

Just Garbage: The Problem of Environmental Racism

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In this essay, Wenz argues that it is unjust for poor people, whether or not they are predominantly minorities, to be exposed disproportionately to pollution and other locally undesirable land uses (LULUs). He proposes a system whereby all communities must earn equal pollution points that cannot be bought and sold on the market. This would prevent rich people from buying their way out of exposure to environmental degradation and influence decision makers (who come mostly from economically advantaged groups) to reduce overall pollution to protect themselves and their families.

Environmental racism is evident in practices that expose racial minorities in the United States, and people of color around the world, to disproportionate shares of environmental hazards. These include toxic chemicals in factories, toxic herbicides and pesticides in agriculture, radiation from uranium mining, lead from paint on older buildings, toxic wastes illegally dumped, and toxic wastes legally stored. In this chapter, which concentrates on issues of toxic waste, both illegally dumped and legally stored, I will examine the justness of current practices as well as the arguments commonly given in their defense. I will then propose an alternative practice that is consistent with prevailing principles of justice.

A DEFENSE OF CURRENT PRACTICES

Defenders often claim that because economic, not racial, considerations account for disproportionate impacts on nonwhites, current practices are neither racist nor morally objectionable. Their reasoning recalls the Doctrine of Double Effect. According to that doctrine, an effect whose production is usually blameworthy becomes blameless when it is incidental to, although predictably conjoined with, the production of another effect whose production is morally justified. The classic case concerns a pregnant woman with uterine cancer. A common, acceptable treatment for uterine cancer is hysterectomy. This will

predictably end the pregnancy, as would an abortion. However, Roman Catholic scholars who usually consider abortion blameworthy consider it blameless in this context because it is merely incidental to hysterectomy, which is morally justified to treat uterine cancer. The hysterectomy would be performed in the absence of pregnancy, so the abortion effect is produced neither as an end-in-itself, nor as a means to reach the desired end, which is the cure of cancer.

Defenders of practices that disproportionately disadvantage nonwhites seem to claim, in keeping with the Doctrine of Double Effect, that racial effects are blameless because they are sought neither as ends-in-themselves nor as means to reach a desired goal. They are merely predictable side effects of economic and political practices that disproportionately expose poor people to toxic substances. The argument is that burial of toxic wastes, and other locally undesirable land uses (LULUs), lower property values. People who can afford to move elsewhere do so. They are replaced by buyers (or renters) who are predominantly poor and cannot afford housing in more desirable areas. Law professor Vicki Been puts it this way: "As long as the market allows the existing distribution of wealth to allocate goods and services, it would be surprising indeed if, over the long run, LULUs did not impose a disproportionate burden upon the poor." People of color are disproportionately burdened due primarily to poverty, not racism.¹ This defense against charges of racism is important in the American context because racial discrimination is illegal in the United States in circumstances where economic discrimination is permitted.² Thus, legal remedies to disproportionate exposure of nonwhites to toxic wastes are available if racism is the cause, but not if people of color are exposed merely because they are poor.

There is strong evidence against claims of racial neutrality. Professor Been acknowledges that even if there is no racism in the process of siting LULUs, racism plays at least some part in the disproportionate exposure of African Americans to them. She cites evidence that "racial discrimination in the sale and rental of housing relegates people of color

(especially African Americans) to the least desirable neighborhoods, regardless of their income level."³

Without acknowledging for a moment, then, that racism plays no part in the disproportionate exposure of nonwhites to toxic waste, I will ignore this issue to display a weakness in the argument that justice is served when economic discrimination alone is influential. I claim that even if the only discrimination is economic, justice requires redress and significant alteration of current practices. Recourse to the Doctrine of Double Effect presupposes that the primary effect, with which a second effect is incidentally conjoined, is morally justifiable. In the classic case, abortion is justified only because hysterectomy is justified as treatment for uterine cancer. I argue that disproportionate impacts on poor people violate principles of distributive justice, and so are not morally justifiable in the first place. Thus, current practices disproportionately exposing nonwhites to toxic substances are not justifiable even if incidental to the exposure of poor people.

