

THE PUBLIC AND PRIVATE INTEREST IN WILDERNESS PROTECTION

William C. Dennis

I am not one of those who finds his ideal summer cottage in Gary, Indiana, or who begins to feel uncomfortable if he strays more than fifty miles from Times Square. For the last ten years I have averaged at least sixty days a year in country most people would call wilderness—in Washington and Wyoming, in Alaska and Texas, in West Virginia and Tennessee. Over the years, I have wandered farther out, farther back, and higher up in search of ever wilder areas. I have shared the wilderness with my closest friends. I have learned some important lessons from my time in the wilds, and I have come to know something of the structure of nature from the point of view of both scientist and poet. I have enjoyed teaching about wilderness as a leader of month-long backpacking trips for students. In short, I am a great consumer of wild places. I want lots of space, and for me there is never enough.

My appreciation of wilderness comes from the mostly private benefits I have gained from life in the wilds, benefits not unlike the private benefits that others obtain from the London theater, a week on Cape Cod, or a cold beer in the backyard. Until recently in America, the proper ordering of such private benefits has not been a matter of public concern. People have been free to make their own choices with their own resources. But can we conceive of public benefits that could make wilderness preservation a major public concern?

Cato Journal, Vol. 1, No. 2 (Fall 1981). Copyright © Cato Institute. All rights reserved.

The author is an Associate Professor in the Department of History at Denison University, Granville, Ohio 43023.

This paper was prepared for "Property Rights and Natural Resources: A New Paradigm for the Environmental Movement," a conference held in December 1980 and sponsored by the Cato Institute and the Center for Political Economy and Natural Resources, Montana State University, Bozeman.

The nature of the public interest is difficult to determine.¹ Too often the words "public interest" are used as a rhetorical support for some policy that a partisan advocate believes would be beneficial to the country. The public interest may be used to disguise some private good in politically acceptable terms. Most people seem to believe that they have no trouble recognizing a public interest when they see one. At the same time, they accuse their opponents of promoting selfish rather than public interests. Strictly speaking, a policy in the public interest, at least in the long run, affects everyone in an equally beneficial manner, receives public support through a principle of unanimity, and has costs that are widely and equally shared. Since not all public policies fit such criteria, people may agree unanimously to certain decision-making rules that define a procedure for adopting necessary or useful public policies less than unanimously. But then the public interest is in the adoption of the rules, not in the particular public policies.²

A written constitution of a limited government such as ours provides one such set of decision-making rules. But the theory of *limited government* suggests that there are few public policies that fit this narrow definition of the public interest. National defense is one. A person may not like the quality or quantity of the defense he gets, but he gets it fairly equally, and if there are any benefits they are widely shared. The control of air pollution is another such policy, since air has no clear boundaries and it is necessary for all. Yet clean air is an intermediate public interest. All pollution cannot be eliminated; some people will have a *greater preference for clean air* than others; and, in the short run, some will be hurt by prohibitions on particular sources of pollution. Public health measures demonstrate a third problem with public interest questions. Does fluoridated water qualify as a public interest? All benefit if there are any benefits, and costs can be shared, yet many will oppose it as a violation of their right to choose. The pursuit of the public interest quickly turns up conflicts of interest within the *body politic*.

¹My thinking on the problem of the public interest and wilderness protection stems from my own involvement in backpacking, climbing, and wilderness education and from two seminars I helped organize for the Liberty Fund, one in November 1978 on "The Public Interest," the other in May 1980 on "Wilderness, Environmental Protection, and Property Rights." In addition, I was an observer at a third seminar under joint sponsorship of the Liberty Fund and the Center for Political Economy and Natural Resources at Montana State University on "Historical and Philosophical Foundations of the Sagebrush Rebellion." These seminars provided a wonderful opportunity for a free exchange of ideas with a variety of scholars and experts.

²Brian M. Barry, "The Use and Abuse of 'The Public Interest,'" in *Nomos V, The Public Interest*, ed. Carl J. Friedrich (New York: Aldine-Atherton, 1962), p. 203.

Despite these issues, near unanimity probably could be obtained for the proposition that the government has a responsibility to promote public health to some degree.

What, then, is the possibility that wilderness protection also fits this definition of the public interest? If it does not fit, what are the implications for public policy in the area of wilderness preservation?

