



**THE ECONOMIC PAMPHLETEER**  
**JOHN IKERD**

**A right to harm**

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A recent documentary film, *Right to Harm*, documents the negative impacts large-scale concentrated animal feeding operations, or CAFOs, are having on public health and the overall quality of life of people in rural communities (Wechsler & Speicher, 2019). The film also reveals the frustration of concerned citizens who have asked their governments to address these negative impacts. When they ask for regulations to mitigate environmental impacts, they get regulations that effectively grant CAFOs a legal “license to pollute” (Gustin,

2016). When counties enact public health ordinances to protect residents from the health risks posed by CAFOs, state governments take away the right of local control (Steever, 2019). When undercover reporters reveal animal abuse in CAFOs, state governments pass “ag-gag laws” that make the covert investigation of animal abuse a crime (American Society for the Prevention of Cruelty to Animals [ASPCA], n.d.). When neighbors who have been adversely affected win nuisance lawsuits against CAFO operators, governments pass ever-stronger “right to farm” laws (Fajen, 2019),

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*Why an **Economic Pamphleteer**? Pamphlets historically were short, thoughtfully written opinion pieces and were at the center of every revolution in western history. I spent the first half of my academic career as a free-market, bottom-line agricultural economist. During the farm financial crisis of the 1980s, I became convinced that the economics I had been taught and was teaching wasn't working and wasn't going to work in the future—not for farmers, rural communities, consumers, or society in general. Hopefully my “pamphlets” will help spark the needed revolution in economic thinking.*

essentially giving CAFO operators the “right to harm.” Thus the title of the film.

Public efforts to ban the use of pesticides in crop production that threaten the health of farmworkers and the integrity of natural ecosystems have resulted in similar frustrations (Milman, 2017; Natural Food Certifiers 2019). When the federal government refused consumers’ demands for labeling of genetically modified food ingredients, some states attempted to pass their own labeling laws. The federal government then responded by passing a law known as the DARK Act, which requires essentially useless labels in all states and prevents all other labeling of genetically modified foods (Detisch, 2016). When Congress responded to public pressure for a country of origin labeling law, the USDA refused to implement the law, and it was eventually repealed by Congress in response to threats from the World Trade Organization (Fink Huehnergath, 2015). When the National Organic Program responded to public concerns by approving stronger animal welfare rules for organic animal production, the USDA delayed and eventually abandoned implementation of the rule (Associated Press, 2018). In every instance, the government has given the economic interests of industrial agriculture priority over the rights of people to protect their health and determine their own systems of food production.

This certainly is not the first time in history that our governments have given presumed “economic rights” priority over fundamental “human rights.” For example, the economy of this nation—most certainly its agricultural economy—was built on the institutional foundation of *slavery*. The founders of the nation knew slavery was a denial of basic human rights, which the government was obligated to protect. They wrote in the American Declaration Independence: “*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights,*

*that among these are Life, Liberty, and the Pursuit of Happiness.—That to secure these rights, Governments are instituted among Men*” (Declaration of Independence, 1776). However, the U.S. Constitution is silent on the issue of slavery, neither affirming nor denying it—presumably a matter of political and economic expediency. The nation is still suffering the consequences of that omission.

However, the nation eventually awakened to the hypocrisy as well as the national tragedy of slavery. Abraham Lincoln, in his historic address at Cooper Union in New York prior to the Civil War,

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rhetorically asked what it would take to appease the slave states. At the time, he was simply calling for a moratorium on slavery, meaning any *new* states would be free. After addressing a long list of previous efforts to pacify the slave states, he said, “*The question recurs, what will satisfy them? . . . These natural, and apparently adequate means all failing, what will convince them? This, and this only: cease to call slavery*

*wrong, and join them in calling it right. And this must be done thoroughly—done in acts as well as in words. . . . The whole atmosphere must be disinfected from all taint of opposition to slavery*” (emphasis in original; Lincoln, 1860). LET ME MAKE PERFECTLY CLEAR, I am not equating the threats posed by industrial agriculture or CAFOs to the tragedy of slavery. The delayed and protracted end to slavery is perhaps the greatest failure of the U.S. government. Instead, I simply argue that, like slavery, the advent and growth of CAFOs are failures of our government to fulfill its fundamental purpose of securing and protecting basic human rights.

The industrial agricultural establishment wields economic and political power today, not unlike the power of the economic and political power of antebellum slave owners and plantation agriculture. Whenever people try to find ways to protect the environment, public health, and quality of life, the response is much the same as when Lincoln attempted to negotiate and legislate an end to

slavery. Paraphrasing Lincoln, it seems that nothing will appease them short of *ceasing to call industrial agriculture wrong and joining them in calling it right—in acts as well as words. The whole atmosphere must be disinfected from all taint of opposition to so-called modern industrial agricultural practices.*

This, we simply cannot do. If we Americans have the right to *life*, as affirmed in the Declaration of Independence, we have a right to clean air and water and wholesome food—the essentials of life and the liberty to pursue happiness. After stating that governments are instituted to secure these rights, the Declaration of Independence continues, “*That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*”

How can advocates of a socially responsible

agri-food system reclaim their rights? They can keep on doing what they have been doing. They certainly are not winning every battle, but they are slowly winning the war. They are making more people aware of the realities of industrial agriculture. They are changing public opinion, which ultimately will lead to either changes in laws or a change in government. Those who feel frustrated can find hope in the words with which Lincoln closed his speech at Cooper Union: “*Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the Government nor of dungeons to ourselves. LET US HAVE FAITH THAT RIGHT MAKES MIGHT, AND IN THAT FAITH, LET US, TO THE END, DARE TO DO OUR DUTY AS WE UNDERSTAND IT*” (emphasis in original; Lincoln, 1860).

We each have a duty to defend and protect the basic human rights with which we are all equally endowed. *There is no right to harm.* 

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