

Contending Visions Of Conservation

G. Tracy Mehan III

Eric T. Freyfogle fires a shot across the bow of the American Lockean tradition in his new book *Why Conservation Is Failing and How It Can Regain Ground*:

Despite this communitarian heritage, conservation is showing more and more signs of embracing classic liberalism. In the name of pluralism it invites people as individuals to develop their own ideas about land and to embrace moral views of their own choosing. In doing so, it implicitly denies [Aldo] Leopold's and [Wendell] Berry's beliefs in intrinsic moral values. In its resistance to "top-down" thinking and its enthusiasm for community-based processes, it rejects any overriding goal conceived by intellectuals. For conservation to embrace such relativity, abandoning its ecologically informed morality, would be to turn sharply from its core teachings.

Conservation is losing ground — or at least failing to advance as it might, given public opinion — because it shies away from the culture wars. It says too little about moral and civic ideals that opponents have invoked. If conservation really conflicted with these ideals, the impasse might make sense. But present conflicts have arisen primarily because libertarian and pro-industry groups have reshaped and distorted our ideals. Conservation needs to rise to the challenge.

Freyfogle thus begins his project to reconstitute the intellectual basis for the conservation movement as a counterweight to core national values of liberty, democracy, private property, and equality. He posits conservation's "ethic of community" in opposition to the "ideology of ardent individualism," while staunchly defending conservationists as defenders of biblical Creation. He chides libertarians for studiously avoiding the term community. As in previous writings, he views property ownership not

as an absolute right but as "an evolving communal creation."

For Freyfogle the dominant culture has resulted in "human arrogance," "cultural misdirections," a "fragmented view of nature," "atomistic understanding of the human experience," and an "individualistic, consumer-oriented culture which ignores ecology for a gardener's view of nature."

Contrast Freyfogle's words with those of Brent Haglund and Thomas W. Still, also self-proclaimed disciples of the great Aldo Leopold, in their volume *Hands-On Environmentalism*:

Across America, that kind of new environmentalism is bubbling up in the often-overlooked activities of thousands of citizen groups and millions of citizens. These citizens are building a participatory environmental movement that emphasizes community partnerships going beyond segmented "stakeholder" conversations. It is not free-market environmentalism, which depends entirely on the whims of the individual and the economy, but it's certainly not command-and-control environmentalism, which seeks to subjugate property rights to the will of the state.

It's called "hands-on" environmentalism, and it's working.

Because it's based on values such as local control, personal responsibility, government accountability, and economic opportunity, the new vision of environmental activism is challenging the command-and-control model that has dominated thought about environmental correctness for the past three decades.

For Haglund and Still, the "political environmentalism" of the past three to four decades, while born of necessity due to "grievous examples of pollution crossing local and state boundaries," was the cure that became the disease: a linear, segregated, inflexible regulatory process, controlled by "experts" rather than citizens, which inhibited

innovation and technological progress. This top-down system embraced "an omniscient central bureaucracy" to "prevent ill-informed, selfish, or rapacious people from fouling their own air, water, and land." It relied on "Chicken-little" predictions of environmental harm, and "turned its back on the notion that economic prosperity is essential for environmental stewardship."

What for Professor Freyfogle is the problem is the solution for Dr. Haglund and Mr. Still: individual liberty, property rights, and economic incentives which are paramount in the value system of most Americans. Nevertheless, there is still common ground upon which these authors stand — Aldo Leopold, for instance.

Leopold is the giant of contemporary conservation who transcends the conflicts between the preservationist John Muir and the more utilitarian Gifford Pinchot with his emphasis on wise and multiple use and sustained yield, grounded in scientific management implemented through the instrumentality of government.

Freyfogle, Haglund, and Still all look to Leopold's writing for inspiration and guidance, including his landmark 1949 collection of essays *A Sand County Almanac and Sketches Here and There*. They embrace Leopold's call for a land ethic as a moral guide for individual landowners in the management of their property for the benefit of themselves, human and natural communities, and future generations. "Land health," as envisioned by Leopold, encompasses "self-renewal" in the soils, waters, plants, animals, and people.

According to Freyfogle, by the time Leopold died in 1948, "He had bridged the conservation-preservationist split in ways that rendered it artificial. He had successfully mixed utility and beauty, ethics, and aesthetics."

Haglund and Still view Leopold's contribution in the same way: "He had finally melded the best of Muir and Pinchot into his own philosophy — an ethic that is not strictly preservationist or utilitarian, but guided by a belief that

Why Conservation Is Failing and How It Can Regain Ground, by Eric T. Freyfogle. Yale University Press; 302 pages; \$35.00.

and

Hands-On Environmentalism, by Brent M. Haglund and Thomas W. Still. Encounter Books; 192 pages; \$17.95.

man can help shape a better world with his own hands."

