its own way of doing things. Occasionally they competed against one another in friendly rivalries. But the overarching principle of their lives, as Rølvaag describes it, was the maintenance of a social bond, which finally became a bond with the strange, foreign land where they settled. Communalism of that sort, in real life as well as in fiction, is receding today, but it has not yet altogether disappeared over the horizon.

The challenge now is to retrieve that commitment to community from the past, from scattered pockets of rural life, and to find a modern expression for it in this new age of industrial agriculture.

At the heart of any nation's agricultural policy must be its ideal of a good farmer. For a number of years we have told farmers, through our colleges, agricultural magazines, government officials, and exporters, one clear thing: get as much as you possibly can out of the land. We have not told them how many farmers would have to be sacrificed to meet that instruction or how much it would deprive the few who remained of their freedom, contentment, or husbandry.

But sooner or later the prevailing ideals wear out, giving way to new ones or to new versions of even older ones. The American ideal of good farming, and the agricultural policy we have built on it, may be ready for a shift in the directions suggested here. In the not-too-distant future, farming may come to mean again a life aimed at permanence, an occupation devoted to value as well as technique, a work of moderation and balance. That is a shift in which we all have a stake.

I SAT down the other night to do something I had not done in a long time: read the United States Constitution. Though a short document, only some twelve or thirteen double-columned pages in most printings, it was writing I had not looked at for over a decade. Yet I am an historian of this country. My excuse is that there is not enough time to read most things even once, and twice or more is out of the question. It is a poor excuse; some things we really ought to read more than once in a lifetime—ought to read every year, like Emily Dickinson's poetry or Henry Thoreau's book about that pond in Massachusetts. The Constitution is a piece of writing I would recommend reading no more than once a decade. It hasn't got much of a plot. The language is clear and easy, but lacks eloquence. Its single great virtue is its plain sensibleness, a virtue that has, with many glaring exceptions, stayed with us and become one of our most attractive national qualities. We like to think we are a level-headed people and that this document epitomizes our level-headedness. In a world that often seems to have gone plumb crazy into one fanaticism or another, the Constitution reassures us with its good sense. We can look back to it with relief that our political system was framed by wise, far-sighted people;
There is, however, one glaring omission in the Constitution, so immense and damaging that I believe we ought to try to repair it. Nowhere in all the sections, articles, and amendments is there any mention of the American land and our rights and responsibilities pertaining thereto. I find the word "land" appearing only once, and then it refers to rules governing the capture of prisoners "on Land and Water." Otherwise, the subject is never mentioned: no reference to any role the government has in acquiring, holding, or regulating the use of land; to any rights of the people to land or a productive and healthy environment; to any obligations the land lays on us as citizens. The consequences of that omission have been greater than we can describe.

Of course, there are lots of important things not mentioned in the Constitution. It says nothing about television sitcoms or AK-47's or pizza parlors or red LeBaron convertibles. Such things did not exist at the time the document was written in 1787, and its authors and signers could not have imagined them. But the land did exist in that year and was a vital part of the people's daily experience; over 90 percent of Americans at the time were farmers and planters or their servants and slaves, and the rest owed their livelihood to the land in some way too. Europeans had been confronting the North American land for two centuries before the Constitution was drawn up. They had chopped down forests, cleared fields, gone fishing for cod and whales, navigated the rivers, explored the vast and howling wilderness, trapped beaver, watched ice form on their lakes, and noted the birds migrating through the seasons. In the two hundred years following the drafting of the Constitution, they would acquire an immense land stretching all the way to the Pacific and Arctic Oceans. Europeans had been confronting the North American land for two centuries before the Constitution was drawn up. They had chopped down forests, cleared fields, gone fishing for cod and whales, navigated the rivers, explored the vast and howling wilderness, trapped beaver, watched ice form on their lakes, and noted the birds migrating through the seasons. In the two hundred years following the drafting of the Constitution, they would acquire an immense land stretching all the way to the Pacific and Arctic Oceans, would move west to settle it, would build an industrial society with the resources it provided. One would have thought that land was a subject worthy of some attention from the men gathered in Philadelphia, thinking about the country's future. But they did not think about it. They thought about elections, roads, taxes, armies, free speech, separation of powers, slavery, bail, presidential terms, and bribery; and their successors who added the Constitution's amendments thought about race, gender, elections again, and booze—but never about the land as part of the fundamental law and reality of the nation. Why was that?

