
'Who owns America?' grabs the attention as the title of a book, but is, I thought, a silly question. And the answer offered, 'We all own America' (27), would seem to be glib. Yet both question and answer are based on convincing arguments rationally developed. Jacobs emphasises the basic question: 'A courthouse record shows that I am the owner of record of a parcel of land. What if, while owning my land, I sold the mineral rights to a multinational mining corporation, sold the right to harvest old-growth timber to a paper company, donated the development rights to a local land conservation organization, and leased the access right for the fall hunting season to a local hunting club?' (245–46).

The next stage in the argument is the recognition that the ways in which the rights in land can be divided are extremely numerous and can vary from culture to culture. It further argues that property rights are meaningless if they cannot be enforced: and that is a task for society. In other words, 'Property is a social process' (5); or 'It is essential to understand that things and circumstances are not protected because they are property. Rather, those things and circumstances that are protected become, by virtue of that protection, property. What I own depends on what you agree that I own, not what I assert that I own' (25).

That is the conceptual framework for Who Owns America, which is a product of the Land Tenure Center of the University of Wisconsin, Madison. The contents might surprise some European readers. The attitude 'It's my land and I can do what I like with it' is much less prevalent in Europe than in the USA, nor do we have the pseudo-academic justification for this attitude which is to be found in the 'property rights movement'. Members
of this movement claim that 'freehold property is inextricably linked to the existence of a modern democratic state and that actions that increase the power of the state over the individual decrease the institution of democracy' (31). Moreover, the followers sometimes refer to it euphemistically as 'the wise use movement', and argue that a private market in property rights can be used for realising (some parts of) environmental policy.

Chapters 1 (Bromley), 3 (Last) and 9 (Salamon) investigate how those ideas became so strong in America, and explain it partly in terms of the history of the United States. John Locke, writing at the end of the seventeenth century, propounded the idea that land was the essential instrument whereby liberty was to be attained. This idea he developed in Europe, envisioning 'a helpless and overburdened individual cowering before the predations of a scavenger state' (24). That was the experience of many of the first settlers in America also. Thomas Jefferson thought that the chief function of government was to protect and preserve property (50, 161), and this developed into the belief that 'ownership of land is better for society and is a citizen's right' (161). This led to the very strong idea that property rights are 'dyadic', the individual versus government (25), whereby the issues are discussed almost exclusively in terms of public versus private.

That the American Indians had very different ideas about property rights (coupled with very well structured practices) interested the first white Americans not at all. Only recently have they been investigated. Chapter 11, by Trosper, gives a fascinating account of how some American Indians handle the rights to fishing in such a way that the environmental problems associated with the 'common-pool dilemma' are satisfactorily solved (the solution is: all surplus production must be shared!). Other chapters on (white) American practices of the last two hundred years show that the way property rights are now regulated usually exacerbate such environmental problems (e.g. Chapter 12 by Gaventa on the political economy of Appalachia and the South-East).

My one criticism of this book is that it ignores the European experience with property rights since the first settlers of America reacted so radically against feudal malpractices in some countries of Europe. There was a reaction in Western Europe also, which led to the Napoleonic Code. This establishes what Bromley (25) calls the triadic view of property rights: namely, that property rights have been created by government in order to regulate transactions between legal persons. Most governments of Western Europe base the creation and enforcement of property rights on this principle. It means that property rights can be discussed and changed without invoking ideological issues of the government versus the state.

There are not many books on the significance of property rights for urban issues, spatial planning and environmental policy. Who Owns America? describes and analyses the situation in that country. It takes a particular stance and works this out well. It can be read with advantage.

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BOOK REVIEWS