Alternate practices that comply with acceptable principles of distributive justice are suggested below. They would largely solve problems of environmental racism (disproportionate impacts on nonwhites) while ameliorating the injustice of disproportionately exposing poor people to toxic hazards. They would also discourage production of toxic substances, thereby reducing humanity's negative impact on the environment.

THE PRINCIPLE OF COMMENSURATE BURDENS AND BENEFIT

We usually assume that, other things being equal, those who derive benefits should sustain commensurate burdens. We typically associate the burden of work with the benefit of receiving money, and the burdens of monetary payment and tort liability with the benefits of ownership.

There are many exceptions. For example, people can inherit money without working, and be given ownership without purchase. Another exception, which dissociates the benefit of ownership

from the burden of tort liability, is the use of tax money to protect the public from hazards associated with private property, as in Superfund legislation. Again, the benefit of money is dissociated from the burden of work when governments support people who are unemployed.

The fact that these exceptions require justification, however, indicates an abiding assumption that people who derive benefits should shoulder commensurate burdens. The ability to inherit without work is justified as a benefit owed to those who wish to bequeath their wealth (which someone in the line of inheritance is assumed to have shouldered burdens to acquire). The same reasoning applies to gifts.

Using tax money (public money) to protect the public from dangerous private property is justified as encouraging private industry and commerce, which are supposed to increase public wealth. The system also protects victims in case private owners become bankrupt as, for example, in Times Beach, Missouri, where the government bought homes made worthless due to dioxin pollution. The company responsible for the pollution was bankrupt.

Tax money is used to help people who are out of work to help them find a job, improve their credentials, or feed their children. This promotes economic growth and equal opportunity. These exceptions prove the rule by the fact that justification for any deviation from the commensuration of benefits and burdens is considered necessary.

Further indication of an abiding belief that benefits and burdens should be commensurate is grumbling that, for example, many professional athletes and corporate executives are overpaid. Although the athletes and executives shoulder the burden of work, the complaint is that their benefits are disproportionate to their burdens. People on welfare are sometimes criticized for receiving even modest amounts of taxpayer money without shouldering the burdens of work, hence recurrent calls for "welfare reform." Even though these calls are often justified as means to reducing government budget deficits, the moral issue is more basic than the economic. Welfare expenditures are minor compared to other programs, and alternatives that

require poor people to work are often more expensive than welfare as we know it.

The principle of commensuration between benefits and burdens is not the only moral principle governing distributive justice, and may not be the most important, but it is basic. Practices can be justified by showing them to conform, all things considered, to this principle. Thus, there is no move to "reform" the receipt of moderate pay for ordinary work, because it exemplifies the principle. On the other hand, practices that do not conform are liable to attack and require alternate justification, as we have seen in the cases of inheritance, gifts, Superfund legislation, and welfare.

Applying the principle of commensuration between burdens and benefits to the issue at hand yields the following: In the absence of countervailing considerations, the burdens of ill health associated with toxic hazards should be related to benefits derived from processes and products that create these hazards.

TOXIC HAZARDS AND CONSUMERISM

In order to assess, in light of the principle of commensuration between benefits and burdens, the justice of current distributions of toxic hazards, the benefits of their generation must be considered. Toxic wastes result from many manufacturing processes, including those for a host of common items and materials, such as paint, solvents, plastics, and most petrochemical-based materials. These materials surround us in the paint on our houses, in our refrigerator containers, in our clothing, in our plumbing, in our garbage pails, and elsewhere.

Toxins are released into the environment in greater quantities now than ever before because we now have a consumer-oriented society where the acquisition, use, and disposal of individually owned items is greatly desired. We associate the numerical dollar value of the items at our disposal with our "standard of living," and assume that a higher standard is conducive to, if not identical with, a better life. So toxic wastes needing disposal are produced as by-products of the general pursuit of what

our society defines as valuable, that is, the consumption of material goods.

