

Social Conflict Over Property Rights:  
Environmental Thought, Environmental Action, and the Uncertain Future of the  
New Private Property Rights Movement in the U.S. \*

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## **Introduction**

Nearly fifty years ago Aldo Leopold, a University of Wisconsin ecologist, penned what has become a modern classic of environmental literature -- A Sand County Almanac (Leopold 1968 [1949]). In "The Land Ethic," the most well known and often cited essay in that book, Leopold bemoaned the state of people-land relations.

There is as yet no ethic dealing with man's relation to land and the animals and plants which grow upon it. Land, like Odysseus' slave-girls, is still property. The land relation is still strictly economic, entailing privileges but not obligations (Leopold 1968: 203).

Leopold then laid out the need for an alternative relationship, an ethical relationship. <sup>1</sup>

The land ethic . . . enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.

A land ethic . . . affirms . . . [the] right [of resources] to continued existence, and, at least in spots, their continued existence in a natural state.

. . . a land ethic changes the role of *Homo sapiens* from conqueror of the land-community to plain member and citizen of it (Leopold 1968: 204). <sup>2</sup>

Writing in the late 1940s, Leopold's ideas of an ethical relationship between land (environmental) resources and people seemed nothing but a philosopher's dream. Here he was contemplating an alternative relationship as America stood at the edge of its post-war expansion. With regard to land, the baby boom, the building of the U.S. interstate highway system and the suburbanization of America characterized the country in the 1950s and 1960s, not an ethical relationship to environmental resources. If anything, the American relationship to land in this period was even more exploitative than it had been

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1 <sup>1</sup> For a contemporary, comprehensive examination of the ethical bases of and for land use see Beatley (1994).

2 <sup>2</sup> These ideas of an extension of the ethical community to natural objects, and people seeing themselves as embedded within the natural community and but one part of it, are similar to the worldview espoused by a group of modern ecophilosophers known as deep ecologists; see, for

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in the decades before the war. Economic and spatial growth equalled a social sense of progress, and the needs of America's urban areas took precedent over

its rural and ecological zones (see for example my discussion in Jacobs 1989). A cultural predilection towards land exploitation combined with both the technological means (widespread ownership of automobiles and an inexpensive way to build single-family housing) and fiscal tools (widespread access to housing credit and steadily growing household income) to realize this phenomenon.

But if in the late 1940s Leopold's ideas seemed to stand in opposition to the mainstream of American thought and action, within a generation it appeared that his dream was about to become reality. In 1969, 20 years after the publication of A Sand County Almanac, Wisconsin's former governor and then U.S. Senator helped design a watershed event -- Earth Day 1970. Earth Day is broadly recognized as launching the contemporary environmental movement (Shabecoff 1993). Here seemed evidence that people cared deeply about environmental resources and were willing to demand individual and social action that reflected a new land ethic.

A few years after the first Earth Day, again in Wisconsin, the state supreme court issued a landmark ruling in the case of Just v. Marinette County (201 N.W.2d 761 (Wis. 1972)). This ruling turned upside down traditional American notions of private property. In this decision the court held that a landowner has no reason to presume use rights to land other than to keep land in its natural state (Large 1973). This ruling embodied a Leopoldian land ethic, and became a holy grail to the emerging environmental movement (Stone 1974). Combined with an avalanche of environmentally oriented legislation of the same period it seemed as if Leopold's land ethic was coming to be.

Now, a generation-plus after the first Earth Day one of the social values which most characterizes the American people is widespread support for the environment. Public opinion polls consistently show that a significant proportion of the U.S. public identify with environmental values, and back public policy action to protect the environment (Dunlap 1991). In fact, it has gotten to the point that almost all

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example, Borelli (1988) and Jacobs (1995b).

politicians, regardless of political party, find it necessary to identify themselves as "environmentalists" of some stripe in order to have the necessary public credibility to run for office. <sup>3</sup>

But this does not mean that the modern environmental movement has been without critics or backlash. On the political right, during the early years of the Reagan presidency, a movement emerged to attack environmentalism and environmentalists as elitist and out of touch with the values of the common person (Dunlap and Mertig 1991). Leopold seemed to have provided warning of this phenomenon. In the closing section of "The Land Ethic", Leopold noted that "conservation is paved with good intentions which prove to be futile, or even dangerous, because they are devoid of critical understanding either of the land, or of economic land use" (Leopold 1968: 225). To Leopold's list, I would add also the cultural meaning of land, and of its political power.