Part of the answer is suggested by a line in one of Robert Frost's poems: "The land was ours before we were the land's." Through war and independence we came to possess a territory that for a long time had belonged to the English Crown (and before that to the aboriginal inhabitants). We now possessed it, but it did not yet possess us—it had not quite entered the circle of our affections. That was certainly true of land lying beyond the Appalachian Mountains, but it was also true in older places like New York and Virginia, where there had been a century or two of occupation but by successive waves of immigrants, each wave coming in and taking a while to get its bearings, each not quite sure whether they wanted to stay or not. Many people in those places did not have a sense of belonging, and many never would.

Another part of the answer is that the framers of the Constitution did not believe that the land was a proper subject for the federal government. It was strictly a private and local matter, like marriage or religion. The ownership and management of land ought to be left entirely in the hands of ordinary individuals, acting informally among themselves. Connected to that view was the assumption that the power of individuals to affect the land was severely limited. No species of plant or animal could ever be made extinct; everything in nature was put there forever by divine decree, and all that any person could do was temporarily rearrange things here and there. In such a stable, enduring world, there was no need for the government to bother with issues of land and land-use; it had quite enough to do raising armies to defend against foreign aggressors, finding money to pay for those armies, and making sure the mail got from one part of the country to the other.

I have said that, in traditional European society, land had ultimately belonged to the Crown. No individual could assert absolute, total authority over any part of it as long as it was in a final sense the Crown's, and the Crown was supposed to hold it as representative of all people living through all time. In the Middle Ages land was held in a complex system of reciprocal obligations extending from the sovereign through various lords and ladies all the way down to the lowest peasant. To get access to land was to incur duties that had to be met—work that had to be done, crops that had to be yielded up, taxes that had to be paid to the sovereign. Such a grant of access, on the other hand, also brought rights to the plain folk to collect the fruits of the land (or "usufruct rights"). Throughout the Middle Ages and even into the early modern period in Europe the land was harvested collectively: farmers went out together into communal fields and plowed and gleaned in concert, townspeople went into nearby communal forests to gather fuel. All rights to the land had been hallowed by ages of tradition, and no one, not even the king, could interfere with them.

The men who wrote our Constitution called this system of land tenure
"feudalism" and thought it hopelessly wrong-headed. It did not allow enough freedom of enterprise, they said; it led to a tragedy of overuse or to political repression or to laziness and low economic return. Though some of those Old World notions were brought over to the New World and set up here in the first towns and rural villages of Puritan New England, by the time the Constitution appeared, they had been largely abandoned. The old feudal ideas had fallen into disrepute and modern liberal, individualistic ones had taken their place.

Americans did not want to see any new figure of authority emerge to reassert control over them. They did not want any government to stand between them and their property. Reflecting that changed way of thinking, the men in Philadelphia avoided any mention of the word land in the Constitution. They dared not even suggest that the federal government might replace the Crown as the ultimate owner of the country's farms and forests. Nor did they consider the idea that citizens, in possessing and using the land privately, might have duties of stewardship or care.

Private property in land more or less appeared and grew up as America did, and we Americans have believed in that institution more than any other people on earth. In fact it may be our most cherished institution. The Constitution does not mention land anywhere but it does mention private property in the Fifth Amendment, which reads that no citizen shall be deprived of property "without due process of law; nor shall private property be taken for public use, without just compensation." Note in those words that there is still something recognized as "public use"—that is, a use defined by and for a public, a use not reducible to private interest. But realize too that the Fifth Amendment was deliberately added to the Constitution to make as explicit as possible the idea that land belongs first and foremost to individuals, not the state, and that their private rights to possession are not casually to be set aside.

Five years before the Constitutional Convention a book appeared under the title Letters from an American Farmer that passionately expressed this American desire to privatize land. It was written by a French immigrant, J. Hector St. John de Crèvecoeur, who had acquired a large estate north of New York City, and from that vantage he explained:

The instant I enter on my own land, the bright idea of property, of exclusive right, of independence exalt my mind. Precious soil, I say to myself; by what singular custom of law is it that thou wast made to constitute the riches of the freeholder? What should we American farmers be without the distinct possession of that soil? It feeds, it clothes us, from it we draw even a great exuberancy, our best meat, our richest drink, the very honey of our bees comes from this privileged spot. No wonder we should thus cherish its pos-

session, no wonder that so many Europeans who have never been able to say that such portion of land was theirs, cross the Atlantic to realize that happiness. This formerly rude soil has been converted by my father into a pleasant farm, and in return it has established all our rights; on it is founded our rank, our freedom, our power as citizens, our importance as inhabitants of such a district.