Our economy requires increasing consumer demand to keep people working (to produce what is demanded). This is why there is concern each Christmas season, for example, that shoppers may not buy enough. If demand is insufficient, people may be put out of work. Demand must increase, not merely hold steady, because commercial competition improves labor efficiency in manufacture (and now in the service sector as well), so fewer workers can produce desired items. More items must be desired to forestall labor efficiency-induced unemployment, which is grave in a society where people depend primarily on wages to secure life's necessities.

Demand is kept high largely by convincing people that their lives require improvement, which consumer purchases will effect. When improvements are seen as needed, not merely desired, people purchase more readily. So our culture encourages economic expansion by blurring the distinction between wants and needs.

One way the distinction is blurred is through promotion of worry. If one feels insecure without the desired item or service, and so worries about life without it, then its provision is easily seen as a need. Commercials, and other shapers of social expectations, keep people worried by adjusting downward toward the trivial what people are expected to worry about. People worry about the provision of food, clothing, and housing without much inducement. When these basic needs are satisfied, however, attention shifts to indoor plumbing, for example, then to stylish indoor plumbing. The process continues with needs for a second or third bathroom, a kitchen disposal, and a refrigerator attached to the plumbing so that ice is made automatically in the freezer, and cold water can be obtained without even opening the refrigerator door. The same kind of progression results in cars with CD players, cellular phones, and automatic readouts of average fuel consumption per mile.

Abraham Maslow was not accurately describing people in our society when he claimed that after physiological, safety, love, and (self-) esteem needs are met, people work toward self-actualization,

becoming increasingly their own unique selves by fully developing their talents. Maslow's Hierarchy of Needs describes people in our society less than Wenz's Lowerarchy of Worry. When one source of worry is put to rest by an appropriate purchase, some matter less inherently or obviously worrisome takes its place as the focus of concern. Such worry-substitution must be amenable to indefinite repetition in order to motivate purchases needed to keep the economy growing without inherent limit. If commercial society is supported by consumer demand, it is worry all the way down. Toxic wastes are produced in this context.

People tend to worry about ill health and early death without much inducement. These concerns are heightened in a society dependent upon the production of worry, so expenditure on health care consumes an increasing percentage of the gross domestic product. As knowledge of health impairment due to toxic substances increases, people are decreasingly tolerant of risks associated with their proximity. Thus, the same mindset of worry that elicits production that generates toxic wastes, exacerbates reaction to their proximity. The result is a desire for their placement elsewhere, hence the NIMBY syndrome—Not In My Back Yard. On this account, NIMBYism is not aberrantly selfish behavior, but integral to the cultural value system required for great volumes of toxic waste to be generated in the first place.

Combined with the principle of Commensurate Burdens and Benefits, that value system indicates who should suffer the burden of proximity to toxic wastes. Other things being equal, those who benefit most from the production of waste should shoulder the greatest share of burdens associated with its disposal. In our society, consumption of goods is valued highly and constitutes the principal benefit associated with the generation of toxic wastes. Such consumption is generally correlated with income and wealth. So other things being equal, justice requires that people's proximity to toxic wastes be related positively to their income and wealth. This is exactly opposite to the predominant tendency in our society, where poor people are more proximate to toxic wastes dumped illegally and stored legally.

REJECTED THEORIES OF JUSTICE

Proponents of some theories of distributive justice may claim that current practices are justified. In this section I will explore such claims.

A widely held view of justice is that all people deserve to have their interests given equal weight. John Rawls's popular thought experiment in which people choose principles of justice while ignorant of their personal identities dramatizes the importance of equal consideration of interests. Even selfish people behind the "veil of ignorance" in Rawls's "original position" would choose to accord equal consideration to everyone's interests because, they reason, they may themselves be the victims of any inequality. Equal consideration is a basic moral premise lacking serious challenge in our culture, so it is presupposed in what follows. Disagreement centers on application of the principle.

