



# On Private Property: Finding Common Ground on the Ownership of Land

*Eric Freyfogle*

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Urban sprawl. Disappearing wetlands. Historic preservation. Eminent domain. These and related land-use issues have put private-property rights on the public agenda in a contentious, visible way. Proponents of "property rights" statutes and ballot measures claim that governments too often invade private rights, imposing heavy burdens without paying fair compensation. Meanwhile, environmental and historic-preservation advocates press for yet more land-use restrictions designed to address a suite of environmental challenges.

In this provocative book, legal scholar and conservationist Eric T. Freyfogle presents the private-property debate in a surprising new light while suggesting how we can both respect private property and achieve communal goals. Our chief problem, Freyfogle contends, is that we have not taken time to study this cherished institution, to recover its complexity, and to get beyond bumper sticker debates. We fail to see how the rights of neighboring landowners are intertwined. We overlook how property both expands and contracts individual liberty. And we've forgotten how private rights need to evolve over time to serve contemporary needs.

In *On Private Property*, Freyfogle shows sympathy for the allegations of the property-rights movement, yet he sees the movement itself as distorting the institution of private ownership and disconnecting it from its long-standing ties to community welfare. Even more controversially, Freyfogle criticizes the land conservation movement for its indiscriminate support of payments to landowners to use their lands well. Payment programs, he complains, cut short a much-needed debate about the kinds of development rights landowners ought to hold and about the prerogative of landowners to alter lands in ways that bring ecological decline. In conclusion, he brings together his provocative ideas in an intriguing Landowner Bill of Rights—far different from property-rights measures now being debated.

Freyfogle's wide-ranging inquiry offers fresh insights for every reader. The result is a book of originality and moral force, informed by history, ethics, and environmental awareness. Engaging and accessible, *On Private Property* is a unique and vital contribution to a fundamental contemporary issue.

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