This passage is worth recalling because it expresses why Americans became so determined to make the land over into private property. Owning a piece of it gave one a feeling of utter independence and freedom from powerful, arbitrary forces. It gave its owner some pride of rank that formerly had been denied to the vast majority of people. Those were seductive benefits, and no government would be permitted to intrude upon them.

In Crèvecoeur's book we find two distinct ideas about the land, both of them part of the mentality of the Constitution-makers:

First, to keep America a decent, virtuous nation the land ought to be owned by as many individuals as possible.

Second, to make the nation grow in richness and power the land and its products should be treated as commodities, put up for sale to the highest bidder in the marketplace.

Much of our country's history deals with the unfolding of those two ideas, their influence over our land policies, and their inevitable conflict with one another. If we examine that history in more detail, we can appreciate better the current situation we are in regarding the land and environment in this nation.

Many of our founding fathers, historians have discovered, were motivated by an intense fear of strong centralized power, a fear that was almost paranoid in intensity and was the other side of their Constitutional common sense. They would have agreed completely with the axiom that concentrated power corrupts those who hold it and hurts those who don't. A society with too much power gathered at the center is a society that will eventually weaken and degenerate, the rot spreading outwards from the center to the peripheries. That corruption from the center, they were sure, was precisely what had happened in England: too much money and power placed in too few hands had led to idleness, debauchery, vice, tyranny, and base self-interest. Americans had been forced to take up arms to free themselves from that corruption, and now, following the success of their effort, they were faced with the challenge of making sure that America would never fall back into decadent English ways. The surest means of doing that, it was widely believed, was to put the bulk of the population securely on their own farms where they would raise their own food and
other necessities. Thus the masses would be free of dependence on the powerful few and could not be corrupted by them.

In other words, just as America had declared its national independence from England, the great harlot festering with immorality and corruption, now each American citizen must declare his or her independence from any and all forms of power, so that the corruption, if it did spread across the Atlantic, would not have much of a chance to spread here. Our forefathers thought of power as a kind of social disease and looked for ways to prevent its communication through quarantine, dispersal, and isolation. Cities are the prime source of infection, they warned; stay away from them. Stay away from people in general, if you can. A piece of private property in the country, with only a few clean neighbors around you, is the safest place to live.

The man we most commonly associate with this plan of living independently on the land, free of contaminating influences, is, of course, Thomas Jefferson. His most famous words on the subject are these:

Those who labor in the earth are the chosen people of God, if ever he had a chosen people, whose breast he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise might escape from the earth. Corruption of morals in the mass of cultivators is a phænomenon of which no age nor nation has furnished an example. It is the mark set upon those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend on it for casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the design of ambition.

Put more prosaically, Jefferson is saying that it is impossible to corrupt an entire nation so long as the majority of its citizens are small landowners, dispersed across the landscape, dependent on no one but themselves for their livelihood. Does this philosophy still seem to us wise and practical? Or does it sound too antisocial, too fearful of other people and of human nature?

In truth, of course, we never quite believed Thomas Jefferson or altogether wanted his rural, decentralized, self-reliant utopia. Americans may have feared contamination all right and been eager to avoid it, but they were not willing to live quite so far apart, so self-contained, on the land. After all, most of them had come to this continent not only to find virtue but to find wealth. They soon understood that one cannot get wealthy by living in isolation from others; wealth requires other people, requires lots of them, requires people living in cities and trading con-

stantly with one another, requires people who can suppress their fear of contamination at least long enough to make a buck.

From the very beginning of settlement, therefore, Americans commonly assumed that the land is a form of capital and must be used to turn a profit. At times it was Jefferson’s own view. He owned several hundred acres of Virginia farm land, worked them with an army of black slaves, and sold tobacco raised by their labor in the ports of Europe. He was a sincere man but, like the rest of the nation, he had confused and contradictory ideas about what the land was for. Somehow he hoped the land could simultaneously free people from their susceptibility to vice and augment their bank accounts. But the land cannot serve both of those ends and serve them well.

