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Harvey M. Jacobs, ed. *Who Owns America? Social Conflict Over Property Rights.* Madison: University of Wisconsin Press, 1998. xvii + 268. $19.95 (paper), ISBN 978-0-299-15994-8; $50.00 (cloth), ISBN 978-0-299-15990-0.

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For years the Land Tenure Center of the University of Wisconsin-Madison has promoted among developing nations the importance of decentralized and secure land tenure. In the emerging democracies of Latin America and Eastern Europe, well-protected ownership and control of land are vital for stability, both in terms of economy and resource management. In the last five years, however, the LTC has turned its attention to matters closer to home. It has begun to study the evolution and role of property rights in the development of the United States. The result is this volume, a compilation of thirteen essays by noted experts on domestic land tenure, edited by Wisconsin's Harvey M. Jacobs.

Property rights are at the very center of American jurisprudence and, as this volume proves, crucial to understanding American history. The question of land ownership has never been a simple matter, often pitting one group or interest against another, prompting social conflict at every turn. It involves a bundle of legal rights that has evolved over the years, reflecting not only the takings clause of the Fifth Amendment, local zoning, environmentalism and disputes over the use of the public domain, but even the influence of culture. Who owns America? Given all this, Jacobs concludes, the answer is not so simple. One can infer only that land use and land tenure is the source of great social, cultural, and political conflict, conflict that helps define who we are as a people and as a nation.

After an introductory essay noting the experiences of other countries as important for America's own questions of land tenure, the book is divided into three sections. Four essays compose the first section and, collectively, argue that the public interest has always had a role in determining private property rights, that these rights have never been static or absolute. It paints the modern "Wise Use Movement," which emerged as a reaction to growing environmental concerns, as politically astute in couching its defense of individual property rights in terms of freedom and liberty, ideals that all Americans hold dear. Nevertheless, this movement has exploited the words of Thomas Jefferson, so often touted as one of its defenders, and bastardized the provisions of the National Environmental Policy Act. History and the law, this section implies, are on the side of environmentalists.

The four essays that comprise the second section focus on more familiar terrain, private interests in public lands. Once again the story is one of contention, for the federal government has always balanced private and public interests in its acquisition, management, and disposition of public lands. The development of federal policy, for example, reflects the historic tension between a utilitarian market ethic on one hand and communitarian, social and environmental concerns on the other, a quandary for the legal system.

Efforts to aid the rural poor through adequate land reform have faced considerable opposition because of the traditional reliance upon this market ethic, as evidenced by noble, but ultimately unsuccessful, efforts during the New Deal and the Great Society. New concepts of ecosystem management, which recognize the cumulative impact of developments beyond established boundaries of the public domain, promise to complicate matters further, requiring the cooperation of nearby landowners. With the public and private spheres once again intertwined, this is no easy task.

The third section, which focuses on the role of culture in land tenure, is the most intriguing portion of the book. Although often neglected by scholars, matters such as class, ethnicity, kinship, gender, and tradition explain the development of land tenure in America as much as politics, law, and economics. With America an amalgam of many cultures, it is not surprising that the bottom line here is once again conflict.

The book is not comprehensive; indeed, the LTC promises additional work on American land tenure. Readers may, for example, long for more on the Sagebrush Rebellion or the role of urbanization. Nevertheless, by bringing together experts from a variety of fields–not only environmental history, but sociology, law, economics, political science and anthropology–the book adds to a subject too often neglected. It may not answer the question of who owns America, but by probing deeper into the complexity of American property rights, it raises new questions and exposes new areas for exploration. In the end, this may be the book's greatest contribution.

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