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VALUES AND THE PUBLIC LANDS

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VALUES AND THE PUBLIC LANDS

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1. Introduction

The idea of public lands, deeply rooted in the American tradition specifically and the western tradition generally, is currently under assault. It is useful to be reminded that in much of our philosophical tradition it is private rather than public ownership of land that has been regarded as problematical.

2. Land and Locke

The seventeenth century British philosopher, John Locke, usually considered to be the father of the American Constitution, regarded land as given to mankind in common. The burden of justification was on those who withdrew land for private gain. However Locke argued that in many cases private ownership could be justified on grounds of productivity and social utility. He wrote:

God gave the world to men in common; but since he gave it them

for their benefit and the greatest conveniences of life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated (as quoted in Gruen and Jamieson 1994:21).

Since private ownership required justification, for Locke there were limits on what and how much could be owned.

The first limitation relates to how land comes to be privately owned:

As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He by his labor does, as it were, enclose it from the common (as quoted in Gruen and Jamieson 1994:21).

In order to bring land into private ownership, Locke required that one "mix" one's labor with the land. For Locke land was not the stuff of speculation but the material foundation of the life of a household. This idea provided the basis for the various American homestead acts which granted land to those who would make a life working that land.

Locke's second limitation on ownership involves the impact of ownership on other people. Since private ownership withdraws land from what we all own in common, in order to be permissible such appropriation cannot leave others

worse off. For this reason Locke required that private appropriations must always leave "as good and as much" for others.

While the exact implications of this "Lockean Provisio" have been the subject of a great deal of scholarly debate (see for example Nozick 1974), it is clear that in the world of finite resources in which we live it is extremely difficult to justify further private appropriation of land on Lockean grounds: there simply is not "as good and as much" left for others.

A second implication of the Lockean view is just as important: since the purpose of both public and private lands is to produce benefits, the distinction between them is not absolute. It is reasonable to manage public lands so as to produce public benefits, but it is also reasonable to require that private lands be managed in such a way that they return public benefits as well. For this reason, the idea of public regulation of private lands is implicit in Locke's very idea of private ownership.

3. Land and Public Benefits

Locke's notion of a benefit was quite narrow by contemporary standards. In his view "Land that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting, is called, as indeed it is *waste*... (as quoted in Hargrove 1989:69). He wrote that "*Bread* is worth more than Acorns, *Wine*

than Water, and *Cloth* or *Silk* than Leaves, Skins or Moss"(as quoted in Hargrove 1989:69).

Locke's attitude towards the value of natural objects was not universally shared by his contemporaries, and such views began to undergo serious revision after Locke's death when natural historians, gardeners and poets began to celebrate diverse values found in the land. These ideas were carried to the United States and the value of "unimproved" land was celebrated by writers such as Bryant, Emerson and Thoreau, and especially by such landscape painters as Church and Cole. (This history has been traced in many books and papers including Hargrove 1989, Sagoff 1974, Nash 1982, Terrie 1985, and Nicolson 1963.)

It is clear today that for many Americans narrow economic benefits reflect only one kind of value that is realized in land. Broader economic benefits that involve recreation are now widely acknowledged, and we have already seen that the aesthetic values of land were already apparent to eighteenth and nineteenth century artists, writers and scientists. This history also indicates the cultural and historical value that many today find in land. When land is protected and preserved we can share the experiences of the early settlers, the Native Americans, Thoreau, or Muir. Other values, perhaps even more deep and

profound, include religious and moral values. The idea of sacred space, which in this society we tend to associate with Native Americans, may well be culturally universal. Houses of worship have traditionally been built on or near special features of the landscape; in the monastic traditions of almost every religion people go to the desert or the mountains to be close to God. In addition to these spiritual values that many find in the land, some also see the experience of land as important to our moral development (Wilson 1992:349-351; Partridge 1984); others see nature as a moral teacher with very specific lessons for us to learn (Rolston III 1979). For more on the diverse values that many find in the land see Rolston III 1985).

Of course, it might be said that the realization of these values is consistent with the abolition of public land. This may be true as a point of logic but it is hard to imagine in practice. The main point here is that if a rich notion of benefit is factored into the Lockean account of property, then in order for private ownership of a parcel of land to be justified it is not enough that the land be used in an economically productive way: the noneconomic values that many Americans hold will have to be respected as well. Because private ownership is by definition exclusionary, it is difficult to respect and promote these values under a private property regime.

4. Land and the Global Environment

A final consideration about values and the public lands, perhaps not visible in Locke's day, concerns the remote effects of how land is managed. Many private goods are such that their ordinary use has little effect on other people or things that we value. In the case of land, however, even normal uses affect housing patterns, transportation, ecosystems, watersheds, and so on. Many researchers have argued that land use decisions are at the heart of most environmental problems. If this is true, then maintaining flexibility with respect to land use decisions is very important if these problems are to be successfully addressed.

One way of making this vivid is to consider the global nature of many environmental problems. Local decisions about deforestation, watershed management, energy use and so on can have transnational, even global, effects. For this reason many people think that it is imperative for governments of countries such as Brazil to develop and preserve policy instruments that enable them to do their share in maintaining the global environment. Many would say that putting control of the Amazon into private hands as a response to domestic political considerations would be abrogating Brazil's duties to the larger world community. If this is so in the case of Brazil and the Amazon, then surely it is

the case with America and its natural treasures as well.

5. Conclusion

Land and land use is at the intersection of a wide range of values of local, national, and global significance. Although the distinction between public and private ownership need not be as stark as it is sometime portrayed, it is difficult to see how the diverse values of various communities can be respected in a land regime characterized by purely private ownership.

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