At least initially, though, the response to the Reagan-inspired backlash was a surge of support for environmental organizations, with increases in membership, activism and influence (Dunlap and Mertig 1991). However, as the decade of the 1980s ended, and the runaway economy of the period gave way to global economic recession, environmental values, policies and programs were once again under attack. This time the attacker was the self-proclaimed, self-described "wise use/property rights movement" (Gottlieb 1989, Yandle 1995). According to the environmental community, the wise use movement is really an anti-environmental movement (Deal 1993, Echeverria and Eby 1995, Brick and Cawley 1996).

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The wise use movement is an umbrella for a broad range of groups disaffected with the current power of mainstream environmental activism. The movement's focus is promotion of a *wise use*

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3 <sup>3</sup> The Republican Party which won national power in 1994 in part on a strong anti-environmental platform used the occasion of the most recent Earth Day to emphasize its sympathies for environmental values and its commitment to expunge anti-environmental action for its current legislative agenda.

4 <sup>4</sup> I will use the phrases "wise use movement," "property rights movement" and "anti-environmental movement" interchangeably through the remainder of this paper.

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alternative to what they characterize as the more radical, restrictive focus of mainstream environmental policy. From a wise use perspective, current environmental activism and policy illegitimately fosters an anti-private property and anti-people focus (Minitzer 1994).

With regard to property, the movement can be understood as characterizing environmentalism as seeking to create a form of late twentieth century feudalism -- a set of institutional relations where the individual will hold little freehold property, and will instead be dependent on a central authority (government) to dispense use rights as it sees fit (McClaughry 1975, 1976).<sup>5</sup> The argument from wise use advocates is that freehold property is inextricably linked to the existence of a modern democratic state, and that actions which increase the power of the state over the individual decrease the institution of democracy.

### **The Beliefs, Structure and Impact of the Wise Use Movement**

The wise use movement emerged in 1988 out of a conference convened by the Center for the Defense of Free Enterprise. The Center is the vehicle for the work of its two key employees -- Ron Arnold and Alan Gottlieb. Arnold is the intellectual leader of the wise use movement.<sup>6</sup> He comes to it as a former Sierra Club member, knowledgeable about the values and strategies of mainstream environmentalism. In the 1970s, a decade before the anti-environmental movement took formal shape, Arnold wrote a series of articles in corporate forestry magazines in which he pointed out the need for an alternative activist movement to counter the political power of environmentalism (O'Callaghan 1992).

The tangible result of the 1988 conference was production of *The Wise Use Agenda* (Gottlieb 1989). The conference was convened as the Multiple Use Strategy Conference. But, the notion of "wise use" came into being as a conscious attempt to echo the early, turn of the century debates within the

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5<sup>5</sup> This is precisely the line of argument in the Just case that the environmental community found so laudable.

6<sup>6</sup> There are other prominent and significant activists and organizations in the new property rights movement. I focus on Ron Arnold and the wise use movement because they serve as a useful lens to focus the discussion of the new property rights movement's intent and structure.

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environmental movement between John Muir, founder of the Sierra Club, and Gifford Pinchot, founder of the national forest service. Muir championed the position of the sanctity of nature, and the necessity for natural area preservation; Pinchot pioneered the idea of utilitarian, multiple/wise use resource management (Fox 1985). Through this century their conflict has defined a major axis within the U.S. environmental movement. Reverberating with Pinchot's rhetoric, the preface to the *Agenda* states that humans "must find ways to use the earth wisely and find ways to understand that *the earth can be used wisely*" (Gottlieb 1989: xvii; emphasis in original).

In the *Agenda* a series of goals are delineated. These goals are tied together by a perspective that public lands are to be actively used for economic development and in economic production, and public actions that impact private property rights must be compensated. Among the top goals of the *Agenda* are calls for opening all public lands to commercial mineral and energy production, commercial clear cutting of old growth forests on national forest lands, rewriting the Endangered Species Act so as to substantially weaken it as a tool for environmental protection, allowing commercial oil drilling in the Arctic National Wildlife Refuge, promoting commercial development within the national parks, and the establishment of private property rights in lease-based grazing arrangements on public lands (Gottlieb 1989).

