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## Reclaiming the commons of public trust

Jeff Romm

*Department of Environmental Science, Policy and Management, University of California, Berkeley*

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# Reclaiming the Commons of Public Trust

**Jeff Romm**

Professor

Department of Environmental Science, Policy and Management

University of California

Berkeley, CA 94720

## **Abstract**

*Perpetual conflict over natural resources has eroded the public trust needed to sustain civil institutions and the ecosystems they affect. Battle has become more virtuous than compromise for the common good, and regulatory mends of the frayed social fabric have further fragmented capacities to handle ecosystems in productively unified ways. Escapes from the impasse sound fairly simple: willingness to respect one another, to listen, to innovate, to trade, and to work toward mutually beneficial futures.*

## **CONFLICT, CIVILITY, AND HUMAN DIGNITY**

Natural resources conflicts, like competition in the marketplace, presumably sharpen our sense of public values and the actions needed to sustain them; but conflict has become so prominent and stylized a feature of natural resources management as to have become an end in itself, a consumer good that seems to benefit people with or without resolution. It has become so controlling that it erodes the trust and the security required for care of the resources themselves, tearing the social fabric within which people have reason to resolve their differences in deference to one another and to the future. Ethics of civility have given ground to a morality of selfness, creating a tragedy of the commons of trust upon which people can advance their mutual interests. The result is destruction of natural resources for all, whatever their persuasion.

Our discourse has fallen to the seduction of stereotypes, big boxes easily emptied of human virtue. We have grown comfortable with a culture of blame—the other guy is always the problem—and we have developed habits of response to problems that may be satisfying emotionally but that have the opposite

effects we say we expect. If *the other guy* is less than *we* and is the problem, then it is right to kick or control or debase him into line, whatever the real consequences. Indeed, resolution has gained an unsavory tinge, a compromise with evil, even when its real consequences would improve conditions for all.

These simplifications of discourse confine our vision; they reduce our capacities to find better paths. In a fundamental way, they undercut personal dignity and the dignity of our public processes. The decline of our natural resources reflects the decline in our civility.

The objective situation is more complex, more interesting, and more hopeful than contemporary public discourse may lead us to appreciate. The situation is not formed by grand moral arguments, nor even by abstract distributions of political and economic power, but by the acts of millions of persons who do what they do for unique and virtuous reasons and within the unique possibilities of their place. Our public interests are served not by judging what they do but by expanding their opportunities to do otherwise. We need public means to respond more effectively to diverse interests and possibilities and to thereby strengthen reasons for civil commitment to interests of the public at large.

This paper was presented as the introduction to the second day of the symposium. *Ed.*

## REALITIES RATHER THAN MORAL ISSUES

Efforts toward resolution are challenged by two inherent tensions in our system of resource governance. The first tension arises from the disparities between our integrative concepts of ecosystem and the many specialized institutions that happen to converge in and guide our uses of a particular place. The second tension arises from the disparities among public interests as defined, legitimately and differently, at the various levels of governance in our federal and market systems. We often attempt to wish these tensions away, e.g., by advocating pure ecosystem- or property-based governance and pure central or local control; but the tensions reflect the strengths as well as the inconsistencies in our system of governance. Simple responses to them may cause more problems than they solve. We need balanced responses and, more important, the capacity to modify them for different conditions over space and time. The tensions mark where adaptive processes are most critical.

### ECOSYSTEM INTEGRITY VS. INSTITUTIONAL DIVERGENCE

In many parts of Asia, traditional systems of forest management have sustained locally desired forest qualities and diverse subsistence outputs for centuries. When national forestry agencies later began to implement sustained yield plans for timber in the same place, the forest disappeared. Discourse about this forest degradation is filled with comment about greed, corruption, oppression, ignorance, and irresponsibility; but these hide the fundamental fact: when two sustained yield plans are both applied in the same place, the forest will be destroyed unless the two plans accommodate each other. The plans represent different constituencies, powers, capacities, and interests. They imply different perceptions of the forest, its growth and its benefits. If played to the full, neither accounting for the other's take, the two together will leave little or nothing behind.