One possible argument in favor of wilderness preservation is aesthetic nationalism. Edmund Burke tells us that for a nation to be loved it ought to be lovely, that it ought to be capable of inspiring love. Certainly the great physical beauty of this country has been one of its most admired features even before the earliest colonial settlements. Over the centuries, Americans have had a long and heartfelt love affair with this continent. Often the wildness of the country bred more terror than love, but at least since the middle of the nineteenth century wilderness has provided for many persons a substantial portion of the loveliness Burke spoke of and has strengthened their affection for their country.³ As the British naturalist James Fisher wrote in *Wild America* of the Americans and their land, "Never have I seen such wonders or met landlords so worthy of their land. They have had, and still have, the power to ravage it; and instead have made it a garden."⁴

Nonetheless, beauty is largely in the eyes of the beholder. Not all Americans feel comfortable with wilderness. Not all people mean the same thing by wilderness. And Fisher's managed garden is not exactly primitive wilderness, even though it may be well worth having. The inculcation of national loyalty alone is surely an insufficient ground for extensive public wilderness protection when the goals of preserving "purple mountains," producing "amber waves of grain," and renewing "alabaster cities" may be mutually exclusive public goods. Economic growth, full employment, safe streets, good schools, pleasant suburbs, and wholesome food are at least as important as wilderness if a country is to be loved and lovely.

Wilderness preservationists are not fond of this public interest argument. They usually prefer a more universalist position. One such argument views man and his works as corrupt in comparison with the perfection of God and His world. To keep in touch with God and man's better nature, man needs to seek refuge in the

³The classic account of this development is found in Roderick Nash, *Wilderness and the American Mind* (New Haven: Yale University Press, 1967).

⁴Roger Tory Peterson and James Fisher, *Wild America* (Cambridge, Mass.: Houghton Mifflin, 1955), p. 418.

wilderness. A variation on this theme reminds us that God requires man to serve as steward of His great works. This argument may well provide a reason for a particular person to seek ways to preserve tracts of wilderness, but the personal vision of a theological argument does not provide a good platform for the defense of the public interest. Individuals may make judgments on the basis of their religious beliefs, but it will be difficult to convince others who do not share their vision. A secular version of the theological argument finds in the wilderness some supreme good above all other human needs and interests. This argument persuades only the true believer and will win few new friends for the cause, for it boils down to little more than one person's preference at odds with another's.

A far better universalist position maintains that we must recognize that wilderness is an irreplaceable resource, and we must protect what we still have. Future generations will thank us for passing on this precious resource, not just for aesthetic reasons but because civilization itself depends on a proper mix of plants, animals, microorganisms, and water, air, and soil resources in an intricate and, as yet, not fully understood ecological balance. To tamper with this balance without understanding how it affects us will surely produce untold adverse consequences for mankind. This argument is certainly correct in part, yet it is flawed also. For one thing, the wild environment is not that delicate. If left alone it would reassert itself, no doubt in a modified form, rather quickly. Wild grasses return to the Thar Desert of India, a desert probably created by overgrazing of the land three thousand years ago, within a few years once grazing stops.⁵ Any suburban lawn, left unmowed, will produce an amazing array of wildflowers. Without man, grass would grow again in the streets of Los Angeles within a frighteningly short time. Kipling put it succinctly in "Mowgli's Song against People":

I will let loose against you the fleet-footed vines—

I will call in the Jungle to stamp out your lines!

Landscapes change naturally and constantly through erosion, wind, earthquakes, volcanoes, glaciers, climatic shifts, and earthplate movements. Species, landforms, and continents come and go in rapid succession as measured in anything but human time. When we say that this is the only environment we have, we might more accurately state that this is the only environment we feel comfortable in.

⁵Reid A. Bryson and Thomas J. Murray, *Climates of Hunger: Mankind and the World's Changing Weather* (Madison: University of Wisconsin Press, 1977), pp. 107-14.

Men are highly adaptable to different times, places, conditions, and environments. Through technology they can often modify the environment to suit themselves and their ideas of a good life. Wilderness is only one of the goods man desires. In pursuit of other goods, man has been destroying and modifying wilderness for thousands of years. Entire civilizations may have been destroyed by inadvertent environmental modifications. Yet more often than not, man has improved on the wilds for his own purposes. What is different today in man's relation to the wilderness is that there are so many more of us that the modification of the environment proceeds with great rapidity, and the chances for major mistakes in environmental engineering increase accordingly. Whatever we do about wilderness, population stability is a desirable goal and will have to come at some point. Yet the problem of population growth is different from the problem of wilderness protection. However many billions of persons turn up on this planet, they will have to be put somewhere. The more of them there are, the less wilderness there will be, whatever public policies are adopted. Finally, there is no sure way to know ahead of time whether man's effect on the environment works for good or ill, even for man. There are clearly trade-offs, but we really only know what these are over the short run. There will probably be a demand for both development and wilderness, but we do not know what the desired mix of these two goods, both in quantity and quality, will be.

