

WHO OWNS AMERICA? :

Social Conflict over Property Rights.

Harvey M. Jacobs, Editor. Madison: University of Wisconsin Press, 1998, 268 pages.

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The short answer is no one really knows! This is because there is no office with the powers and/or responsibility to collect the data necessary to answer this question. At one point in passing, one of the collected papers notes that 60 percent of the land area is privately owned and the remainder is public land. But few contributors to this collection are willing to take on the question directly. The editor to the collection states in a wrap-up essay that what studies have attempted to find out have come up with what amounts to statistical garbage; there is simply no way to find out. Even if we could obtain land ownership data, it would likely be by acre, not terribly useful given the fact that some sites have negligible value and others are worth millions. So to this extent, the book's title is strongly misleading.

Still it is a very useful book. The objects of discussion range widely over the nature of ownership what lawyers more often refer to as a

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lawyers more often refer to as a "bundle of rights" the legal cases on which such rights have turned, and most especially the moral dimensions of a system of land markets. There are chapters on the efficiency of land use, particularly with reference to agricultural lands where it is easy to exploit resources at the expense of the environment and future welfare. There are penetrating chapters on the property rights movement and the emerging field of ecosystem management. And there is considerable discussion about the value system and the tacit assumptions which sustain the structure of land use practices in the American political and economic context.

The most interesting chapter to this reviewer is one by Daniel W. Bromley entitled "Rousseau's Revenge." He offers the thought that the posturing by various land rights organizations is misplaced; this is because there are not two parties, the individual and a predatory government in this plot. Rather, there are three participants, . . . me, the rest of you, and that third party who alone can mediate disputes between us. Property rights are not dyadic, the individual versus government; rather, they are triadic: my dreams for a piece of land I claim to control, your disgust at the thought that may actually be able to realize my dreams on that land to your detriment, and this third party called "government."

In an earlier era, ownership of property was the guarantor of personal liberties. Without the protection of land titles, individuals were vulnerable to abusive importunities by the state. Enlightenment thinkers were defenders of property primarily because they were defenders of liberty. The author goes on to argue that temporarily government still has a primary hold on land titles, but one which in the long run is "destined to be broken. This is Rousseau's Revenge." Social ownership of land will eventuate as a matter of rational evolution of public policy. An interesting thesis.

The book is a potpourri of such tidbits, quite good actually. But each article needs to be read for itself and the volume's title should be ignored. One might hope that future conferences sponsored by the University of Wisconsin Land Tenure Center will continue exploration along these lines, as there now appears to be too little thinking on such a grand scale as this book represents.

(editor's note: "Who Owns America?--III Minority Land and Community Security will be hosted by the Land Tenure Center, University of Wisconsin-Madison from June 6-9, 2001. For more information, check web site: <http://www.wisc.edu/ltc/woacfp.html>. Also see July-August 1998 GroundSwell articles about "Who Owns America?--II" when Dr. Nicolaus Tideman, Jeffery Smith, and Dr. Rex Ahene were presenters.)

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