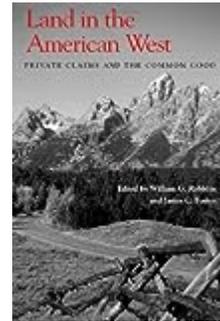




William G. Robbins, James C. Foster, eds. *Land in the American West: Private Claims and the Common Good*. Seattle: University of Washington Press, 2000. xi + 224 pp. \$22.50 (paper), ISBN 978-0-295-98020-1.



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Property Rights and Contested Commons

Property Rights and Contested Commons

One of the distinctive attributes of the American West that has not received adequate attention in recent years is the historic and contemporary tension between private land claims and public ownership. The editors William G. Robbins and James C. Foster have assembled a collection of essays in *Land in the American West: Private Claims and the Common Good* that explore the inherent conflict between private and public interests. These essays began as conference papers at a symposium of the same name at Oregon State University in 1997. Although some of these essays are too brief in that they still resemble conference papers, collectively they offer a useful introduction to such topics as the evolution of property rights theory and law, problems of federal land policy, the invasive nature of commercial development in the West, and case studies that historicize conflicts in land use.

Robbins's introduction to the book presents a thorough yet pointed treatment of the major problems involved in maintaining lands in the public domain. He clearly sets out the basic parameters of the debate and what is at stake: the common good. Following Robbins

in part 1 of the volume are three rather less-than-easily accessible examinations on private property rights theory and law. The best feature of these essays is that they demonstrate the fluid nature of property rights and the associated problems with such instability.

It is in Parts Two and Three that the issues of property rights, public policy, and land use are truly historicized. Carl Abbot discusses the horizontal urban expansion of western cities and efforts to accommodate the need for living space and for placing breaks upon sprawl. Also in Part Two, William Rowley surveys a familiar western topic, uses of range lands. Rowley's overview cuts to the heart of the impractical nature of "free-market" development in these regions and the inability of the federal government to create an effective policy.

However, it is in the case studies of Part Three that the best essays in the volume can be found. Maria Montoya expands on the work of Sarah Deutsch in this treatment of Hispanic and Anglo conceptions of property rights. The controversy over the Sangre de Cristo land grant poses interesting questions concerning appropriate uses of marginal lands and their "fragile" quality in

relation to commercial development. Arthur Gomez's case study explores creative ways to solve the dilemma of states's rights versus federal control. Gomez makes a persuasive argument that maintaining the public lands is only possible in the long run with state and federal cooperation. Rounding out these case studies is an illuminating analysis of Alaska's struggle with statehood in the context of the state's unusually large federal presence and its dependency on an extractive industrial economy. Stephen Haycox carefully explains this politically expressed tension which has been arrested in the minds of many Alaskans into a kind of paradigm of victimization.

Richard White's epilogue is an interesting meditation on evolving perceptions of public lands and the means of protecting and/or developing them. Ultimately, he pulls together the various voices in *Land in the American West*

by arguing for a social vision that can attain some level of consensus in relation to a public policy for the lands of the American West and for the environment as a whole. Although at the beginning of this new century advocates for market capitalism and environmental protection are in deep opposition, White argues that only by "resurrecting 'public' as a meaningful category" (p. 204) of political discourse will any legitimate common good be achieved for the country's public lands.

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