A third group of public interest arguments in wilderness preservation is more persuasive than those in the universalist category. These arguments concede that wilderness is only one of many competing goods, yet wilderness protection is still worthy of public concern. Wilderness is useful as a laboratory for scientific research into the nature of the physical universe. New medicinal compounds, new strains of food crops, and new products for high-technology industry wait to be discovered if we do not destroy the wild areas of the earth through slash-and-burn agriculture, logging, desertification, and acid rain. These are strong arguments indeed. But we do not know how much wilderness is enough for these uses, and we do know that competing uses of wild lands also contribute to a higher standard of living through research, synthetic technology, and agriculture. These arguments suggest that we should be careful with the wilderness we have, and we should learn to evaluate it properly when we compare wilderness with development. But these are not arguments that in and of themselves support a public policy of wilderness protection.

One true public interest is that wilderness preservation encour-

ages the cultivation of a social ethic that increases the chances of human survival on this planet through the development of human values. If we are unable or unwilling to care for the wilds, to appreciate the beauty of untouched places, to marvel at the intricate relationships of the natural world, to learn to love other living things, to treat all life as precious and worthy of respect, is it not likely that we will come to undervalue human life as well? If we act as if our wild resources exist merely for human exploitation and manipulation, then we will come to treat humans as equally exploitable. The cultivation of a respectful attitude toward life is a difficult task. Learning to love the wilds may well help us learn to love ourselves.

A final, more limited argument holds that wilderness provides "near"-public goods.⁶ Within certain constraints, these goods are available to all, though some will benefit more than others. This category includes aesthetic views, recreational areas, psychological goods (such as the pleasure of living in a world where wolves still roam), and "banks" where resources may be stored for future use. The value of these goods should be considered in the formulation of public policy, but they are not true public goods. Some will find wilderness vistas frightening instead of elevating; others will dislike outdoor sports; still others may benefit more by consuming resources now rather than by holding them for the long run; some will value attractive views only if they can be seen without much effort; some will find the view spoiled if others are around. Goods of this sort will be provided for in a more equitable fashion if those who benefit from them freight the bill. This is the way we handle other such goods: opera, fine restaurants, trips to the ballpark, and shopping centers.

So far, a limited but not overwhelming case for a public interest in wilderness protection has been presented. But a successful democracy depends on a determination on all our parts not to interfere with the values of others and not to insist that others see everything our way.⁷ The best public interest argument is largely a matter of values. In a diverse democratic society questions of value are often the most difficult to deal with in a public forum. Other means exist

⁶For a discussion of near-public goods, see James D. Gwartney and Richard Stroup, *Economics: Private and Public Choice* (New York: Academic Press, 1980), pp. 700-701. "Although few commodities are pure public goods, a much larger set of goods is jointly consumed even though it is feasible to exclude non-paying customers."

⁷This important point is worthy of a separate paper. I touch on it in several of my writings, including two unpublished essays, "The Conditions of Freedom" and "The Founding Fathers and the Public Interest." See also William Dennis, "Kirk, Hartz, Rossiter and the Conservative Tradition in America," *Modern Age* (Spring 1980), pp. 161-67.

to take care of public interest questions. Often we turn to them when dealing with questions of value. Churches, voluntary associations, and nonprofit corporations are particularly useful agencies that promote the public good through noncoercive means. If even in this best case problems exist in trying to provide wilderness protection through public means, advocates of wilderness preservation will not strengthen their case if they depend too heavily on public interest sorts of arguments.⁸

Suppose, however, that despite the arguments above we find a general public interest in wilderness protection. It will still be difficult to determine just what that interest is. The key problem is how to determine the proper mix between wilderness and nonwilderness uses of public wild lands. In obvious conflict with wilderness preservation is our demand for new sources of scarce resources: mining of uranium, coal, and molybdenum; drilling for oil and gas; commercial development of the timber crop; demand for grazing land as the price of beef rises; rights-of-way for transportation routes; places for a growing population to live; increased need for recreation sites. But even the recreational demands bring conflicts. How will the public interest best be served when it comes to providing tracts for those who wish to bring their campers and off-road vehicles into the wilds? Where should motorboats be permitted and where should only canoes be allowed? What about hunters and fishermen and horsemen? What about developed public campgrounds and rustic campsites? All of these uses are in high demand. There is no one group whose demands are inherently superior to the rest.

