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The Land We Share: Private Property And The Common Good



Synopsis

Is private ownership an inviolate right that individuals can wield as they see fit? Or is it better understood in more collective terms, as an institution that communities reshape over time to promote evolving goals? What should it mean to be a private landowner in an age of sprawling growth and declining biological diversity? These provocative questions lie at the heart of this perceptive and wide-ranging new book by legal scholar and conservationist Eric Freyfogle. Bringing together insights from history, law, philosophy, and ecology, Freyfogle undertakes a fascinating inquiry into the ownership of nature, leading us behind publicized and contentious disputes over open-space regulation, wetlands protection, and wildlife habitat to reveal the foundations of and changing ideas about private ownership in America. Drawing upon ideas from Thomas Jefferson, Henry George, and Aldo Leopold and interweaving engaging accounts of actual disputes over land-use issues, Freyfogle develops a powerful vision of what private ownership in America could mean--an ownership system, fair to owners and taxpayers alike, that fosters healthy land and healthy economies.

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Customer Reviews

"Few ideas have bred more mischief in recent times, for the beauty and health of landscapes and communities, than the belief that privately owned land is first and foremost a market commodity that its owner can use in whatever way earns the most money." So begins a remarkable study of the changing views of private property throughout American history. The dynamic tension is between land health, in the Leopoldian sense, and unfettered freedom. Freyfogle explores the major common

law doctrines dealing with private property, as well as evolving statute law. Interwoven throughout the book are reviews of relevant Supreme Court cases. Landowner rights are seen as a "bundle" of rights that are subject to change as societal priorities shift. Although the book is fundamentally about law, it does not at all read like a legal brief. It is a very engaging read. Freyfogle reviews in detail the "tragedy of the commons", contrasting it with his own "tragedy of fragmentation." The two prophets that serve as his muses are Aldo Leopold and Wendell Berry. It is clear that we are going to have to rethink property law issues as we begin to face the limits of our growth. Freyfogle's book will be an important guidebook for us for years to come as we begin to grapple with these issues.

Reading this book has made me probe the fundamental assumptions that I make about what it means to own land. This book presents a fresh and very well-sustained argument that private land ownership entails public responsibilities. It also discusses what those might include. The author weaves together legal and general history, philosophy, economic theory, conservation writings, ecology, and literature into an engaging and telling story about the institution of private property in America.

This is the best historical review of the institution of private property in the US that I have read. Unlike many scholarly books, it is written in very clear prose without a lot of technical jargon (at least, what technical jargon is deployed is explained). Highly recommended. Holds up to multiple readings. Very relevant to many current land-use debates. I appreciate also - even if I do not share - his optimism. One can only hope he is right and that we can manage to foster a better social stewardship of the land.

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