Apparently this is a very hard fact to face, and the country has not fully done so yet. From the President on down, millions of us are still searching for some piece of the earth located well away from the noise and corruption of our fellow man, some bit of land where we can be clean and pure again; but all the while we are searching just as earnestly for a way to get in on the money and corruption. Sooner or later we all must make a choice between which of those two ends we most want the land to serve. Jefferson made it when he went into tobacco production and slaveholding. The rest of the country generally followed his choice and, when pressed, said it preferred using the land to gain wealth rather than virtue. Americans as a consequence, despite their strenuous effort to secure independence from Old World corruption, began to look very much like the people they had fought to free themselves from.

The federal government might have worked to prevent that outcome and tilt the choice back toward virtue, but it would have had to outlaw the sale of all land in the United States, distribute it freely to all citizens, white, red, and black alike, and put strict controls on all commerce. The government did none of those things. On the contrary, it quickly became the single most active agency in treating land as a commodity, as a thing to be bought and sold for a profit. It did so despite the fact that it had no express legal authority under the Constitution to buy or sell a single acre. From the 1780s to the 1850s the federal government acquired, through state cessions and Indian treaties, hundreds of millions of acres. In addition, the government bought land from foreign states, the largest single such purchase occurring in 1803, when Thomas Jefferson was President, unsure of whether he had the power to carry out such a transaction but unwilling to pass up a sweet deal. Jefferson paid the French $23 million for the whole Louisiana Purchase, an area of over 500 million acres,
extending from New Orleans through Kansas to the Dakotas. He paid four cents an acre, not a bad price for so much potential virtue. His successors in office went on buying and buying, though still with no clear constitutional right to do so. Often they simply took land first and paid for it later, and often they paid on their own terms. With the acquisition of Alaska in 1867 they finished putting together a continental real estate package of over 2.3 billion acres. For the portion that was or is in the public domain they spent a mere $175 million, about what the Pentagon now spends between breakfast and lunch each day. That price averaged out to a mere ten cents per acre. Here was commodification of nature on a grand scale, far grander than any private citizen or corporation would ever be capable of doing. The U.S. government has been, in a sense, our biggest accumulator of capital, and its capital has been land.

Soon after it began purchasing land, the government also began selling it off at a profit to raise funds for its day-to-day operation. In the century and a half that followed the drafting of the Constitution officials sold or otherwise disposed of approximately one billion acres. A large part went to those who had the cash to buy it, and usually it went in enormous chunks, mainly to speculators who then turned around and resold it to farmers, miners, and timber companies. With so much land to move on the market, it made sense to move it wholesale and move it fast. In 1836, to take one of the more active years, approximately twenty million acres of land were sold at an average price of $1.25 per acre. Possibly it could have fetched more, but given what had been paid for it, that was a staggering profit. Over ninety million acres (an area the size of California) were given free to the railroads as a public investment in the future wealth of the country. Jefferson’s small family farmers, the people chosen by God to be repositories of virtue, acquired 287 million acres, but then many of them turned around and sold out, taking themselves off to the city or farther west.

Buying and selling the land of this continent has been the great American way to wealth. It is what we have all done, big man and little alike. Moreover, it has furnished one of our principal criteria for evaluating citizenship: Those who have accumulated lots of land have been hailed as the best citizens, while those who have preferred to let it alone or have not become landowners have usually been regarded as failures. And all along it has been the government that has made it possible, through its territorial expansion and sales offices, for private citizens to treat the land in this intensely acquisitive way.

After the land had been disposed of to private owners, with deeds signed and fences erected around it, it was put it to work producing something to sell. In two centuries we have made it produce a sum of wealth that is little short of incredible. Even the sterile deserts of the Great Basin have been made to produce countless flocks of bleating sheep, on the range and in the casinos. All that wealth has been possible, free-market economists tell us, because in this country we have given owners a wide margin of freedom to use the land as they see fit. The economists may be right; certainly they have plenty of expertise on what it takes to maximize wealth. What they have not realized though is that with the wealth comes some costs that we cannot separate out or avoid, among them, an endangering of democracy and a ravaging of the land. We have paid those costs again and again in our two centuries of national existence. Our democracy, which started off with such bright hopes, has given way to a class-divided society in which a tiny elite control most of the private land, take most of the profit from it, and largely run the government to suit themselves. As for the land, few of those 2.3 billion acres acquired from the Indians and others is today free of toxic substances, soil erosion, and ecological degradation. We have made the land pay off, all right, but we have paid a big price.