The wise use movement itself is a coalition of local and regional groups pursuing political action on the individual goals. At one point wise use leaders claimed an array of 500 constituent groups (Poole 1992). The influence of large corporate capital within the movement is significant, reflecting the support of mineral extraction, energy, agri-business and forestry corporations (Nixon 1992). One example is the funding and leadership of People for the West, a prominent member of the wise use campaign. According to one investigation, 96 percent of their funding came from corporate sources, and 12 of the 13 members of their board were associated with the mining industry (O'Callaghan 1992). Other examples of this sort abound (see Lewis 1992: 9, Deal 1993). The annual meetings of the wise use movement are co-sponsored by groups such as the American Mining Congress, National Cattlemen's Association, Independent Petroleum Association of America, and the American Forest Council (Stapleton 1992).

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The actual membership of the movement is hard to quantify. Wise use promoters suggest an active membership of 5 million, with a pool of up to 120 million sympathizers; of course critics suggest these are self-serving, wildly inflated estimates (O'Keefe and Daley 1993). The movement's most sympathetic members come from the western states where the vast majority of public land exists, and where some states are dominated by the land use decisions of federal land agencies. The movement is not restricted to the west though. Significant wise use activities are documented in the northeastern and midwestern parts of the country (Burke 1992, Classen 1996).

Ron Arnold's rhetoric leaves no doubt as to the wise use movement's own sense of the importance of its mission. He has been known to say, for example, "environmentalism is the new paganism, trees are worshipped and humans are sacrificed at its alter. It is evil. And we intend to destroy it" (Nixon 1992: 34). Evil, war and destruction are consistent themes in his rhetoric about environmentalism and the environmental movement. Why? Because according to Arnold, mainstream environmentalism has run amuck; it is wrecking America, in part by "trashing the economy" (Arnold and Gottlieb 1993). In fact, "if things continued like the way they were going, the environmentalists were going to destroy all industry and private property within twenty years" (Lewis 1992: 6).

Since their formation the wise use movement has had formidable success. They were instrumental in bringing about major modifications to path breaking plans for integrated land use management for the greater Yellowstone network of national park, forest and wildlife refuge lands (Stapleton 1993). They are also the intellectual leadership behind President Reagan's Executive Order 12,630 in 1988 (Pollot 1989, Folsom 1993). This order, titled "Government Actions and Interferences with Constitutionally Protected Property Rights," required, in essence, preparation of a private property rights impact statement on all federal regulatory action. Bills put forth in the U.S. Senate and sponsored by former President Bush's administration sought to codify this order (Gottlieb 1989, Lewis 1992). These legislative proposals have continued unabated (Freilich and Doyle 1994, Jacobs and Ohm 1995). Even under the Clinton-Democratic administration, and before the Republican victory in November 1994, the

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wise use movement had significant influence. Efforts to float grazing fees on federal lands to market levels have been hampered by wise use lobbying, as have efforts to close federal lands to off-road vehicle use. Most dramatically, efforts to elevate the Environmental Protection Agency to a cabinet department were derailed by wise use related private property concerns (Cushman 1994).

During 1993 the wise use movement targeted its national practice upon the legislation to create a National Biological Survey, and amendments to the Endangered Species Act. In each case they attempted to insert a "takings" amendment that would insure financial reimbursement to affected landowners for any federal regulatory action which substantially decreased property value (Adler 1994).<sup>7</sup> In 1994 the 103rd Congress took up 22 separate pieces of legislation which were introduced to offer some level of protection to private property rights (Meltz 1994). Perhaps more significantly, the movement has been associated with efforts to get similar pieces of legislation passed by states (Lund 1994, Marzulla 1995). In 1995 101 "takings" bills were offered up in 39 states; in thirteen states these bills became law. This brings to 23 the number of state bills which have been passed in 18 states since 1991 (Murray 1995, Jacobs 1995a, Jacobs and Ohm 1995).<sup>8</sup>

But the wise use movement is not just focused on federal and state level policy issues. This is a broad-based anti-environmental movement. For example, one component of it is known as the county movement. Drawing upon a local experiment in New Mexico, members of the county movement are promulgating land use plans for adoption in rural counties throughout the U.S. These plans assert the private property rights of individual landowners as part of the normal culture and custom of the area. The

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7<sup>7</sup> "Takings" refers to the so-called takings clause of the fifth amendment to the U.S. Constitution: ". . . nor shall private property be taken for public use without just compensation." This clause recognizes the existence of private property, establishes an action called takings, though such an action is conditioned upon the land being put to a public use and the requirement that the landowner be justly compensated (Jacobs and Ohm 1995). The specific social debate around takings has to do with the extent of regulatory action that may occur absent compensation. The more general social debate centers around the relationship of land ownership to the existence of a democratic society.



