment animated the push to vastly expand existing legal and regulatory measures, was a view that capitalism had set humanity on an inexorable course toward destroying Earth, mankind, and all of its terrestrial creatures. The decades leading up to the 1970s saw rapid improvement in health, education, housing, transportation, technology, leisure, and nearly every other aspect of life, but in the decades that followed, political and social elites saw primarily danger, rottenness, and impending doom. What varied was the tenor of the attacks on growth and progress, with variation across decades. Their objections either condemned industry and finance as wasteful, gluttonous, and

haphazard (thereby requiring central planning) or accused industry of growing so quickly and recklessly that intervention was desperately needed to slow and rationalize that growth (also requiring central planning). This was the "fashionable attack on growth and affluence" that Rothbard notes (1973 304), and this view persists to this day.

It is fitting, then, to update our view of these developments five decades later, with an eye toward both evaluating longer-term trends and analyzing how Rothbard's critiques have held up in the interim.

The tone of those longer-term trends is well illustrated by the March 1979 accident at the Three Mile Island nuclear power plant in Pennsylvania. Although there were no injuries or deaths, the accident and the nearly simultaneous release of *The China Syndrome* in movie theaters popularized apocalyptic if unlikely scenarios, inflaming views of private industry as a heedless source of existential danger and the corresponding need for government to tightly control environmental issues, of which the safety of nuclear power facilities was a primary embodiment (see Malsheimer 1986).

To evaluate the staying power of Rothbard's claims, we examine events in conservationism and environmentalism over the past several decades. Although a full exposition would be vastly beyond the scope of this paper, we explore a few that illustrate how the development of thinking about environmental issues has missed Rothbard's most important insights in *For a New Liberty*.

The 1980s

Rothbard's assertions about the policy direction are borne out by the majority of the environmental actions of the 1980s. Among the most significant response to environmental concerns that emerged directly from the issues surrounding environmental incidents was the development of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

CERCLA, which established the Superfund program, was signed into law by President Jimmy Carter on December 11, 1980. Superfund is a federal program aimed at addressing the cleanup and remediation of contaminated hazardous waste sites. It operates on the principle of attempting to hold responsible parties accountable for the cleanup costs, to ensure that the financial burden doesn't fall solely on taxpayers (Grad 1982).

A comprehensive analysis of Superfund's controversies goes beyond the scope of this article, but there are significant concerns pertaining to its structure, cost-effectiveness, and lengthy cleanup delays. Two particularly contentious issues, both with constitutional implications, have come up repeatedly. The first involves retroactive liability, which holds parties responsible for pollution that occurred before the law's enactment. The second involves the "takings" clause of the Fifth Amendment and the argument that at times the designation of property as a hazardous waste site

has been onerous and has restricted or deprived the use of property unnecessarily (Freeman 1986).

The Superfund was born in large part in response to the disaster at Love Canal, New York. The incident at Love Canal was one of many environmental and ecological problems in the '80s that would become long-standing paradigms that seemed to justify the claim that increased government intervention was the only path toward better environmental activities.

The historian Ann Larabee titled her 2000 book on environmental issues in the 1980s *Decade of Disaster*, in light of the seeming drumbeat of mishaps throughout the decade. An incomplete list of those would include the Times Beach evacuation (1983), the Bhopal gas tragedy (1984), the discovery of the Antarctic ozone hole (1985), the Chernobyl nuclear accident (1986), the Yellowstone fires (1988), the Love Canal cleanup and litigation throughout the decade (resulting in a 1988 settlement), the *Exxon Valdez* oil spill (March 1989), and the Rocky Flats investigation (June 1989). "Acid rain" was a common concern that nearly every schoolchild in the 1980s could readily cite as a pending environmental disaster. Further, the initial campaigns to address deforestation in the Amazon rainforest—as work on the Trans-Amazonian Highway proceeded—were launched by the World Wildlife Fund and Greenpeace.

These cases are frequently remembered for their portrayal of executives and managers in the for-profit sector as being driven exclusively by greed—even though that wasn't always the case—as Rothbard foresaw. Although Rothbard accurately predicted how political elites and environmental activists would frame any environmental initiatives, he did not offer a clear framework for providing alternative explanations. Scholars in fields like Public Choice and the emerging field of free market environmentalism, who shared Rothbard's ideas regarding the self-interest of political officials and the possibilities posed by market alternatives, have since provided a more detailed account of what was truly transpiring and how it could potentially be addressed. Their approach aligns with Rothbard's core assertions.

These more detailed examinations reveal that while private actors were involved, a more varied range of actors and causes were a significant part of the decade's environmental issues.

Some of the environmental incidents listed above follow this pattern and clearly illustrate both Rothbard's central claim and the understanding of his fellow travelers.