You may want to argue that the wealth was worth getting and therefore, despite the costs, the land has been put to good use. But you cannot maintain in all honesty that we have left the environment in as good a shape as we found it. Privatizing the land and putting a “For Sale” sign on it has nearly worked its ruin. And by many measures, it has nearly worked our ruin too.

For a long while now those costs have been growing more and more obvious, more and more serious, prompting citizens to begin looking for some alternative to a strictly individualistic, private property ideal. Such an alternative has appeared and has grown to have a significant influence. We call it “conservation.” Though there is some disagreement on what is implied in the term, this much is clear: The conservation movement emerged out of discontent with an intensely private approach to land ownership and rights. It has been an effort to define and assert broader communitarian values, some idea of a public interest transcending the wants and desires of a strictly individualistic calculus.

Beginning about a hundred years ago, the conservation movement began to take form in the United States, focusing at first on establishing a community interest in our forested lands, particularly in the western states and territories. Under private exploitation, abetted by the old federal land disposal policies, American forests were disappearing at an alarming rate, threatening the long-term security of the nation. Similarly, wildlife, considered merely the private property of whoever killed them,
were being slaughtered wholesale by market hunters and landowners. The most dramatic moment in the early conservation movement came in 1872, when Congress was persuaded to set aside Yellowstone National Park as a permanently public property, providing sanctuary to the last remnants of the great buffalo herds. In 1891 it withdrew an additional thirteen million acres from the public domain and set them aside as the first national forest reserves, forbidding any private citizen from entering and exploiting them without express permission. More national forests, wildlife preserves, parks, and grasslands were added to those initiatives, and many states would follow suit with their own parks, forests, and biological and mineral reserves.

Today, an astonishing 40 percent of the land in this country is publicly owned in some form, and that percentage continues to increase slowly, as various agencies go on acquiring new land for highways, parks, and military bases. The federal government alone holds 34 percent of the nation's land, though its share ranges from a mere 0.3 percent of Iowa and 0.6 of Kansas to 60 percent of Alaska and 85 percent of Nevada. Most of the publicly owned land lies, of course, in the western states, where an arid climate limited agricultural settlement, but by no means is all of it here. In eastern states like Massachusetts there are still a few town forests and commons dating back to the archaic seventeenth century, mixed among twentieth-century national seashores and Nike missile sites.

Again, nothing like this system of publicly owned lands that has grown up and out and around in all directions is explicitly mentioned anywhere in the Constitution as a legitimate function of government. But the American people have voted for that system, paid for it, wanted it, used it, in large part because they have lost some of their early faith in private property as a universal ideal. We may say that individualized ownership is still our sacred creed, and as far as a family homesite is concerned that is certainly so; but all the same we acknowledge the limits of that creed when we demand or expect or tolerate the evolution of an alternative system of government ownership on state, federal, and local levels.

Without our quite realizing it, we have put together an entirely new kind of commons—an American commons—where individuals may go to find natural resources but which no one can take into his or her exclusive possession. What is most interesting about this American commons is that there is nothing feudal about it; it is the achievement and patrimony of a modern nation that, in some measure, still believes in the dream of democracy and realizes that it cannot be fully achieved through the institution of private property. Indeed, one of the most effective ways our democracy has devised to rescue itself from near extinction at the hands of holders of great private wealth has been through public land ownership. That discovery has been part of the legacy of the American conservation movement.

After looking at the long-term historical patterns in the United States, we have to conclude that the system of public lands are here to stay, probably forever. Every effort to get rid of them, to go back to a lost world of John Locke and Adam Smith, when privatization was the ruling passion and laissez-faire the dominant ethos, has failed. President Herbert Hoover tried to get rid of the federal lands in the late 1920s, tried to turn them into state lands. Cowboy capitalists of the 1940s and '50s strenuously demanded that the western public lands be put in their control (and pockets), but they failed too. In the 1970s a new generation of itchy-handed stockmen and miners, the sagebrush rebels, didn't get a single acre handed over to them. Eventually, after so much failure, one would think that reality might break through at last and the rebels would say, "Well, shucks, it looks like those lands are going to stay public." They may get shifted from one category of management to another, from harvested forest to wilderness, from wildlife refuge to oil field; from cattle country to bombing range; they may get shifted from one branch or level of government to another. They may, and probably will, go on increasing in acreage for a long while. They will not disappear.