American analogies are ubiquitous. The tension between plans to sustain endangered species and to sustain timber- or range-based economies is a pressing example. The plans do not represent different moral qualities: they express different arrays of legitimate interests and institutions in which we all share. The differences can be viewed as a strength rather than as a problem. The problem arises in the absence of means for accommodation.

Another example is the tension between sustained yield plans and timber targets for the same national forests. We generally accept the virtues of both professional and political systems of forest control: the issue is not whether one is innately superior to

the other. Our problem is the absence of a means to resolve consequences on the ground to serve the values that both systems represent.

The watershed is perhaps the classic example of this issue in the American West. Almost everyone shares the idea of the ecological interdependence among activities occurring in the same river system. The watershed fits our central concept for perceptions of ecological unity and its management; but our institutions—custom, law, market, politics, governance—slice up and fragment a watershed, usually in ways that are unique to each site within it. Different institutions apply to, for example, water, land, wildlife, forage, timber, and minerals. These institutions distribute, condition, protect, and value claims to elements of a presumably unitary system through independent processes that have different histories, rationales, scales, and controls. The institutions just happen to overlap in a region that shares the same water flow. While we may be tempted by unified controls that would satisfy the needs of a particular place, these institutions are too fundamental and functional to be dominated or dissolved. The more productive course is to find means that better accommodate common watershed interests within the conditions these institutional realities create.

### SCALE, POWER, AND JURISDICTION

As the examples suggest, a piece of land is overlain with institutional layers that typically are governed by different levels and agencies of political jurisdiction. The results can be devastating. Farming in America, for example, is regulated and otherwise influenced by many different county, state, and federal authorities, each with its own political constituency and specialized objective. While not one of them is directly intended to reduce agricultural viability and the open space it secures, their collective impact makes farming inviable in many places. The consequence of control is inconsistent with a widely shared public interest. It can be argued that the management of federal forestlands is caught in a similar bind. Layers of specialized legal requirements can seem to render almost any choice illegal in some sense; every choice erodes the legitimacy and viability of the management system.

Other examples are more profound. Federal timber harvests affect market prices and consequent private harvest rates and pressures on state regulatory systems; state forest-practice regulations affect the pressures of claims on federal resources; state and federal forest policies together affect county economies and locally controlled patterns of forest conversion for settlement. Federal and local land management decisions affect state-jurisdiction water and wildlife resources, the movements of which

rarely respect jurisdictional fence lines; and market forces shape opportunities in ways that do not acknowledge the needs of people or ecosystems in any particular place.

Such problems are inherent in our federal system of representative democracy and in our relatively free market economy. Our complex of institutions encourages aggregations of diverse values to such an extent that the same person is likely to express competing preferences when voting in local, state, national, and international market arenas. If left unresolved, the large conflicts that arise undercut the basis for long-term beneficial resource management; they reduce motives and capacities to invest in the future. The challenge is not to overturn our fundamental systems and sacrifice their virtues but to find new modes of accommodation that will speed resolutions of the problems they create.

## TOWARD A CIVIL FABRIC

Accommodation is not a notable attribute of our approach to natural resources issues however. We have become trapped as a society in reflexes and stereotypes that exclude possibilities for accommodation among diverse interests. Moralism has become a too-accepted substitute for thought and civil respect. Can we move beyond the-other-guy excuses for inflexibility toward a capacity to use differences for mutual benefit? I believe so because the following possibilities seem attainable.

### MOVING BEYOND STEREOTYPES

When we stuff people into abstract boxes, such as *environmentalist* and *industry*, we forfeit the capacity to appreciate individual virtues and circumstances; but the fate of our common interest is shaped by the actions of millions of unique persons, each of whom has good reason for doing what he or she does. Where people have sought to know their adversaries in real human terms—a process that is occurring in several communities in Northern California—they have come to see a whole range of possibilities about which reliance on stereotypes had blinded them. Stereotypes destroy civility by depriving people of their dignity. The future—our natural resources, our children—suffers from the results. Simple respect takes us a long way toward new resolutions.