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plans then direct local officials, such as the county sheriff, to undertake official action against any party, including federal officials, who seek to commence action in violation of these county plans. In part, these plans are promoted based on provisions of federal environmental laws which direct federal agencies to take local plans into account in their own planning (Arrandale 1994, Jacobs and Ohm 1995). At least 40 counties have adopted these plans, and upwards of 300 (ten percent of U.S. counties) have shown interest in doing so. This is in spite of an explicit, well-publicized legal decision against the legitimacy of these plans. <sup>9</sup>

A common presumption is that the wise use movement is just a 1990s version of the Sagebrush Rebellion -- the anti federal public lands movement of the early Reagan years (Popper 1984). However, observers suggest that while many of the underlying corporate-capital interests are the same, there is a qualitative difference (Stapleton 1992, Lewis 1992). The sagebrush rebellion was a blatant and disorganized effort by corporate interests to seek privatization of western public lands. The wise use movement is highly organized, having learned strategy from environmental activism, its interests are now clothed in the guise of grassroots, populist citizen action, and the agenda is broader, speaking to a larger segment of the American people (Yandle 1995, Minter 1994, Stapleton 1992, Lewis 1992, Baum 1991).

The grass-roots authenticity of the wise use movement is challenged, however, by the actions of Alan Gottlieb, the other half of the Arnold-Gottlieb team. He is a direct mail wizard, long associated with fund raising for conservative causes. In a New York Times interview in 1991 he spoke about the need, from a business point of view, to create a new "evil empire" to replace communism (Egan 1991). His publishing firm, which distributes wise use books, also sells volumes on gun rights and the illegitimacy of the federal income tax system. Gottlieb at least, if not all of the wise use movement's affiliated groups and members, acknowledge the movement's congruence with the broader agenda of the radical and racist

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8 <sup>8</sup> The number of bills and the number of states in which they are being put forth has increased each year.

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right (O'Keefe and Daley 1993). Because of this, some citizen activists, from groups that the wise use movement believe should be under its umbrella, have refused recognition by or connection with the wise use coalition (O'Callaghan 1992).

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Despite this, the wise use movement raises a set of genuine and important issues, both activist and theoretical. Wise users are having an impact upon policy formation, and their impact draws from their theoretical presentation. Wise users are not wholly wrong when they suggest that contemporary environmentalism is premised on an evolution of private property rights.

One way to understand the contemporary (post-1970) environmental movement is to see it as a movement which has argued for the social dysfunctionality of private property rights. From the point-of-view of environmentalists, land use and environmental problems arise precisely because property rights are privately held and managed. As a result, individuals make land use management decisions which do not take into account the broader public interest, and a more expansive economic calculus. A litany of common land use and environmental issues -- farmland depletion at the urban fringe, wetland loss, suburban sprawl, downtown deterioration, etc. -- have all been depicted as issues that arise from a version of "the tragedy of the commons" (Hardin 1968). In these instances, the tragedy is that individual landowners make decisions that are economically and socially sensible to them, but are not judged to be as sensible to the broader public. From the environmentalist's perspective, the traditional solution to this situation is to take property rights from the private bundle and shift them to the public bundle -- to "public-ize" previously held private property rights. The rationale is that by doing this, better land use and environmental decisions will result.

Yet, the individualist social myth represented by private property rights resonates strongly with many Americans. The U.S. was settled by Europeans searching for religious and political freedom, and

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9           <sup>9</sup>   Boundary Backpackers et al. v. Boundary County, et al. No. CV 93-995 (1st District Court Idaho).

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to provide the access to freehold land unavailable in Europe. So, while public opinion polls show environmental protection is supported by most Americans, many of these same citizens can be deeply disturbed by the public regulatory, private property right impinging programs developed to achieve this goal.

That there should be social conflict over property rights is, in and of itself, not surprising. Given the historical role of private property in U.S. social history and cultural myths, actions to establish a strong public regulatory presence are bound to meet resistance. What is significant is the apparent strength and organization of the wise use movement as a counter force to the environmental community.