Even within the group of true wilderness users there are differences of opinion. Wilderness, it turns out, is largely a psychological good. What is wilderness to one is crowded civilization to another. The family backpacker, the naturalist, the mountaineer, and the commercial outfitter each has a different and often competing interest in the wilderness. Should we have trail improvements? Do we need new switchbacks? Must each rivulet or run be bridged by a structure designed by an architect? What is the correct public policy regarding grizzly bears or wild horses? If it were my wilderness I would leave out bridges and trail signs and eliminate most trail crews. Trails would end at timberline. There would be no paved access roads. My favorite USGS quadrangle maps are those that state in the lower right-hand corner, "No roads or trails in this

⁸Edgar Bodenheimer, "Prolegomena to a Theory of the Public Interest," *Nomos V*, pp. 210-11, 212.

area." But not many people are interested in this sort of wilderness. It is certainly not the version of wilderness favored by Park Service or Forest Service administrators. But who is to say which version of wilderness is best, which version is more in harmony with the public interest?

Suppose, however, that an equitable mixture can be found among these competing versions. How, then, do we determine the rules under which our wilds are to be administered? What user fees should be charged? Should campground sites and backcountry permits be rationed by queuing or by reservations?⁹ What is the backpacking capacity of the Wind River Range? Does that capacity change depending on the type of backpacker admitted? If so, should examinations be required before admission? Should guide services be licensed? Must professional guides receive national certification? Should certain areas be closed to rock climbing? Should climbing activities be regulated? Who should pay for rescues? Under what circumstances will rescue be permitted? Does the hiker assume the risk in grizzly country, should the bear population be "managed," or should grizzly areas be closed? These are real questions currently discussed in the journals and at the meetings of outdoors users and managers. As the perceived need for rules multiplies, the rules will surely be determined more and more at the convenience of administrators and will stray even further from any conception of the public interest.

For example, Frank C. Craighead, Jr., argues that the Yellowstone Park authorities established their policy on grizzly bears to fit their preconceptions of how bears were supposed to act in the park in opposition to his recommendations based on a long study of the actual habits of the grizzly.¹⁰ A few years ago the Forest Service in Pinedale, Wyoming, decided to limit commercial use of the Bridger-Teton Wilderness to about 12,000 man-days in July and August. Most permits were immediately issued to large, regulated, and established outfitters, in particular the National Outdoor Leadership School. Permits for small parties became virtually unavailable. Even though I had hiked hundreds of miles in the Wind River Range and am trained in wilderness education, I was unable to take a small group of college students into the mountains if I

⁹George H. Stankey and John Baden, "Rationing Wilderness Use: Methods, Problems, and Guidelines" (Department of Agriculture, Forest Service, Odgen, Utah, 1977), discuss the implications of five different rationing systems: reservations, lottery, queuing, merit, and price.

¹⁰Frank C. Craighead, Jr., *Track of the Grizzly* (San Francisco: Sierra Club, 1979), pp. 191-230.

were paid any fee for my services. Yet troops of Boy Scouts with volunteer leaders and hatchets and knives and fire scars and other unsound practices went unregulated. Whose interest was furthered and whose was hindered by this policy?¹¹

Rules and regulations pose a further difficulty. As John Baden has shown, different rules benefit different sorts of people.¹² Some can pay user fees; others can make reservations; still others are willing to stand in line and wait. The wealthy can hire attorneys, and corporations can mount lobbying efforts. Why should public policy accommodate one group over another? Generally speaking, whatever the rules, direct users of wilderness will benefit more than non-users. The wealthy, the educated, and the young are the primary beneficiaries of wilderness preservation by the government, yet they pay far less than their share of the costs. When the opportunity costs of nondevelopment are considered, this economic disparity is even more marked. So questions of equity pose still further problems for the public interest in wilderness preservation.

These wilderness goods are of interest only because they are of value to mankind. Different persons have different ideas on what wilderness is and how much of it is desirable. Too much wilderness is clearly as inimical to man as too little. Persons of good will can and do disagree as to what the public policy toward wilderness should be.

In any situation of conflicting claims, interests, and judgments, two methods can be used to settle the differences. One can develop a system of property rights and entitlements in which individual owners decide on resource uses and in which market transactions set price levels so that the value of alternative uses and personal preferences can be compared using a common standard, or one can turn to the political arena where ultimately the "might makes right" argument of the numerical majority will prevail. Of course, in a democratic society we decide on many policies that are not of a public interest nature through the give and take of democratic exchange. For example, should we spend a few billion more or a few billion less on public education? Should a military installation be

¹¹Another good example of government mistakes in wilderness protection can be found in John Baden and Richard L. Stroup, "The Environmental Costs of Government Action," *Policy Review* 4 (Spring 1978): 23-36.

