



Agua como bien común desde una perspectiva crítica del análisis económico del derecho

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text (article)

Analítica

The present article develops a series of theses about water as a common good and from the notion of common property in general from a critical point of view of orthodox of Law and Economics that understands that privatization is the only possible way out of the inevitable exhaustion and dilapidation of the commons. To do this, we approach the concept of property rights and the ways in which it has been given: property through work or property through the dispossession, which generates the first social inequalities. It also takes the example of the rule of first possession and reflects the debate if communal property is equivalent to an absence of property. We will extend the main characteristics of the economic classification of goods according to the application of the basic principles analyzed: the principle of competition and the principle of exclusion. The situation of common goods is then analyzed and we take the well-known Garret Hardin's article titled "The Tragedy of the Commons" published by Science magazine in 1968 from a critical point of view. Finally, there is a debate about the absence of the notion of justice in certain analyzes of normative schemes, in order to arrive at our conclusions

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