### TURNING THE WHEEL OF POLITICAL DISCOURSE

When we get stuck on a particular we/they structuring of an issue, a slightly different perception can

free up the vast possibilities otherwise buried in these blocks. The Forest Summit<sup>1</sup> accomplished such a turn of the wheel by focusing on communities and fisheries rather than on the environment/industry structure that had confined discourse so unproductively for so long. Our opportunities looked fresh through that focus. In local and state wranglings about timber issues, I have never heard the word *children*. One suspects the political possibilities would be greater if the wheel were turned just that small bit. The we/they of political habit typically ignores those without voice, so we should not be surprised at the wealth of possibilities released when old walls are toppled.

### BREAKING HABITS OF RESPONSE

We have become attached to particular means of control rather than to the ends they are presumed to achieve. In forest debates, for example, some people go inevitably for stronger regulation, even when more regulation will destroy the viability of what they wish to preserve. Others rely on quasi-feudal notions of property, even when doing so is destroying their forests and futures. Bashing the other guy destroys his ability and willingness to serve your interests. Such habits are at the expense of mixed approaches that would work for everyone if given a chance.

The “flip test” is a useful way to better understand the possibilities in such situations. What does an environmental restriction look like when viewed instead as an economic policy? What does an economic program look like when its environmental consequences are evaluated? The results usually are quite unexpected. In a significant range of conditions, an environmental restriction can produce greater economic benefits than would the economic program; and the economic program would have more beneficial environmental effects than will the restriction intended to achieve them. We need mixtures that suit real conditions and that accomplish mutually desired ends. These mixtures can be found when we focus on what particular policies do rather than on which political identities they are thought to serve.

### SACRIFICING THE PLEASURES OF BATTLE FOR THE BENEFITS OF SETTLEMENT

The pleasures of combat often seem preferred to the concession of a mutual interest, even when the

<sup>1</sup>The Forest Summit was held on April 2, 1993, in Portland, Oregon. Convened by President Clinton, the summit's objective was to gather information on the debate over ecosystem protection and timber harvests in the Pacific Northwest to guide federal efforts to devise a balanced solution that preserves both ecosystems and jobs. *Ed.*

mutual interest is overpowering. In California, environmental and industrial interests lay locked in battle over forest practices even as urbanization is breaking the forest and destroying the streams more rapidly than anything happening inside the forest itself. Both sides are going down together.

The 180-degree principle applies in such situations. Contrary to Satchel Paige's "Don't look back. Something may be gaining on you," the 180-degree principle suggests that you had better look back because the common threat is gaining on both of you. In natural resources issues, the causes of problems are rarely located where the consequences occur, so battles over consequences tend to neutralize the interests with the intensity to protect against forces that are carving up common ground.

#### FINDING OPPORTUNITIES FOR TRADE

Advocates of free markets and of cooperative enterprise share a common belief in the bounties of mutually beneficial exchange, yet the realm of natural resources management contains few lasting examples of efforts to enhance negotiation and trade among diverse interests. Jurisdictional definitions of natural resources issues may be part of the problem, reflecting the durability of territorial-relative-to-functional criteria for distributions of power and authority. This tendency casts most debates in the form of contending rights and throws most negotiations into the sphere of the courts. The use of special cases to resolve grand policy creates its own problems, not the least of which is the erosion of trust in the judicial system. We have been extraordinarily slow to create alternative modes of trade that can achieve more desirable outcomes and greater flexibility than is possible when solutions must be sought at extreme levels of power.

The growth of trade in water suggests broader possibilities. Principles of trade are beginning to be applied in watersheds between upstream and downstream interests, in the reservation of riparian and wildlife-habitat systems, in forest stewardship agreements, and in biodiversity councils. These demonstrate means to resolve problems on practical grounds in flexible ways for diverse conditions. They strengthen arguments for more general relief of jurisdictional constraints on opportunities for similar endeavors.