Libertarianism

Libertarians claim that each individual has an equal right to be free of interference from other people. All burdens imposed by other people are unjustified unless part of, or consequent upon, agreement by the party being burdened. So no individual who has not consented should be burdened by burial of toxic wastes (or the emission of air pollutants, or the use of agricultural pesticides, etc.) that may increase risks of disease, disablement, or death. Discussing the effects of air pollution, libertarian Murray Rothbard writes, "The remedy is simply to enjoin anyone from injecting pollutants into the air, and thereby invading the rights of persons and property. Period."⁴ Libertarians John Hospers and Tibor R. Machan seem to endorse Rothbard's position.⁵

The problem is that implementation of this theory is impractical and unjust in the context of our civilization. Industrial life as we know it inevitably includes production of pollutants and toxic substances that threaten human life and health. It is impractical to secure the agreement of every individual to the placement, whether on land, in the air, or in water, of every chemical that may

adversely affect the life or health of the individuals in question. After being duly informed of the hazard, someone potentially affected is bound to object, making the placement illegitimate by libertarian criteria.

In effect, libertarians give veto power to each individual over the continuation of industrial society. This seems a poor way to accord equal consideration to everyone's interests because the interest in physical safety of any one individual is allowed to override all other interests of all other individuals in the continuation of modern life. Whether or not such life is worth pursuing, it seems unjust to put the decision for everyone in the hands of any one person.

Utilitarianism

Utilitarians consider the interests of all individuals equally, and advocate pursuing courses of action that promise to produce results containing the greatest (net) sum of good. However, irrespective of how "good" is defined, problems with utilitarian accounts of justice are many and notorious.

Utilitarianism suffers in part because its direct interest is exclusively in the sum total of good, and in the future. Since the sum of good is all that counts in utilitarianism, there is no guarantee that the good of some will not be sacrificed for the greater good of others. Famous people could receive (justifiably according to utilitarians) particularly harsh sentences for criminal activity to effect general deterrence. Even when fame results from honest pursuits, a famous felon's sentence is likely to attract more attention than sentences in other cases of similar criminal activity. Because potential criminals are more likely to respond to sentences in such cases, harsh punishment is justified for utilitarian reasons on grounds that are unrelated to the crime.

Utilitarianism suffers in cases like this not only from its exclusive attention to the sum total of good, but also from its exclusive preoccupation with future consequences, which makes the relevance of past conduct indirect. This affects not only retribution, but also reciprocity and gratitude,

which utilitarians endorse only to produce the greatest sum of future benefits. The direct relevance of past agreements and benefits, which common sense assumes, disappears in utilitarianism. So does direct application of the principle of Commensurate Burdens and Benefits.

The merits of the utilitarian rejection of common sense morality need not be assessed, however, because utilitarianism seems impossible to put into practice. Utilitarian support for any particular conclusion is undermined by the inability of anyone actually to perform the kinds of calculations that utilitarians profess to use. Whether the good is identified with happiness or preference-satisfaction, the two leading contenders at the moment, utilitarians announce the conclusions of their calculations without ever being able to show the calculation itself.

When I was in school, math teachers suspected that students who could never show their work were copying answers from other students. I suspect similarly that utilitarians, whose "calculations" often support conclusions that others reach by recourse to principles of gratitude, retributive justice, commensuration between burdens and benefits, and so forth, reach conclusions on grounds of intuitions influenced predominantly by these very principles.

Utilitarians may claim that, contrary to superficial appearances, these principles are themselves supported by utilitarian calculations. But, again, no one has produced a relevant calculation. Some principles seem *prima facie* opposed to utilitarianism, such as the one prescribing special solicitude of parents for their own children. It would seem that in cold climates more good would be produced if people bought winter coats for needy children, instead of special dress coats and ski attire for their own children. But utilitarians defend the principle of special parental concern. They declare this principle consistent with utilitarianism by appeal to entirely untested, unsubstantiated assumptions about counterfactuals. It is a kind of "Just So" story that explains how good is maximized by adherence to current standards. There is no calculation at all.

Another indication that utilitarians cannot perform the calculations they profess to rely upon

concerns principles whose worth is in genuine dispute. Utilitarians offer no calculations that help to settle the matter. For example, many people wonder today whether or not patriotism is a worthy moral principle. Detailed utilitarian calculations play no part in the discussion.

These are some of the reasons why utilitarianism provides no help to those deciding whether or not disproportionate exposure of poor people to toxic wastes is just.

