



by Steven Davis

# Democracy, Collective Values, and Public Land

Of all the outrages manifest in the armed takeover of the Malheur National Wildlife Refuge in 2016, perhaps the most insidious was the demand, made by the militants and repeated endlessly by credulous Action News reporters, that the land in question be returned to the people. Of course, this nonsensical diktat begged the question of exactly how something already belonging to the people (indeed all the people, from Hawaii to Kansas to Puerto Rico) can yet be returned to them by agitated men with automatic weapons.

There are many glories inherent to our federal public lands, but perhaps the most profound is this: they comprise a magnificent assemblage worth trillions of dollars in ecological goods and services and immeasurably more in aesthetic, spiritual, cultural, historic, and psychological benefits and they belong equally to each and every one of us from the homeless person to the dishwasher to the home health aide to the hedge fund manager. In a nation with such a profound and growing inequality so deeply baked into the social fabric, our public lands are one of the few remaining manifestations of the exuberant democratic spirit that Tocqueville observed to be indigenous to America, and that Lincoln so cherished, and New Dealers pushed forward with policies and programs. It is nothing short of a miracle that in this country, where private capital approaches something of a civic religion, nearly a third of this rich land is collectively owned by all Americans for the greater good. The dreams and struggles of countless ordinary people as well as the sheer dumb luck of having a handful of visionary public servants (like Mather, Albright, Wright, Leopold, Marshall, and Ickes) in the right place at the right time are what have secured this legacy.

Of course, in real life, things do not always work out for the public interest quite as well as one might hope. One only needs to look to the very uneven record of a century-plus of federal land management, replete with destructive clearcutting, overgrazing, virulent predator control, over-enthusiastic dam-building, and the polluting industrial sprawl of fracking and oil production to see what a bumpy ride it has been. And yet, that same ride has also taken us to other destinations – a 109-million-acre system of protected wilderness, a road-building moratorium in most U.S. Forest Service roadless areas, a framework for protecting endangered species and employing an ecosystem management approach, and a huge reduction in old-growth logging. That's the way democracy works; it requires constant vigilance and engenders endless controversy and struggle. Two steps forward and one step back and, at other times, perhaps even the reverse. But at least in this scenario, those who collectively own the land still have some degree of recourse at the end of the day and can still muster some sort of accountability, be it political, legal or electoral.



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The national forests, parks, wildlife refuges, and desert range that make up our federal public lands are a trust managed on our behalf (though, as stated previously, with decidedly mixed results) by four federal agencies: the National Park Service, the U.S. Forest Service (USFS), the U.S. Fish and Wildlife Service, and the Bureau of Land Management (BLM). The job of federal land managers can be an acutely difficult and sensitive task as they must balance two seemingly contradictory roles—that of scientifically-informed professional alongside that of facilitator, referee, and honest broker amidst a cacophony of discordant claims. This task becomes even more complex for those agencies (USFS and BLM) operating under multiple-use mandates which grant them considerable leeway in interpreting and applying the law and balancing what are sometimes wildly incompatible demands. While those multiple use laws (such as National Forest Management Act and the Federal Lands Policy and Management Act) authorize many uses that are not at all benign, they also reflect the democratic and reformist impulses of their authors back in the 1970s in that they guarantee a wide range of opportunities for public policymaking input as well as administrative appeal mechanisms and access to the court system.

Collectively, these features are what have allowed organized groups and individuals to effectively represent the public interest in the often bitter and intense competition for influence over federal land management. Prior to this, the voices of powerful resource extraction industries were often the dominant and sometimes only voices heard. This is not to say that federal land managers are merely empty vessels that respond to the loudest interest group voices. They must, in fact, simultaneously weigh and balance the disparate demands placed upon them by organized groups, politicians, and administrative appointees along with their legislative mandates, and their professional, scientific expertise. And because decision-making on federal lands is often quite decentralized down to the individual ranger district or grazing unit, federal managers are hearing from and engaging with many, many hyper-local voices (precisely the opposite of the critics' notion of a remote and distant D.C. bureaucracy). However, they must simultaneously be true to their *national* mandate

and their ultimate constituency, the whole of the American people. This is an extraordinarily delicate and difficult task and one bound to engender much dissatisfaction all around.