From a legal perspective, though, there is a strong basis to suggest that the wise use movement is on shaky ground. Much of their public policy thrust attempts to enshrine a particular concept of private property. It is a concept that sees private property as foundational to American democracy, and where the individual's bundle of sticks should be as intact as feasible, absent a compelling public need. This perspective is not without historical and theoretical support (McClaughry 1975, 1976).

There were intensive debates among the country's founders about the relationship of private property to citizenship and democratic structure. Drawing from the writings of John Locke the founders saw that one of the principle functions of forming a government was protection of property. As James Madison wrote in the Federalist No. 54 "government is instituted no less for the protection of property than of the persons of individuals." Others, including Alexander Hamilton and John Adams concurred. Adams noted that "property must be secured or liberty cannot exist. The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

But this view of the relationship of property to democracy, and the fact of asserting property's primacy, was not monolithic. Also drawing from Locke, others saw the need for private property ownership to bow to social needs. As Locke noted:

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For it would be a direct contradiction for any one to enter into society with others for the securing and regulating of property, and yet to suppose his land, whose property is to be regulated by the laws of society, should be exempt from the jurisdiction of that government to which he himself, and the property of the land, is subject.

Echoing these sentiments were Thomas Jefferson, Benjamin Franklin and others. As Franklin noted with force "private property is a creature of society, and is subject to the calls of that society whenever its necessities require it, even to the last farthing."

The economic and legal literature on property seems, ultimately, to come down in favor of the position taken by those who see private property as necessarily secondary to social needs. Bromley's (1993) analysis is one such example.

Bromley seeks to demonstrate that the very nature of property originates with society, and society is never illegitimate in its action toward private property. Drawing from Kant, Bromley (1993: 653) argues that the reality of private property is that ". . . what I own is a function of what the members of the polity say I own -- not what I say I own." When society's actions appear to represent a departure from a prior set of rules governing individual-social interaction, society is just articulating new rules, reflective of new social circumstances and necessities. Society is never obligated to any *a priori* rule structure. As Bromley understand it, property is a completely moldable social construct, established by society to fulfill social needs, and thus changeable as social circumstances require it.

As one example of this, Bromley notes the widespread acceptance of public action that prevent a landowner from cultivating marijuana or running a house of prostitution. He ponders why this is socially acceptable, and regulatory action to protect wetlands or farmlands is not. More precisely, Bromley wonders why one action is not considered a violation of private property rights under the provisions of the fifth amendment to the U.S. Constitution and the other is. Other scholars have noted that such restrictions on property are broad and long-standing (see for example Novak's 19xx discussion of property restrictions imposed by the New York State Legislature between 1781 and 1801).

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Anticipating the sentiments which underlie supporters of the wise use movement, Bromley (1993: 682) summarizes his position by acknowledging that "land use and environmental policy is contentious precisely because it joins claims of individual freedom and private property rights." He then reflects the environmentalist response by talking about the "myth of the overarching sanctity of private property," and arguing that "the public cannot continue to be held hostage to the extortion that emanates from this view." He concludes that this myth and view has "no basis . . . in economics, in philosophy, or in the law."

So, ultimately, the anti-environmental, wise use movement presents a paradox. It is decidedly out of step with legislative and judicial trends throughout this century (Bosselman et al. 1973). These trends have, in general, allowed for increasingly broad governmental reshaping of private property rights so as to achieve an ever evolving and expanding definition of the public interest -- a Leopoldian land ethic (Jacobs and Ohm 1995, Freilich and Doyle 1994). Legal and philosophical analyses support these trends. These analyses emphasize the social basis and construction of private property.

But the "truth" of a legal/philosophical/political-economic analysis doesn't take away from the emotional power of private property in the U.S. as a cultural symbol. And it is this cultural symbol which is the driving force behind the wise use movement at all levels.

### **The Uncertain Future of the New Property Rights Movement in the U.S.**

So a question presents itself: what is the likely future of the new property rights movement?

Informed speculation on this matter can be drawn from several sources. One is the experience of a social movement with seemingly opposite goals -- the European green parties, especially the German green party. The German greens came together in 1979 from ostensibly disparate, pre-existing social movements -- peace, feminist, and environmental being the most prominent (Boggs 1986). These movements buried their differences for the advantage that a coalition offered them. <sup>10</sup> Much to their

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10 <sup>10</sup> In Germany this is quite significant, in that groups which organize as political parties and then receive more than five percent of the vote in elections become a formal part of the legislative body. Party status also provides access to federal funds, given in proportion to vote totals, and the credibility of presenting a public position under the auspices of a national political party

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own surprise, they achieved rapid and significant success in the early 1980s, and sustained this success through the decade (Hulsberg 1988). With success, however, came serious internal tensions about priorities. As Greens moved from the position of outside-the-system critics to that of inside-the-system players who had to propose solutions and be part of governance, the party's coalition structure began to fracture and crack. By the late 1980s, the party began to come apart and reform itself as several smaller parties (Doherty 1992).