One of those examples is the Love Canal incident, often cited as the classic example of bad corporate behavior. The full story tells something far different. The Love Canal evacuation involved a firm, Hooker Electrochemical Company, *legally* dumping 21,000 tons of toxic waste in abandoned canal trenches in the 1940s, as did the U.S. Army and the municipality itself. As the post-WWII baby boom took hold, the need for land on which to put a new school grew dire. When the Niagara Falls School Board sought to purchase one of Hooker's dump sites, the company

refused to sell, which led to government threats to seize the land. Ultimately the sale took place, with the firm charging $1 for the lot while offering lengthy disclosures about the waste beneath the surface: "not a parable of rapacious, shortsighted capitalists putting profit above public health, but . . . a conscientious company whose best efforts were undone by shortsighted public officials who put immediate political return above the general welfare" (Albanese 1984; Taylor 1995, 54).

This part of the story has been undertold. Instead, just as Rothbard predicted, the hostility toward capitalism and business dominated the explanation of the incident and lay clear the connection he made between that hostility and the way in which environmental concerns would be addressed.

Another example comes from the Chernobyl accident in 1986. The accident was responsible for scores of deaths and hundreds of thousands of cases of radiation sickness to varying degrees.[1] Somehow the Chernobyl nuclear accident was frequently cited in the following decades as an event singularly underscoring the need for increased state management and regulatory oversight, despite the fact that the society in which the mishap took place was one in which the state controlled every aspect of scientific and economic life. What became a broadside against nuclear power would more appropriately have been directed toward the substantial risks associated with top-down, politically insulated central planning (Segerståhl 2012). Nowhere would that comparison be more apt than as regards the recent political agitation for a Green New Deal, with estimated costs ranging from $52 trillion to $93 trillion (Holtz-Eakin 2019).

Despite the actual circumstances behind most of these events and their tremendously unusual nature, the idea that became prevalent in the 1980s—that corporations were willing to trample Gaia in pursuit of Mammon—planted a seed, and Rothbard's core observation was confirmed. Even in the case of the *Exxon Valdez* oil spill, where blame correctly fell largely upon the Exxon Shipping Company, the government failed as well. The National Transportation Safety Board cited the Coast Guard for its slow response time, lack of preparedness in terms of equipment and training, and poor coordination throughout the disaster with the tanker and other emergency services (Haycox 2012).

The 1990s

In the 1990s, environmentalism "came of age" with the coalescence of the idea of sustainable development, the idea of environmental "justice," and the rise of activism targeting globalization and trade. It was here that the core observation of Rothbard

1. The environmental impact is still, to this day, being tabulated. The exclusion zone has become an unintended wildlife sanctuary, with the remaining animals showing higher levels of radiation-induced mutations and health problems. Bodies of water in the area continue to have elevated levels of radioactivity, and large areas of previously productive agricultural land have been abandoned for decades.

about the hostility toward capitalism and the effect of that hostility on environmental policy can be most clearly seen.

The concept of sustainable development can be traced back to the mid-twentieth century but gained substantial momentum globally in the 1990s. A pivotal moment came at the 1992 Earth Summit in Rio de Janeiro, from which the Rio Declaration and the Agenda 21 documents came, emphasizing a need to balance economic growth with environmental protection and social equity, and laying the foundation for a holistic approach to global challenges (Parson et al. 1992). Although the environmental, social, and governance (ESG) framework has numerous other intellectual origins, the focus on sustainability that came from the 1992 conference was a contributing factor.

Robert Bullard's 1990 book *Dumping in Dixie: Race, Class and Environmental Quality* is one of the origins of the term "environmental justice." In 1991 the first National People of Color Environmental Leadership Summit was held in Washington D.C., leading to the publication of "Principles of Environmental Justice." That led to Executive Order 12898 in 1994, which mandated that federal agencies add environmental considerations to their planning (see Wagner 2020).

But it was at the very end of the decade that a significant turning point in environmental activism took place, possibly establishing the capstone of environmentalism in the 1990s. The "Battle of Seattle" in 1999, also known as the "Seattle WTO protests," saw some sixty thousand environmental activists, labor unionists, socialists, indigenous peoples, and numerous other advocacy groups converge to protest the World Trade Organization's trade policies, which they argued were contributing to environmental degradation and the exploitation of labor. The protest was noteworthy for its scale, intensity, and media attention, laying bare for the first time the broad spectrum of philosophies willing to collaborate beneath the banner of environmental activism (Clarke 2000).

Whether the teeming mass of activists in Seattle attracted the attention of opportunistic politicians, or politics seemed the natural progression in the activists' efforts to amplify their concerns, the turbulence in Seattle established the course for the initial decades of the new millennium.