It is in the legal realm, free as it is from corporate donations and electoral pressures, that the advocates for public land have found their most congenial venue. By appealing to the courts to uphold the letter and spirit of environmental legislation and take its intent seriously, they have been able, at times, to gain tremendous leverage over federal land managers. This, in turn, has created a virtuous cycle whereby those favorable rulings (such as the landmark 1991 Dwyer decision to enjoin all Pacific Northwest timber sales until a plan to save the spotted owl was implemented) have forced institutional change in land management agencies that has resulted in environmentally better management practices that arguably do a much better job reflecting the overall will of the American people. However, radical changes in the future composition and possibly motivations of the federal judiciary and its interpretation of federal environmental law (including their very legitimacy) are a dark cloud looming on the horizon that could threaten to undermine all this progress going forward.

To the privatizers and extractors, this seemingly paralyzed bureaucratic realm is seen as nothing less than an epic disaster, as it is indeed quite easy to mischaracterize such delay and deliberation and paperwork and appeal as something far worse than it is. In professing to abhor this conflict with all its inefficiency and turmoil, they ask whether it would be better to simply shift the decisions to the calmer realm of an ever-rational and impartial market. Clean, transparent bidding and exchange in the market could decide things instead of ad hoc horse-trading and political favoritism. And since the land wouldn't be yours anymore, there will be no need or basis for anyone to fight over it. From the vantage point of this breathtakingly self-serving perspective, private property rights will definitively answer all questions that might arise and pre-emptively quash all the unseemly squabbling that accompanies policy deliberations over public land.

In this pinched free-market vision of the privatizers,

there is only room in the world for one species, *Homo economicus*, the rational weigher of atomized preferences and utility (though environmental economists assure us that even here, on his home turf of cost/benefit, his calculations are way, way off). *Homo economicus* is a solitary consumer who makes his lonely choices in a complete social and biological vacuum, expressing just isolated and immediate preferences: chocolate or vanilla, Android or Apple, ski resort or fracking site?

By contrast, a different creature, *Homo politicus*, splits loyalties between him or herself and the larger community, articulating complex and multi-faceted preferences that compromise between and merge individual and communal preferences. In the course of this winnowing and sifting and measuring and valuing of public and personal preferences, the consumer fades and is replaced by a citizen. And that citizen comes together with other citizens to forge a vision for how they want their world to be. This consensus that the process sometimes comes to is brutally hard work (see above), but when it happens it comes to comprise our collective values—those that cause people to cherish Yosemite and the Boundary Waters, Gettysburg and the Selma Bridge, libraries, art, historical landmarks, and public schools, to name a few. By its very design, the market, as currently constituted, is incapable of recognizing such values, let alone satisfying them. Only democratic political will can do this.

For a case study of collective values in action, let us ponder for a moment the phenomenon of citizen-led ecological restoration projects on public land in which many thousands of grassroots groups volunteer tens of millions of hours of labor restoring native landscapes and waterways. In an era of super-constrained conservation budgets, such citizen volunteerism is utterly crucial in achieving whatever restoration tends to happen on many parcels of public land. These volunteers, including many amateur citizen-scientists, cut invasive brush, burn prairies, collect seeds, band birds, and monitor water quality all in exchange for no pay and sore muscles. In the market/world of *Homo economicus*, none of this should be happening and none of it could be explained. Why on earth would people willingly give up their precious and valuable labor for something they do not exclusively own and for benefits they themselves will not exclusively

enjoy? Concepts like stewardship, collective responsibility, intergenerational obligation, sense of place, and a deep, abiding love (what E.O. Wilson calls *biophilia*) are utterly incomprehensible to *Homo economicus*.

## ***Federal lands represent the best remaining strands holding together the web of life.***

There are, of course, a myriad of other excellent reasons besides collective values to protect wild public lands, not the least of which are biological and ecological. Federal lands represent the best remaining strands holding together the web of life. By every measure of biodiversity—from degree of forest and habitat fragmentation to populations of imperiled species to remaining acreage of imperiled landscapes—the federal lands vastly outperform private lands in direct contravention of the privatizers’ dubious assertion that public lands, unowned and thus unloved and thus abused, represent the “tragedy of the commons.”