That is not to say there are no problems with the system of public lands or no way in which they might be better managed. Quite the contrary, the system is full of problems. In the eyes of some economists, the lands have never been managed very efficiently or rationally; in their opinion, we could get more dollars out of them if we made them compete more vigorously in the marketplace. I don't happen to share that particular opinion. It seems to me that if the economists need an efficiency project to work on, they have plenty available in General Motors, Silicon Valley, the savings and loan industry, the Pentagon, or agribusiness. We are, apparently, losing our shirts in the international marketplace because of the sloth, greed, and inefficiency in our corporate circles and because of a bloated military-industrial complex. Squeezing a few more bucks out of our public lands will do precious little to change that greater pattern of national non-competitiveness. We might be better advised to try selling high-priced electronics rather than our last old-growth forests, the last pristine wildlife habitat we have left in Alaska, or the soils of our western range, all at giveaway rates to Japan and other countries.

But to their credit the economists have, over the years, raised some thoughtful criticisms of public lands management that we have not yet fully addressed. Do bureaucrats, they ask, have the same incentive to give...
close attention to land that resident private owners do? And just what kind of thinking, what kind of expertise, should the managers of the public estate, working for and representing the real owners who are diffused across the nation, bring to their jobs? How we answer those two questions may be among the most significant things we do in this generation, for they will largely determine what our relationship to the land, to the natural world, will be.

Can a bureaucrat, say, the Forest Service or Bureau of Land Management provide as good a stewardship of the land as a private owner would? Before tackling that question, we ought to admit that the real choice on the public lands is not, in most cases, between individual private owners and public bureaucrats. That choice disappeared a long time ago. Almost all of America is incorporated these days, and all our forms of work and management have been bureaucratized. The vast majority of us, even in the wild and rugged West, are working for someone else, or for something else. Therefore, the relationship of a federal forester or Bureau of Land Management employee to the public lands does not differ from an Exxon pipefitter’s or executive vice-president’s to his company’s equipment and lease holdings. If employees in large organizations cannot take care of property as well as individual private owners would do, then we had better start making some big changes all over the place. We had better bust up Exxon, IBM, Weyerhaeuser, Toyota, Sony, the whole incorporated, multinational economy and put all property back into the hands of single owners. Of course that is not going to happen anytime soon; maybe, in light of our tremendous global population, it will never be possible to live that simply, directly, self-reliantly again. Somehow we must learn to make the best of a world where ownership has become highly collectivized and corporatized, where individual responsibility has become harder to find.

The employees in charge of managing our public lands have been unique only in the degree of confusion they feel as to what is expected of them in their work. In part that confusion comes from serving an employer as faceless and dispersed as the American nation. What does the boss want out of this place, they ask themselves, and who really is the boss? But also in part the problem began a long time ago, in the era of Gifford Pinchot, our first Chief Forester, with the fuzzy definition of expertise that his era created and we have followed ever since. A forester, it was said, must be an expert working in the name of the public good. But precisely what was she or he supposed to be expert in? What was the body of knowledge required for that work? “Economics” was one reply: the public lands professional must be an applied economist, managing a specific resource commodity—trees, mineral ore, game, scenic resources for tourists—and must know how to maximize the economic returns from that commodity over the longest possible term. Although academic economists may not find the public lands expertise quite up to snuff, they must admit that economics has been part of the required training from the earliest point. But economics is not the only kind of expertise expected; there has been another, completely contradictory kind—training in the science of biology. The manager of public lands must know how nature lives and is organized—how ducks mate and migrate, how bunch grass regenerates, how fire changes a forest community—and must protect those processes from destructive human exploitation. Throughout this century almost all of our controversies over public lands management have stemmed from disagreement over which kind of expertise—economic or biological—ought to dominate. In the case of the National Park Service or Fish and Wildlife Service, we have come to believe that biology ought to be the dominant expertise, while in the case of the Forest Service and Bureau of Land Management, economics has been emphasized, especially during the last four decades. Nothing, however, is settled in these expectations, and the resulting confusion, the uncertainty about the kind of expertise needed, continues. How can any man or woman do a job well when it is so ambiguously defined?