The Twenty-First Century

After the acceleration of the 1990s, the policies surrounding the environment shifted in approach but not away from Rothbard's fundamental point. The 2000s can be categorized by two separate but complementary threads: a new and pronounced emphasis on international and private-public partnerships, and messaging with an increased sense of urgency, backlit by predictions of imminent doom. It was also this period that the term *global warming* was supplanted by the more facile, all-encompassing, and ominous term *climate change*.

In 2006, former vice president Al Gore released a documentary movie titled *An Inconvenient Truth.* Filled with portrayals of impending calamity, the film features detailed explanations of the greenhouse effect, melting polar ice caps, and rising global temperatures. Drawing in hundreds of millions of global viewers and filling a long-needed role as an accessible, popular vehicle, it ultimately contributed to the Paris Agreement and catalyzed global efforts to combat climate change (Gore 2006). Most agree that *An Inconvenient Truth* helped convince a generation that the near-term future of the planet was grim and that the awarding of the Nobel Peace Prize to Gore and the Intergovernmental Panel on Climate Change (IPCC) imparted significant gravitas to the subject matter and forecasts made.

In the years since its release, however, its bleak and frightening prognostications have failed to materialize. Among them, that sea levels could rise by twenty feet in the "near future" (between 2006 and 2020, sea levels have risen an average of 0.13 inch per year) (NASA Sea Level Change Team).

It is regrettable that the acerbic wit of Rothbard is no longer with us, as his critique of extreme auguries such as these would have made them less grueling to endure.

No discussion of five decades of environmental affairs, and certainly not of the last five to ten years, would be complete without mention of the swift dissemination and expeditious embrace of ESG guidelines by the private sector. This seismic shift has seen ESG considerations evolve from a niche concern to a central aspect of decision-making for publicly traded companies. Investors are demanding greater transparency and accountability regarding ESG-related risks and opportunities, pushing companies to integrate sustainability measures into their operations and reporting. Companies, in particular publicly traded firms beholden to institutional shareholders, have faced increasing pressure to comply with ESG principles. Many of those measures are costly—estimated by one firm at $1.4 million a year for large firms, $890,000 a year for smaller firms, and $50 billion annually in total compliance costs—and a distraction from core business operations (Runyon 2022). It is pertinent to note that when those stakeholder-focused reporting measures, compliance standards, new staffing requirements, and business restructurings were initially promoted, interest rates stood at virtually zero. Interest rate hikes since mid-2022, in addition to widespread customer pushback over "woke" content and practices, are leading to higher costs in ESG compliance and a reassessment of their many cases.

How Little Things Have Changed

Near the end of "Conservation, Ecology, and Growth," Rothbard remarks:

> The North American continent . . . is now able to accommodate several hundred million people, all living at an infinitely higher living standard—and the reason is modern technology and industry. Abolish the latter and

> we will abolish the people as well. For all one knows, to our fanatical anti-populationists this "solution" to the population question may be a good thing but for the great many of us this would be a draconian final solution indeed. (1973, 305)

The population of the United States has increased 56 percent, and the world's by a whopping 95 percent, since 1973. And despite a near doubling of the mouths to feed, the number of individuals living in extreme poverty has fallen from 36 percent in 1990 to just over 9 percent in 2019 (World Vision 2022).

But some groups have received the idea of an impending eschaton wholeheartedly. Some, by employing violent methods to thwart developments they perceive as harmful to the environment, destroying private property, and at times attempting to injure or kill individuals involved in logging, construction, or other occupations. Other organizations have thrown themselves into the belief that human life has no inherent value. The quintessential nihilists in that regard subscribe to the Voluntary Human Extinction Movement ("May We Live Long and Die Out"), with an objective of "phasing out the human species by voluntarily ceasing to breed." This, it says, "will allow Earth's biosphere to return to good health. Crowded conditions and resource shortages will improve as we become less dense" (VHEMT, n.d.). Thus, there still are, just as Rothbard wrote in the early 1970s, people and groups that see only destruction, bloodshed, and depopulation as solutions to what they view as a world being slowly strangled by unsentimental and largely evil monied interests.

It is amusing, however, to read the following words just a few pages into the chapter:

> Enjoying a material contentment and a living standard undreamt of by even the wealthiest men of the past, it is easy for upper-class liberals to sneer at "materialism." . . . Even the upper-class liberals themselves have not been conspicuous for making a bonfire of their salary checks as a contribution to their war on "materialism" and affluence. (Rothbard 1973, 304–05)

Although Rothbard described a broader sociological pattern, contemporary observers have faced a handful of even more incredible, astoundingly hypocritical spectacles. The epitome of this was arguably the forty-fourth president of the United States stating that "no challenge poses a greater threat to our children, our planet, and future generations than climate change" (Obama 2015) in virtually the same breath as purchasing a $15 million seven-bedroom Martha's Vineyard home less than ten feet above sea level. And with metronomic regularity, celebrities and other wealthy activists fly by private jet to far-flung locations to recommend the abolition of plastic drinking straws and the promotion of insects as food.