Likewise, a spectacularly persuasive case for public lands can be made on economic grounds as well. Only in the most tortuously narrow terms of operational costs vs. revenue can public lands be shown to “lose” money and thus be a bad deal for the taxpayer. But widen the lens just a little bit to include other, quite orthodox economic measures, like spin-off (multiplier) effects on surrounding communities and regions or return on investment for the acquisition or even operation of federal land and the cost/benefit ratio swings convincingly toward maintaining these lands. And if you widen the lens further still, you might recognize and include the trillions of dollars in unpriced but vital services, such as water retention and filtration, carbon sequestration, nutrient cycling, and pollination that spin off of the intact ecosystems on public lands, day-in, day-out, unnoticed and unvalued by any market. The wise botanist in Richard Powers’

novel *The Overstory* (New York: W.W. Norton, 2018) illustrates this principle of ecological services perfectly when she describes a tree thusly:

She could tell them about a simple machine needing no fuel and little maintenance, one that steadily sequesters carbon, enriches the soil, cools the ground, scrubs the air, and scales easily to any size. A tech that copies itself and even drops food for free. A device so beautiful it's the stuff of poems. (p. 436)

Studies of just one half-million-acre federally-owned watershed, the Skykomish in Washington, find a mid-range asset value of \$179 billion using an ecosystem services model (with \$1.7 billion of value spinning off annually). Compare this to the Office of Management and Budget's (OMB) conventional (which is to say, impoverished), market-based, non-ecosystem services valuation of \$463 billion for the entire 635-million-acre federal estate. To put it another way, the OMB estimates a federal acre of land to be roughly 500 times less valuable than do those who employ an ecosystem services framework.

Once you are wise to this much greater ecosystem services value, any subsequent notion that the federal lands "lose money" can be rightfully laughed off as a ridiculous absurdity. They are worth more than anyone can imagine; you might even say they are priceless. And the annual cost (in 2015) to the American taxpayer of managing their enormous continent-spanning treasure trove?—approximately \$11 billion or a billion less than one month fighting the Iraq war at its height or a bit more than half the \$20 billion annual cost of just air conditioning our military bases there.

Ultimately, though, despite all the sophisticated and nuanced arguments and the abundance of persuasive ecological and economic data, the defense of federal public wild lands could be boiled down to this one political justification: *They are ours and most of us love them dearly for what they mean to us and for all the riches, material and intangible, that they hold.* This alone is the most durable basis upon which to construct a defense of our commons. Abundant survey research tells us that in this incredibly polarized time, the continued strong protection of our public lands is a rare uniting principle with support from significant

majorities cutting across class, race, region, and party. Any scheme to divest of or abuse this public treasure should be responded to with the same outrage and disbelief that would greet any pilfering or vandalism of essential public assets. How would we respond to graffiti at Arlington or pages torn out of priceless old books in the Library of Congress? Rather than calmly and dispassionately analyzing and debating bills to sell off federal land or transfer them for free to the states that petulantly insist, as if these were reasonable demands, we need to call this out for what it is—a radical swindling of a much loved and relied-upon, multi-trillion-dollar asset to enrich a tiny few at the expense of a whole nation. And all in the name of a bogus market discipline. This sort of clarity is the only way to counter the slow, inexorable normalization and sense of inevitability that is beginning to creep in and bolster this audacious idea to rob the American people of their collective inheritance.

### Suggested Reading

- Davis, Steven. 2018. *In Defense of Public Lands: The Case Against Privatization and Transfer*. Philadelphia: Temple University Press.

### For a primer on privatization theory:

- Terry Anderson and Donald Leal, eds. 2015. *Free Market Environmentalism for the Next Generation*. New York: Palgrave MacMillan.

### For other themes explored in this essay:

- Brown, Thomas, John Bergstrom, and John Loomis. 2007. Defining, Valuing and Providing Ecosystem Goods and Services. *Natural Resources Journal* 47(2): 29-376.
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