As an historian, I think I can discern through all the past confusion and ambiguity a strong trend in what the nation is coming to expect from its public lands managers, and it is not one that will make the economists happy. The nation is, by fits and starts, moving through a second conservation revolution. The first revolution, to repeat, was the inventing of the American commons. The second is what we might call the “ecologizing” of land use in America, public and private alike. More and more, we have begun to look at the land not merely as a storehouse of economic resources but as an interconnected, interdependent community of living organisms on which our survival depends. We are listening to ecologists, we are adopting an ecological perspective, and increasingly we are demanding that the public land managers become applied ecologists no matter which agency they work for.

To be sure, ecology is a far more uncertain guide to policy than economics. The economists are all agreed that land is supposed to be used efficiently to increase the gross national product. Ecologists, on the other hand, don’t quite know what their expertise is for: Is it to help the economists with raising GNP or is to save nature for its own sake? Ecology lacks the ends consensus of economics, the devotion to a common social vision. But if the science of ecology does not furnish a clear policy direc-
tion, the public is gradually moving to furnish it; ecology, the public indicates, ought to show land managers how to preserve the flora and fauna of our commons in as healthy, self-renewing a state as possible. The public may want plenty of lumber and wood products extracted from its forests too, but it is also coming to demand that the snowy owl be preserved; it wants the timber wolf back, it wants more bobcats, more bighorn sheep, more black-footed ferrets, more golden eagles, more native prairies. Ecology, therefore, not economics, will likely be the dominant kind of expertise on all the public lands of tomorrow.

If Gifford Pinchot was the leader of the first revolution, then the great leader and prophet of the second one was Aldo Leopold. He was born in 1887, just as the first conservation movement was beginning to take shape, the son of German immigrants who had settled on the banks of the Mississippi River. Like others in the movement, he came to believe strongly in the need to establish an alternative system of public land tenure and management, and he devoted much of his professional life to that goal, working first as a U.S. forester in the Southwest and later as a wildlife scientist in the state of Wisconsin. But by the 1930s Leopold was beginning to have a few criticisms of the conservation movement and its public land program. The movement, he feared, was still based on a narrow economic attitude toward the natural world; it started from the same premise that the old private property approach did, namely, that the role of the land is to make us rich. Though we had moved toward a more collective method of deriving that wealth from the soil and of distributing it to people, there still remained the danger of ecological degradation. In the first place, the new public managers could feel just as pressured as the old private ones to make the land produce to the maximum, and they could destroy land just as readily. Then there remained outside the public domain millions of acres, most of them farmlands, that were still part of the private realm and vulnerable to heavy-handed exploitation. On all those lands, public and private alike, Leopold insisted, we must “quit thinking about decent land-use as solely an economic problem.” It was time to apply broader ethical principles to the relationship.

Thus was spawned the single most important new idea about land we have had since we created the institution of private property, even more important than the invention of the American commons. It grew out of the conservation movement but required an imaginative leap beyond anything conservation had previously meant. Leopold called his idea “the land ethic.” Briefly, it says we ought to acknowledge that we belong to the land as much as it belongs to us. It is part of our community—all the trees, insects, parasites, waterfowl, the whole collective organism. And the prosperity and health of this community ought to become our concern, just as the prosperity and health of the human community is. We owe personal obligations and duties to the land, as well as enjoy opportunities and advantages from it.

Leopold was worried that, in setting up a new American commons under official auspices, we might neglect the need to make the land’s welfare an individual moral issue. He wanted to instill in the ordinary farmer and hunter as well as in the federal employee an ethical awareness, a personal responsibility. Himself a private landowner of some extent, Leopold believed the institution of private property might be necessary to developing that new land ethic. In fact he feared the prospect of federal control over all the land, for it might lead to a loss of personal responsibility. Government, he feared in a manner reminiscent of Thomas Jefferson, might be too large and impersonal to become an effective, reliable moral force.

At what point [he asked] will governmental conservation, like the mastodon, become handicapped by its own dimensions? The answer, if there is any, seems to be in a land ethic, or some other force which assigns more obligation to the private landowner.

Thus, he called for a new ideal of the “voluntary practice of conservation” by individuals acting on their own lands.

Leopold died over forty years ago, and since that time we have not yet resolved the dilemma he saw in our tenure of land. We founded our country on an ideal of private property, an ideal that proved in many ways to work against democracy as it has worked against environmental well-being. We have moved somewhat away from that ideal in the direction of a public system of ownership and centralized government management. Yet we remain fearful that government cannot be automatically depended on to own and manage land in the most virtuous way, removing all obligation from the rest of us. Thus we must also seek a personal ethical relationship with the land, which for Leopold depended on personal contact and direct accountability.