Bright Spots

Although the means of achieving lasting environmental protection and conservation measures is unfortunately dominated by governments, corporatist concerns, and anticapital activists, there are notable spots of progress in market-friendly innovation. One cautiously guesses that despite his rejection of any intervention, the Rothbard of *For a New Liberty* might begrudgingly approve of them because of their comparative improvement, while still criticizing them as half measures that fail to adopt the purest form of his argument. Despite his likely objection, these developments share in their worldview a similar belief in individualism and markets as being the core mechanism to creating better policy outcomes.

Among the most important innovations is an organized discipline and approach to environmentalism that specifically embraces both the market and the individual.

Free market environmentalists believe that the way to solve environmental issues is to harness the incentives of those involved in the market rather than relying on government control (Anderson and Leal 2015; Simmons et al. 2016). Addressing incentives can be difficult, but advocates of free market environmentalism believe that changing property rights or tort law can help the environmental market create different incentives.

Their work has pointed out that countries that have well-defined and well-enforced property rights are more likely to have economic growth and are more likely to improve environmental quality. Property owners are given an incentive to treat the environment as an asset and create greater property value by protecting it. For example, in England and Scotland fishing rights to streams have been granted to landowners. These proprietors then sell or trade the rights of the streams to others who wish to fish or use the stream. This has led to an increase in fish populations and a decrease in stream pollution as owners of the stream can litigate against those who pollute or overuse their property (Stroup 2008).

Beyond the development of cohesive academic discipline, some specific approaches have attempted to harness the individual in the market. The introduction and development of derivative markets in energy, agriculture, metals, and other markets has led to substantial improvements in conservation. The explosive growth not only in exchange traded futures but also in over the counter (OTC) markets over the past few decades has led to more efficient use and pricing of commodities. Hedging allows users of raw materials to conduct their businesses with greater certainty, avoiding waste and the unnecessary consumption of other resources. For agricultural concerns, for example, the inability to lock in future purchase and sale prices would likely require more water, fertilizer, and other resources to be consumed than necessary (German 2005).

Likewise, the development of emissions trading markets in carbon dioxide and sulfur dioxide have clearly demonstrated that market mechanisms facilitating competition and aligning financial incentives can drive environmental improvement.

The creation of tradable offsets, whether generated by converting to less carbon-intensive production methods or restoratives like afforestation projects, offer flexibility in the means by which private entities can contribute to the reduction of emissions. Governments, which are always vulnerable to knowledge problems and beholden to interest groups, set the cap (limit) within which the creation of offsets takes place. But as an innovation, emissions markets are a great leap away from the domination of environmental betterment efforts by central planners.

More understated but no less important are ongoing developments in the introduction of natural capital accounting (NAC). Although the idea of assigning dollar values to natural resources that were until recently not valued in economic terms may not seem especially groundbreaking, NAC's integration forces corporate managers to understand and incorporate tradeoffs in business decisions (Hein 2016).

Conclusion

In the five decades since the publication of *For a New Liberty,* the world has evolved in ways that Rothbard would surely have been taxed to imagine. From the misdiagnosis of many of the disasters of the 1980s as the exclusive product of corporate greed to the ascension and normalization of apocalyptic prophecies, Rothbard's assessments remain timely and relevant.

It is disheartening to see the dominant influence of bureaucrats, corporate interests, and extremists, with a disproportionate number of alarmists among those three groups. In the shadows, however, one finds hope in market-driven solutions and innovative technologies amid growing skepticism as one hyperbolic prediction after the next goes unfulfilled. The path ahead is all the more difficult to navigate because while few environmental risks justify the alarmism that regularly accompanies warnings, some risks *do* exist. Yet they inevitably do so side by side with opportunities. Although the following words were written by Julian Simon (1981, 5), there can be little doubt that Murray Rothbard sought to express the same sentiment as pertains to the health and vitality of the natural world, its denizens, and its expansive endowment of reserves: "The ultimate resource is people—skilled, spirited, and hopeful people who will exert their wills and imaginations for their own benefit, and so, inevitably, for the benefit of us all."

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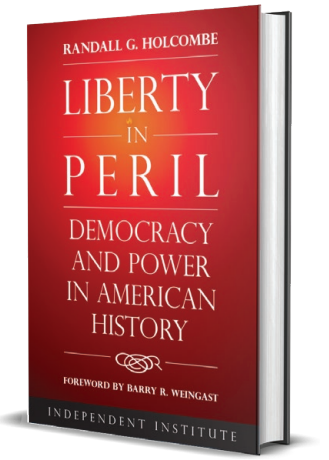

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