Free Market Approach

Toxic wastes, a burden, could be placed where residents accept them in return for monetary payment, a benefit. Since market transactions often satisfactorily commensurate burdens and benefits, this approach may seem to honor the principle of commensuration between burdens and benefits.

Unlike many market transactions, however, whole communities, acting as corporate bodies, would have to contract with those seeking to bury wastes. Otherwise, any single individual in the community could veto the transaction, resulting in the impasse attending libertarian approaches.⁶ Communities could receive money to improve such public facilities as schools, parks, and hospitals, in addition to obtaining tax revenues and jobs that result ordinarily from business expansion.

The major problem with this free market approach is that it fails to accord equal consideration to everyone's interests. Where basic or vital goods and services are at issue, we usually think equal consideration of interests requires ameliorating inequalities of distribution that markets tend to produce. For example, one reason, although not the only reason, for public education is to provide every child with the basic intellectual tools necessary for success in our society. A purely free market approach, by contrast, would result in excellent education for children of wealthy parents and little or no education for children of the nation's poorest residents. Opportunities for children of poor parents would be so inferior that we would say the children's interests had not been given equal consideration.

The reasoning is similar where vital goods are concerned. The United States has the Medicaid program for poor people to supplement market transactions in health care precisely because equal consideration of interests requires that everyone be given access to health care. The 1994 health care debate in the United States was, ostensibly, about how to achieve universal coverage, not about whether or not justice required such coverage. With the exception of South Africa, every other industrialized country already has universal coverage for health care. Where vital needs are concerned, markets are supplemented or avoided in order to give equal consideration to everyone's interests.

Another example concerns military service in time of war. The United States employed conscription during the Civil War, both world wars, the Korean War, and the war in Vietnam. When the national interest requires placing many people in mortal danger, it is considered just that exposure be largely unrelated to income and market transactions.

The United States does not currently provide genuine equality in education or health care, nor did universal conscription (of males) put all men at equal risk in time of war. In all three areas, advantage accrues to those with greater income and wealth. (During the Civil War, paying for a substitute was legal in many cases.) Imperfection in practice, however, should not obscure general agreement in theory that justice requires equal consideration of interests, and that such equal consideration requires rejecting purely free market approaches where basic or vital needs are concerned.

Toxic substances affect basic and vital interests. Lead, arsenic, and cadmium in the vicinity of children's homes can result in mental retardation of the children.⁷ Navaho teens exposed to radiation from uranium mine tailings have seventeen times the national average of reproductive organ cancer.⁸ Environmental Protection Agency (EPA) officials estimate that toxic air pollution in areas of South Chicago increases cancer risks one hundred to one thousand times.⁹ Pollution from Otis Air Force base in Massachusetts is associated with alarming increases in cancer rates.¹⁰ Non-Hodgkin's Lymphoma is

related to living near stone, clay, and glass industry facilities, and leukemia is related to living near chemical and petroleum plants.¹¹ In general, cancer rates are higher in the United States near industries that use toxic substances and discard them nearby.¹²

In sum, the placement of toxic wastes affects basic and vital interests just as do education, health care, and wartime military service. Exemption from market decisions is required to avoid unjust impositions on the poor, and to respect people's interests equally. A child dying of cancer receives little benefit from the community's new swimming pool.

Cost-Benefit Analysis (CBA)

CBA is an economist's version of utilitarianism, where the sum to be maximized is society's wealth, as measured in monetary units, instead of happiness or preference satisfaction. Society's wealth is computed by noting (and estimating where necessary) what people are willing to pay for goods and services. The more people are willing to pay for what exists in society, the better off society is, according to CBA.

CBA will characteristically require placement of toxic wastes near poor people. Such placement usually lowers land values (what people are willing to pay for property). Land that is already cheap, where poor people live, will not lose as much value as land that is currently expensive, where wealthier people live, so a smaller loss of social wealth attends placement of toxic wastes near poor people. This is just the opposite of what the Principle of Commensurate Burdens and Benefits requires.