¹²John Baden, "Neospartan Hedonists, Adult Toy Aficionados, and the Rationing of Public Lands," in *Managing the Commons*, ed. Garrett Hardin and John Baden (San Francisco: W. H. Freeman, 1977), pp. 241-51. I have also been influenced by Richard Stroup and John Baden, "Property Rights and Natural Resource Management," *Literature of Liberty* 2 (September-December 1979): 5-44.

located in Texas or Georgia? Should marginal tax brackets be adjusted up or down? There is no clearly right or wrong answer to such questions. They are matters of merely prudential concern, and the questions are usually solved through political negotiation and compromise. Underlying each of these questions, however, is a public interest argument: Should there be public education? What sort of national defense do we need? What is the nature of just taxation?

Many persons seem to see nothing wrong with prudential political action on wilderness protection. They argue that there will be no wilderness protection unless the government does it and that the political process will at least produce some wilderness protection, however inadequate. Besides, the government has always done it, and some questions are just not worth discussing. This is a difficult argument to deal with because the people who make it are usually not accustomed to approaching public policy according to first principles. They may grumble and complain about particular results, but they are rarely willing to consider that something is wrong with their fundamental assumptions. I have already argued that there are no compelling public interest arguments in favor of predominantly public protection of wilderness. But for those unwilling to agree with these conclusions, there are also problems with the argument of prudential politics.

Past governmental actions have more often than not destroyed America's wild areas. Only since the 1960s have wilderness advocates won many important political battles in their contests with economic and recreational developers of public wild lands. Government grazing and timbering programs have favored certain groups of ranchers and loggers. The scenic forest highway program has ruined hundreds of miles of wild stream valleys. Government dams for flood control, water storage, and recreation are particularly notorious examples of public destruction of wild areas. Until recently, most national park superintendents ran their establishments as if they were the managers of Disneyland, looking on ever larger park admissions and more recreational development as signs of managerial success. In the interests of public safety and convenience, our parks are becoming a bureaucratic maze of rules and regulations. One need only leaf through the publications of the various wilderness groups to see that the preservationists themselves are increasingly sensitive to the damage that government does to wilderness through its various actions and inactions: open-pit mines, mine tailing ponds, subsurface leases, oil drilling, timber chaining, access roads, overgrazing, off-road vehicle recreation

areas, irrigation dams. All these uses are routinely condemned in *The Living Wilderness*, *Audubon*, and *National Wildlife*.¹³ As Aldo Leopold wrote long ago, "Generally speaking, it is not timber, and certainly not agriculture, which is causing the decimation of wilderness areas, but rather the desire to attract tourists."¹⁴ One need only compare the wild nature of the privately held Big Bend Ranch with the more developed aspect of the adjacent Big Bend National Park in remote Brewster County, Texas, to see the truth in Leopold's lament. Only a few years ago the North Fork Valley in West Virginia was the site of mountain farms, wild ridges, and free-flowing rivers. Now Forest Service development is bringing to it visitor centers, campgrounds, road construction, fancy footbridges, and, according to plans, dams and recreation lakes. Only lack of funds has retarded the development of this area. Visitor-day use in national forest wilderness areas has increased twenty times since the 1930s and more than doubled since 1964. Should such rapid increase continue, there will be little wilderness left for anyone in the year 2000.¹⁵

A more subtle point may be made. The use of political solutions to obtain an end that is not truly in the public interest weakens the case of the preservationist. In the political arena, people attempt to shift costs to others for projects that primarily benefit themselves. They engage in "self-interest redistribution" to improve their position through governmental action. Gwartney and Stroup write that this process "is quite common, but it is almost never called redistribution. . . . Yet, in each case, it is more than a happy coincidence that the desired program also redistributes income to those making the requests."¹⁶ But the entire force of the preservationist argument stems from the insistence that wilderness is a good that provides benefits for everyone and that all should desire. The more people the preservationists can convince, the more resources they will be able to bring to the cause of wilderness protection. But preserva-

¹³Four examples from recent issues of *The Living Wilderness* are Dan Whipple, "The Oil Threat to Bridger Teton" (October-December 1977), pp. 5-8; Charles H. Callison, "It's High Time to Scuttle the Giveaway Mining Law" (January-March 1979), pp. 4-9; Dave Foreman, "ORVs Threaten a Wild Canyon" (September 1979), pp. 14-18; and Philip Hyde, "A Lament for Glen Canyon" (September 1980), pp. 21-23.