This is a real and difficult dilemma, but I don’t think it will be resolved by trying to turn the last hundred years around, going back to Thomas Jefferson’s individualistic yeoman landowners. Remember that the origins of private property involved elevating the individual above the community. How can one expect a land ethic, with its strong emphasis on ecological community, to emerge where the institution of sacrosanct private property exists? How can one expect people living with such an institution to develop broader moral ideals than the self-interest of the individual? They can only do so by becoming bad property owners. Once a
farmer or rancher has put other values ahead of acquiring personal wealth, he or she has ceased to have a good reason for exclusive, sovereign ownership. Private deeds and private fences can simply get in the way of the land ethic.

I suppose Aldo Leopold might answer that private ownership is necessary, or at least is useful, to developing the love and concern needed in a land ethic. But history suggests that people do not have to possess something as private property in order to love it. On the contrary, possession has often led to alienation of affection, to exploitation and indifference. No North American Indian needed to own the land in fee simple in order to feel empathy with its creatures. Generally, a system of exclusive private possession has encouraged an ethos of domination, precisely the evil that Leopold was seeking to overcome—of trying to conquer the land rather than living on it as a mere citizen cooperating with all its inhabitants.

Before people can be expected to think cooperatively about their place in nature, they must first be trained in the habits of thinking cooperatively about the society in which they live. I submit that means they must live in a country where most of the land is held under some form of communal ownership or control, not only the forests, mountains, and deserts of the American West, but the farms and ranches, the waterways and woodlots all over the place. That land need not be put wholly into federal hands; a more localized, decentralized kind of communal ownership and management might be pursued instead, including ownership by nonprofit land trusts and environmental organizations. But if we are ever to move forward in our land thinking, if we are ever to become Leopold’s “plain citizens of the land,” practicing an ethic informed by ecology, we will surely have to make a few more changes in the way Americans own and use property.

Already, we are creeping towards those changes; at least we more or less practice communalism 40 percent of the time, if you take the current size of the public estate as an index. Where we have an opportunity to speed up that cultural evolution is on what are presently held as private lands, both urban and agricultural. And there too changes have been in process for more than five decades, beginning with the soil conservation program of the 1930s and including recent sodbusting laws, pesticide regulations, and groundwater control legislation, all of which have established public controls over private lands. All are evidence that we are awakening to other values in land use than maximizing personal wealth. All across the nation we now have a substantial body of laws restricting the free market in land: laws, for example, that zone some acres as agricultural, or laws that allow the buying of development rights. These laws, like the public lands in the West, are not going to disappear; in fact they are likely to grow in number and power. In the most affluent parts of the country towns have purchased outright a considerable amount of endangered farmland and other open space and hold it communally. This is obviously a strategy that can work only where there is lots of local money; state and federal funds must be provided for areas of limited population and economic distress. Someday we may be ready to divert the money we now spend on crop production controls or on military procurement to buying prime agricultural and urban land in the public name all over the nation. And citizen groups like the Nature Conservancy, the Audubon Society, and more than a hundred community land trusts nationwide may add significantly to that public estate.

So far all this shifting of ideas about the land, from the eighteenth century to the dawning of the twenty-first, has gone on without any effect on the Constitution and its clauses. Maybe that has been for the better. People might have been more reluctant to do that shifting if they had had to explain it in writing. On the other hand, amending the Constitution has often promoted dramatic changes in our social behavior, as the civil rights movement, which has drawn heavily on the Fourteenth Amendment for authority, demonstrates. The same might be true of a Constitution that spoke outright of our obligations as citizens to the land we own and inhabit.

I can see the possibility in the not too distant future of a revised Constitution that school children will learn about and adults will sit down to read now and then. It will declare that all the lands of these United States belong in a final sense to all the people and that present occupants have the use of them for their fruits only. It will demand that any use of the land not leave any lasting impairment, or diminish its beauty, or endanger public health. That new document will affirm, in the spirit of Aldo Leopold, that all forms of life, nonhuman and human alike, are henceforth to be considered as citizens dwelling together in this great and virtuous republic. That is a Constitution I sense is coming—a Constitution that the course of our history suggests is coming—and a Constitution that anyone ought to stay up late to read.