These authors discuss Leopold's thinking as it relates to the role of economic incentives in achieving land health. Freyfogle believes that Leopold recognized that land conservation — e.g., soil retention — paid dividends. However, these dividends are largely ones that landowners acting alone could not capture. "The benefits spread to the entire community, of which the landowner was only a small part. . . . But conservation by an isolated owner rarely made financial sense," says Freyfogle.

Freyfogle, a professor at the University of Illinois College of Law, argues that Leopold never resolved the dilemma of the mismatch of benefits and costs of conservation. Thus, he quotes Leopold:

This question heretofore determined only the choice of method executing a conservation program (for example, the choice between education, subsidy, compulsion, or public ownership). Now, it seems to me, it takes rank with technological unemployment as one of the critical tests of "The American Way."

Haglund, president of the Sand County Foundation, and Still, head of the Wisconsin Technology Council, point to other passages from Leopold's writings which indicate a greater bullishness on economic incentives to encourage and enable personal responsibility by private landowners.

Philosophically, though, there is a wide gap separating Freyfogle from Haglund and Still on the ethical questions relating to economic incentives as an instrument of land conservation.

Freyfogle views negatively almost all efforts to meld economic and conservation goals. He is deeply suspicious of the market economy; trade-offs between economics and the environment; free trade; sustainable development ("vacuous sustainability"); "tract-by-tract" conservation by, say, land trusts; government conservation payments; and other entrepreneurial ventures tied to the use of natural resources.

He argues that "payment programs tell landowners, loud and clear, that

conservation is a voluntary activity, not an expectation of ownership":

They keep the obligations of ownership low while calling into question the legitimacy of regulatory programs that force landowners to conserve without getting paid. If landowners in one county get paid to refrain from destructive practices, why should landowners in the next be forced to do it for free? Where is the justice in that?

One can only speculate what Professor Freyfogle might say of the proposal for compensated emancipation of the slaves which another citizen of Illinois, Abraham Lincoln, whom he admires greatly, proposed during the Civil War! Such prudential compromises with political realities and the economic side of human nature do not sit well with him.

If Freyfogle discounts the economic realities of the human predicament, Haglund and Still, ever critical of "environmental goons" in state and federal agencies, are rather one-sided in their unrelenting denunciation of "command-and-control" regulation, which appears to be just about every regulation. They fail to recognize the regulatory drivers behind several examples of successful hands-on environmentalism.

For instance, they offer several very compelling case studies revolving around Safe Harbor agreements under the Endangered Species Act, which allow local, community-based partnerships to develop cost-effective, science-based solutions to habitat restoration with ample flexibility for landowners to continue making a living off the land. At no point in their narrative do they credit the regulatory mandates of the ESA for bringing the landowners to the table in the first place.

Freyfogle makes a strong case for a moral and ethical basis for conservation which recognizes human beings as part of the landscape, not alien creatures who parachuted in from outer space. He also insists on a more communal, even Burkean, dimension to these ethical demands, which are intergenerational in scope.

Haglund and Still do trust the ethical and conservation instincts of landown-

ers and their ability to work in collaboration with neighbors to protect or restore the landscape. However, they view an intrusive, heavy-handed government as an obstacle to the nurturing of an authentic conservation ethic. They argue that landowners — a rancher in the Rocky Mountain West or an entire village in Africa — must be able to sustain a living from the land if either they or the flora and fauna are to thrive or sustain themselves, so to speak.

The argument as to the true nature of conservation, and the tension between private property and the ethical obligations of those who own it, is hardly new. At least one institution has wrestled with the issue for millennia.

Regarding the Seventh Commandment ("You shall not steal"), the *Catechism of the Catholic Church* states, "For the sake of the common good, it requires respect for the universal destination of goods [for the whole of humanity] and respect for the right to private property." And under the sub-heading "Respect for the integrity of creation" it notes:

Animals, like plants and inanimate beings, are by nature destined for the common good of past, present, and future humanity. Use of the mineral, vegetable, and animal resources of the universe cannot be divorced from respect for moral imperatives. Man's dominion over inanimate and other living beings granted by the Creator is not absolute; it is limited by concern for the quality of life of his neighbor, including generations to come; it requires a religious respect for the integrity of creation.

The hard part is to discern the social, economic, and political systems which most readily guide landowners in the fulfillment of the moral imperatives of conservation. As these two worthwhile books demonstrate, there is ample room for debate as to how best to accomplish the hard work of stewardship.

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