The use of CBA also violates equal consideration of interests, operating much like free market approaches. Where a vital concern is at issue, equal consideration of interests requires that people be considered irrespective of income. The placement of toxic wastes affects vital interests. Yet CBA would have poor people exposed disproportionately to such wastes.¹³

In sum, libertarianism, utilitarianism, free market distribution, and cost-benefit analysis are inadequate principles and methodologies to guide the just distribution of toxic wastes.

LULU POINTS

An approach that avoids these difficulties assigns points to different types of locally undesirable land uses (LULUs) and requires that all communities earn LULU points.¹⁴ In keeping with the Principle of Commensurate Benefits and Burdens, wealthy communities would be required to earn more LULU points than poorer ones. Communities would be identified by currently existing political divisions, such as villages, towns, city wards, cities, and counties.

Toxic waste dumps are only one kind of LULU. Others include prisons, half-way houses, municipal waste sites, low-income housing, and power plants, whether nuclear or coal fired. A large deposit of extremely toxic waste, for example, may be assigned twenty points when properly buried but fifty points when illegally dumped. A much smaller deposit of properly buried toxic waste may be assigned only ten points, as may a coal-fired power plant. A nuclear power plant may be assigned twenty-five points, while municipal waste sites are only five points, and one hundred units of low-income housing are eight points.

These numbers are only speculations. Points would be assigned by considering probable effects of different LULUs on basic needs, and responses to questionnaires investigating people's levels of discomfort with LULUs of various sorts. Once numbers are assigned, the total number of LULU points to be distributed in a given time period could be calculated by considering planned development and needs for prisons, power plants, low-income housing, and so on. One could also calculate points for a community's already existing LULUs. Communities could then be required to host LULUs in proportion to their income or wealth, with new allocation of LULUs (and associated points) correcting for currently existing deviations from the rule of proportionality.

Wherever significant differences of wealth or income exist between two areas, these areas should be considered part of different communities if there is any political division between them. Thus, a county with rich and poor areas would not be considered a single community for purposes of

locating LULUs. Instead, villages or towns may be so considered. A city with rich and poor areas may similarly be reduced to its wards. The purpose of segregating areas of different income or wealth from one another is to permit the imposition of greater LULU burdens on wealthier communities. When wealthy and poor areas are considered as one larger community, there is the danger that the community will earn its LULU points by placing hazardous waste near its poorer members. This possibility is reduced when only relatively wealthy people live in a smaller community that must earn LULU points.

PRACTICAL IMPLICATIONS

... I will refrain from commenting on problems and prospects for securing passage and implementation of the foregoing proposal. I maintain that the proposal is just. In a society where injustice is common, it is no surprise that proposals for rectification meet stiff resistance.

Were the LULU points proposal implemented, environmental racism would be reduced enormously. To the extent that poor people exposed to environmental hazards are members of racial minorities, relieving the poor of disproportionate exposure would also relieve people of color.

This is not to say that environmental racism would be ended completely. Implementation of the proposal requires judgment in particular cases. Until racism is itself ended, such judgment will predictably be exercised at times to the disadvantage of minority populations. However, because most people of color currently burdened by environmental racism are relatively poor, implementing the proposal would remove 80 to 90 percent of the effects of environmental racism. While efforts to end racism at all levels should continue, reducing the burdens of racism is generally advantageous to people of color. Such reductions are especially worthy when integral to policies that improve distributive justice generally.

Besides improving distributive justice and reducing the burdens of environmental racism, implementing the LULU points proposal would

benefit life on earth generally by reducing the generation of toxic hazards. When people of wealth, who exercise control of manufacturing processes, marketing campaigns, and media coverage, are themselves threatened disproportionately by toxic hazards, the culture will evolve quickly to find their production largely unnecessary. It will be discovered, for example, that many plastic items can be made of wood, just as it was discovered in the late 1980s that the production of many ozone-destroying chemicals is unnecessary. Similarly, necessity being the mother of invention, it was discovered during World War II that many women could work in factories. When certain interests are threatened, the impossible does not even take longer.