¹⁴Aldo Leopold, "Wilderness as a Form of Land Use," *The Living Wilderness* (December 1979), pp. 9-13 (originally published in 1925 in the *Journal of Land Use and Public Utility Economics*). Roderick Nash, in his revised edition of *Wilderness and the American Mind* (New Haven, Conn.: Yale University Press, 1973), discusses this problem at length in his epilogue, "The Irony of Victory."

¹⁵*The Living Wilderness* (September 1980), pp. 44, 46.

¹⁶Gwartney and Stroup, *Economics*, p. 721.

tionists who claim to be public benefactors and then transform themselves into another typical interest group at the public trough will lose their claim to moral superiority and thereby weaken the force of their own best argument.¹⁷

The political control of the wilderness may prove counterproductive as well. Powerful, competing interests will engage in unrelenting political warfare for influence on governmental bureaucracies and control over public resources. The wonder is that the preservationists have won any battles at all. Population pressure, popular demand for economic growth, problems of resource depletion and allocation, and the growth of development-oriented governmental agencies like the Department of Energy make it likely that future political decisions will on net destroy wilderness rather than preserve it. Surely a nation of 300 million people in the year 2020, while placing a higher value on wilderness preservation, will value alternative uses of wild lands even more. The Overthrust Belt will be developed, the Gates of the Arctic will be explored for oil, and coal will be stripped from BLM lands. The organized preservationists may well wish they had placed more of their resources in purchasing wild lands than in fighting political battles, for with ownership comes more effective control.

The private ownership of wilderness would improve the moral consistency of the preservationist argument as well as demonstrate a true dedication to wilderness values. We all know of the good feelings we get when we commit some of our own resources to a cause in which we believe. Those of us who own real estate know that the demands, sacrifices, and delights of ownership make us appreciate more fully our homes, our businesses, our ranches, and our farms. Much of the moral strength of America has depended on the widespread ownership of property. The preservationist movement should call on this strength in its own behalf. Once preservationists own substantial tracts of wild lands, they can speak with more authority about how wilderness should be preserved.

In a democratic society a public solution to wilderness protection will prove feasible only if there is a broad consensus on the details of public policy or if there are plenty of resources to fulfill the demands of different and competing interest groups without too much contention among them. Neither of these conditions now exists in regard to wilderness policy. As the nation grows more

¹⁷John Baden, Randy Simmons, and Rodney D. Fort, "Environmentalists and Self-Interest: How Pure Are Those Who Desire the Pristine?" in *Earth Day Reconsidered*, ed. John Baden (Washington, D.C.: Heritage Foundation, 1980), pp. 13-29.

crowded and more complex, the basis for consensus lessens and the possibility of conflict grows. To resolve these conflicts we need to pay more attention in the future to the establishment of a system of property rights as the foundation of wilderness protection. Without more nongovernmental solutions, the country is likely to find itself confronted with the common tragedy of wilderness depletion rather than the common good of preservation. Public policy may well work against the public good.

Granted the force of the above arguments, do private property means exist to support wilderness preservation? Past errors will make an ideal solution impossible; yet a gradual movement toward minimal governmental involvement in wilderness protection is not only feasible, it might also serve to reduce the hostility to private property solutions by groups that benefit from current policies. What is needed is a strategy of gradualism to change certain public policies that inhibit private ownership, to modify the rules of public land use so that resource users bear a greater proportion of the costs, and to try out a different combination of public and private ownership of wild land.

Current tax policy inhibits the private ownership of wild land. Taxes should be reduced to increase the resources left in private lands for private purposes. Taxes on real estate and inheritances decrease the ability of private owners to hold land in a wild condition. Special tax exemptions should be extended to the owners of small tracts of wild lands, such as pastures, woodlots, creek bottoms, and backyards. These micro-wilderness areas are wonderful natural preserves for insects, small vertebrates, and native plants. Lower corporate and personal income taxes would make for-profit ownership of wild areas more feasible.

Congress should decree that the annual cost of the ownership of public wild lands should be borne by the primary users of that land. Surely there is something improper about a policy that provides virtually free vacations to people with sufficient time and money while others must stay home to work to pay the taxes to provide these benefits. According to the Wyoming Tourist Bureau, the average visitor to Wyoming in the summer of 1980 spent over forty dollars a day on vacation expenses. Yet a mere ten dollars buys an annual Golden Eagle permit to all our national parks for a carload of travelers. Colorado Outward Bound now charges over six hundred dollars (plus transportation to Denver) for its fine twenty-one-day programs that take place almost completely on public lands; but Outward Bound probably pays no more than fifteen cents per person per day for the use of public property. Often the costs of col-

lecting fees exceed the value of the fees themselves.