Such endeavors first show their potential viability at local levels. They create cases, not for the courts but for legislative and administrative entities that may come to appreciate the efficiencies attainable through trading regimes for essentially public purposes. Those locked in combat seem to have common interests in experimenting with regimes to increase adaptability in their own circumstances.

#### INNOVATION

Ideas are the initial currency of new exchanges if the parties are receptive to them. The movement of ideas is not a feature of our persistent resource conflicts. Whether this is due to the absence of a good idea or of receptiveness to it is difficult to judge: the difference between clever stonewalling and simple incapacity is less discernible than it once seemed to be. Both undermine credibility and trust, so perhaps the distinction is unimportant.

Resource scientists and professionals should be a reliable source of and seedbed for fresh and useful ideas: that is their primary claim to special privilege and support. Unfortunately, their established organizations—experiment stations, professional societies, resource agencies—seem more devoted to self-protection than to the growth of ideas or to inclusion of the vibrant nonestablishment talents expanding beyond their bounds. As with natural resources issues in the policy arena, resource topics no longer are the possessions of detached specialties. They have become mainstream scientific and managerial interests that attract the best talents from all fields. Building inclusive flows of ideas among all interested scientists and professionals is no less challenging an innovation than doing so among conflicting parties on the ground. Indeed, a reluctance or incapacity to do so seems less justifiable in organizations whose principal reason for existence is innovation.

#### PUBLIC SCIENCE TO ADVANCE DISCOURSE RATHER THAN TO PRODUCE FACTS

Resource scientists currently are enjoying the policy limelight as sources of third-party expertise whose presumably objective knowledge provides concrete answers in the amorphous swirl of political conflict. The mix of public deference and antagonism in descriptors of the role—gangs, task forces, teams—should warn us of the transitory nature of this new noblesse. Reliance on resource scientists could quickly dissolve in the crucible of worldly trials. If public science is to survive to serve another day, the circumstances require more rather than less commitment to the conventions of scientific modesty, clarity, and scepticism.

Good public science simplifies and clarifies complex problems without interjecting invisible values. The durable contributions of science in conflict resolution are in how scientists explain problems rather than in what they conclude about them. This need to explain requires a capacity among scientists to illuminate, to themselves and to the public, the contents of the underlying assumptions that determine the answers they produce to a public question. If scientists treat their models as neutral machines, they

probably do not see the quasi-policy impacts of their own designs.

When opened to full light, scientific models can enrich public discourse about the dynamics of a problem and about how different values affect our choices of solutions. People who agree to disagree on assumptions but accept an envelope of reasonable possibilities have substantially reduced their differences and increased their common ground. Scientists face a great challenge to convert models from black-box machines to accessible processes of thought that help everyone to find better answers.

#### ACCOMPLISHMENT AND OPPORTUNITY

These possibilities are but one person's cut at the central problem. Our natural resources are declining because we as a society are not investing in them sufficiently to compensate for the growing claims they are expected to satisfy. The social context is too insecure, too mistrustful, too taken to the pleasures

of battle. The crisis of public trust is our true tragic commons, encouraging a politics of grab that our natural resources cannot support. We should accept responsibility for this situation and work to overcome it. This effort to change requires commitment to rebuild a culture of civility, a culture that dignifies each person. People are more likely to treat natural resources differently and to take a longer view of resource issues when they feel that they are part of a society that values their views and their needs.

We are making progress. Localized achievements abound across America. We need to learn why they happen and how opportunities for them can grow. We need to show respect for differences that reveal mutual interests, and we need to discover the means to pursue them successfully. We need to explore active conflicts that challenge us to understand why they remain unresolved and how they might be settled. We need to search for means to expand opportune conditions for settlement thus far attained in particularly conducive situations. We need to suggest new pathways through the problem. Let us see where those pathways lead.