The above approach to environmental injustice should, of course, be applied internationally and intranationally within all countries. The same considerations of justice condemn universally, all other things being equal, exposing poor people to vital dangers whose generation predominantly benefits the rich. This implies that rich countries should not

ship their toxic wastes to poor countries. Since many poorer countries, such as those in Africa, are inhabited primarily by nonwhites, prohibiting shipments of toxic wastes to them would reduce significantly worldwide environmental racism. A prohibition on such shipments would also discourage production of dangerous wastes, as it would require people in rich countries to live with whatever dangers they create. If the principle of LULU points were applied in all countries, including poor ones, elites in those countries would lose interest in earning foreign currency credits through importation of waste, as they would be disproportionately exposed to imported toxins.

In sum, we could reduce environmental injustice considerably through a general program of distributive justice concerning environmental hazards. Pollution would not thereby be eliminated, since to live is to pollute. But such a program would motivate significant reduction in the generation of toxic wastes, and help the poor, especially people of color, as well as the environment.

NOTES

1. Vicki Been, "Market Forces, Not Racist Practices, May Affect the Siting of Locally Undesirable Land Uses," in *At Issue: Environmental Justice*, ed. by Jonathan Petrikin (San Diego, Calif.: Greenhaven Press, 1995), 41.
2. See *San Antonio Independent School District v. Rodriguez*, 411 R.S. 1 (1973) and *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977).
3. Been, 41.
4. Murray Rothbard, "The Great Ecology Issue," *The Individualist* 21, no. 2 (February 1970): 5.
5. See Peter S. Wenz, *Environmental Justice* (Albany, N.Y.: State University of New York Press, 1988), 65–67 and associated endnotes.
6. Christopher Boerner and Thomas Lambert, "Environmental Justice Can Be Achieved Through Negotiated Compensation," in *At Issue: Environmental Justice*.
7. F. Diaz-Barriga et al., "Arsenic and Cadmium Exposure in Children Living Near to Both Zinc and Copper Smelters," summarized in *Archives of Environmental Health* 46, no. 2 (March/April 1991): 119.
8. Dick Russell, "Environmental Racism," *Amicus Journal* (Spring 1989): 22–32, 24.
9. Marianne Lavelle, "The Minorities Equation," *National Law Journal* 21 (September 1992): 3.
10. Christopher Hallowell, "Water Crisis on the Cape," *Audubon* (July/August 1991): 65–74, especially 66 and 70.
11. Athena Linos et al., "Leukemia and Non-Hodgkin's Lymphoma and Residential Proximity to Industrial Plants," *Archives of Environmental Health* 46, no. 2 (March/April 1991): 70–74.
12. L. W. Pickle et al., *Atlas of Cancer Mortality among Whites: 1950–1980*, HHS publication #(NIH) 87–2900 (Washington, D.C.: U.S. Department of

Health and Human Services, Government Printing Office: 1987).

13. Wenz, 216–18.
14. The idea of LULU points comes to me from Frank J. Popper, "LULUs and Their Blockage," in

Confronting Regional Challenges: Approaches to LULUs, Growth, and Other Vexing Governance Problems, ed. by Joseph DiMento and Le Roy Graymer (Los Angeles, Calif.: Lincoln Institute of Land Policy, 1991), 13–27, especially 24.

STUDY QUESTIONS

1. If, as Wenz suggests, cost should not determine where toxic sites are located, what should the criterion be?
2. Wenz suggests that in general those who derive benefits from public policy should be the same ones who sustain the burdens associated with that policy. If you apply that principle to such social practices as nuclear power, industrial pollution, wilderness preservation, and the growth of agribusiness, what is the result?
3. What does Wenz mean by LULU points? Do you find his proposal reasonable? Do you find it practical?
4. Can you develop a response to Wenz's rejection of free market theories of justice? Outline your response in three or four bullet points.
5. Would it be just for an impoverished community to accept toxic waste for pay? Should poor communities be free to accept a disproportionate burden for compensation?

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Deceiving the Third World: The Myth of Catching-Up Development

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In this essay, she challenges the idea that economic growth is the way for the poorer, southern countries to catch up with the richer, northern countries. Mies puts forth a case that the catch-up policy is both impossible and undesirable.