User fees accomplish a number of desirable ends not found in other rationing systems. Money is a neutral medium that allows people to compare, so to speak, apples and oranges. Both preservationists and loggers claim that access to wild lands is valuable, but only the logger has to demonstrate with his own resources what that value means to him. Fees ease the public burden, transfer the cost to the prime beneficiaries, and pave the way for a transition to private ownership. Backpackers and preservationists may well come to appreciate wild lands more fully if they have to pay for them. People do not carefully evaluate goods that appear to be free.

Other techniques to raise money from public lands ought to be explored. Full-cost pricing of timber and grazing operations might make some of these ventures unprofitable. Long-term leasing arrangements for recreational development companies as well as ranchers and miners would partially privatize the wilderness and thereby provide more of an incentive to preserve the resources and to develop fully the economic potential of the land. Limited term rights could be auctioned to the highest bidder with restrictive covenants defining the bounds of appropriate exploitation. Public land that cannot bear its own costs should be sold outright for whatever it will bring.

Selling the public land does pose some problems. Many feel that direct competitive sales would mean that only large corporations insensitive to the value of wilderness would end up with public lands. There is some truth in this charge. If wilderness organizations had invested in land earlier, they would now find it easier to compete with for-profit organizations. The simplest way to deal with this problem is for the government to make up for lost time by giving away parcels of wild lands to different preservationist groups, again perhaps with restrictive covenants.¹⁸ The government frequently has disposed of its land without charge in the past to homesteaders, to schools, and to railroads. Gradual sale of other lands over the next twenty years or so would give the preservationists an opportunity to organize, to raise funds, and to compete in the marketplace.

We should not underestimate the economic power of such groups as National Outdoor Leadership School, Ducks Unlimited, the Ap-

¹⁸John Baden and Richard Stroup, "Priceless Wilderness: A Paradigm Case of Rent Seeking" (Paper prepared for a Liberty Fund Conference on "The Political Economy of the Transfer Society," Montana State University, Bozeman, September 1980), pp. 18-21.

palachian Trail Conference, the Sierra Club, the Great Lakes College Association, or Montana State University. These organizations might be worthy owners of wild lands. Various for-profit or non-profit organizations already find it in their interest to preserve wilderness: for example, the Grand Teton Lodge Company, Big Sky Resorts, *Backpacker Magazine*, and Camp Trail Pack Company (now owned by Johnson Wax). Regional associations of dude ranches and commercial outfitters, alone or in cooperation, could work out private arrangements for wilderness preservation. If property rights were taken seriously, one might not have to buy every wild space in order to protect vast areas. Purchase of a strategic access valley might protect the remote backcountry and mountain peaks. Ownership of water rights in a desert area might make further commercial development impossible. The Nature Conservancy does an especially good job with this technique, though, unfortunately, it often turns its purchases over to public authorities.¹⁹

One great advantage of privatization is that it frees the genius of private individuals to come up with new and unexpected ways of protecting wilderness. As Gordon Tullock tells us, "The level of efficiency of government action is apt to be low, and the possibility of damage through erratic, ill-informed decisions is great."²⁰ With government solutions we get only a few management options, but with private ownership people will tend to concentrate their efforts where they have comparative advantages. When those with the most interest become important owners of wilderness, creative new policies should result.²¹

Private owners will be able to raise money without eroding the wilderness character of the land. The technique of excess taking could be used. Owners could purchase lands peripheral to their wild areas and use them for commercial development. In Estes Park, Colo., Jackson, Wyo., and Gatlinburg, Tenn., such developments add considerably to the economic attractiveness of nearby wilderness areas. Another source of income could be summer cot-

¹⁹The July-August 1980 issue of *The Nature Conservancy News* lists sixteen new projects. Seven of these were turned over to various governmental units, seven remain in private hands, and two appear to have joint public-private management.

²⁰Gordon Tullock, "The Social Costs of Reducing Social Cost," in *Managing the Commons*, p. 155.