Like the greens, the wise use/property rights movement is a coalition movement. At this early stage it appears that what draws members of the coalition together is stronger than that which might drive them apart. But, like with the greens, the umbrella the movement has opened is so wide that tensions are bound to develop. Some already have.

Another basis for speculating about the future of the new property rights movement arises out of the object of its activism. At the federal level the movement has targeted the national laws which protect endangered species and wetlands. Often the basis for these attacks are stories showing the burden these laws can cause to ordinary citizens. But this effort has proved much less successful than anticipated. While the American public does not like unfair burden, polling data suggests that in considerable numbers they continue to support these policies and programs.

Thus the thrust of the movement seems to have shifted to state legislatures. Here the movement has a different problem. To assail the legitimacy of government regulation is to assault the very fabric of state and local governmental activity. The object of the movement's ire often becomes zoning regulations -- that simplest but most widespread and longstanding of tools used by state and local governments to manage conflicting land use relationships. The problem with attacking zoning is that property rights proponents forget that zoning itself was an invention of conservative private property rights forces in the early part of the century (Babcock 1966, Haar and Kayden 1989). Zoning was developed to protect threats to private property rights and property values from competing, non-regulated market forces.

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(Schmid 1987).

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Zoning was invented and ultimately defended before the U.S. Supreme Court as a reasonable exercise of governmental authority because it served the private property rights interests of landowners.

It is in this vein that environmental proponents dub property rights bills as "the pornography shop owners bill of rights." Their point being that without government regulation of property, land use relationships will be subject only to market forces, and those forces will select land uses based on their highest and best use, from a solely economic point of view. So, in those two instances where property rights bills have been put to public referendum, in Arizona in 1994 and Washington State in 1995, voters soundly defeated them by 60 percent to 40 percent margins.

Finally, there is the spillover impact of the militia-linked terrorist bombing of the federal building in Oklahoma City in spring 1995. This tragic event brought the phenomenon of the citizen- militia to the eyes of the American people. Soon afterwards stories appeared in the national news weeklies about the network of radical anti-governmental forces in the U.S. The wise use/property rights movement was listed as one of the affiliated activities. Now clearly this is painting the movement with too broad a brush. There are many dedicated activists within the movement with very legitimate concerns, grounded in sound theory, history and abusive administrative practice. But it is also true that there are elements of the movement that ally itself with the agenda of the radical and racist right in the U.S. (Helvarg 1994, Dees and Corcoran 1996). This can not help in building support for its core issues.

## **Conclusion**

There can be no foregone conclusions about the future of the new property rights movement in the U.S. The greens in Germany have not been killed by their internal debates and difficulties; in fact, throughout Europe and globally, green politics is growing. Likewise with the wise use movement. Regardless of their affiliations, the corporate influence on its agenda, and even the forthright cynicism of one of its co-founders, the movement exists and has influence precisely because its message strikes a chord with the American citizenry.

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Wise use is not a question of law or philosophy, it is a question of cultural myth and politics. The anti-environmental movement is tapping into and exploiting a cultural myth about private property that runs deep with the American people. Logic and precedent will not turn them or potential supporters aside. With the birth of the anti-environmental movement, the politics of environmental policy in the U.S. has become more sharpened, more contentious, and more dimensional. The new property rights movement offers a serious challenge to the realization of Leopold's land ethic. At least for the near future, their influence is likely to grow not weaken.

The prognosis for the long term future is different, however. Long term trend analysis suggests that while the movement is giving voice to an important component of Americans' myth about themselves as freehold property owners, ultimately that element of American culture that requires private property to be subjugated to social needs will prevail. Perhaps never completely (nor should it), but substantially. While it is not clear when and if Americans will ever fully embrace Leopold's land ethic, in its fragmented, incremental way, the U.S. public sphere, at the local, state and national levels, with the support of the American people, is likely to keep asserting socially-based environmental concerns over private property.



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