²¹Armen A. Alchian, *Economic Forces at Work* (Indianapolis: Liberty Press, 1977), p. 143. Other benefits of private ownership are discussed in Harold Demsetz, "Toward a Theory of Property Rights," *American Economic Review* 57 (May 1967): 347-59; and James A. Sadowsky, "Private Property and Collective Ownership," in *Property Rights in a Humane Economy*, ed. Samuel L. Blumenfeld (La Salle, Ill.: Open Court, 1974), pp. 83-100.

tages, condominiums, and ski lifts such as those found at Crested Butte and Aspen, and on more remote Forest Service lands. Animal, vegetable, and mineral resources would be another fruitful source of income. Many of these resources can be developed with little adverse effect on the wilderness, especially since rising prices make greater precautions economically more feasible. Hunters and fishermen already spend huge sums on their pastimes. Once they become accustomed to paying for their benefits, backpackers should be willing to pay for access to the backcountry with the guarantee that their fellow foot-travelers are scattered thinly throughout the wilds. Particularly fragile or scenic areas might command a high price from a wealthy patron if he were given exclusive rights to it on some limited basis.

On the other hand, lands with only a marginal wild character could be exploited for their nonwilderness resources and then reclaimed for agricultural, recreational, and wildlife conservation purposes. Two good examples of this policy are the Ohio Power Company lands in southeastern Ohio and the Meadowlark Farm development of the Ayrshire Collieries in Indiana, Illinois, and Kentucky. In all of these cases, if rights and entitlements are restructured so that entrepreneurs can capture the economic benefits of ownership, then the incentives for private management of wilderness will be dramatically increased.

Destructive population pressures on wild areas can be alleviated by expanding nonwilderness outdoor recreation areas, such as camping parks and artificial lakes built close to population centers. Wilderness corporations might well diversify into these businesses, using profits gained for the preservation of wilderness elsewhere. Edwin G. Dolan has pointed out that once wilderness organizations decide to become profit-making corporations, the bond markets and other financial services would be open to them.²²

Finally, let me suggest four tasks for immediate action:

First, Alaska is still both wild and federally owned. It should not be locked away from private ownership. Alaskan homesteading should be extended to much of the land now under consideration for wilderness preservation. The Alaskans love their land and live out-of-doors a good bit of the year. They would find ways both to

²²Edwin G. Dolan, "Why Not Sell the National Parks?" *National Review* (April 6, 1971), pp. 362-65. Dolan first suggested to me a private property approach to wilderness protection. His other writing in this area includes *TANSTAAFL: The Economic Strategy for Environmental Crisis* (New York: Holt, Rinehart & Winston, 1971); and "Environmental Policy and Property Rights," in *Property Rights in a Humane Economy*, pp. 209-24.

develop Alaska and to preserve much of its wildness. A thoughtful Alaskan policy can allow us to have wild areas and resources and a freer society as well.

Second, the conclusions of this paper may seem strange, radical, and impossible. Perhaps so. But why not try some of these ideas to find out how practical they are. The Department of Agriculture, for example, in cooperation with an independent evaluation agency, could establish a pilot project in which a federal wild area is turned over to a commercial operation to see how a profit-maximizing entrepreneur might actually administer it. We try pilot projects in many areas of public policy. Privatization of the wilds is a fruitful area for experimentation.

Third, none of this will work, nor will any private property ever be safe, if majority rule can override private rights. Eminent domain has been used to acquire land for parks and preserves, but more often the government has used it to acquire land for dams, highways, access roads, pipelines, and recreation. We ought to develop new rules for eminent domain, defining more clearly its use in the public interest, prohibiting its use for the benefit of private developers, and shifting the burden of proof to the government.

Fourth, Congress should declare a moratorium on further acquisition of land by the government. An inventory of current holdings should be undertaken with the idea of substantially reducing the public ownership of nonwild lands. From then on, whenever the government wished to acquire new tracts of land for public purposes, including wilderness protection, other land would have to be turned over to private hands.

The question of wilderness preservation is basically a part of the problem of the preservation of the private sphere in general. A free country needs a wide diffusion of private property. The government already holds too much land.²³ The politicalization of society is dangerous for everyone, and further expansion of the power of the state is surely a public bad. If a convincing case can be made for the reduction of the role of the state in wilderness preservation, then the principles learned here will have useful effects on other areas of public policy. If such a case cannot be made, then private ownership of land and resources is likely to fall under further statist control with such current proposals as national land use planning, federal

²³This point is documented in Robert J. Smith, *Earth's Resources: Private Ownership vs. Public Waste* (Washington, D.C.: Libertarian Party, 1980), pp. 75-84. This fine, extended essay deserves wide circulation. Smith has developed a libertarian position on practically every aspect of environmental policy. His writing and conversation have strongly influenced my views.

energy policies, and the Alaska wild lands bill. Thoreau said, "In wildness is the preservation of the world," but only if the wilderness itself is set free, and only if wilderness policy contributes to the furtherance of freedom rather than to the growth of the politicalized society.