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REFLECTIONS ON THE EXCLUSIONARY ZONING OF AMERICAN NATURE

*A. E. Keir Nash**

MOUNTAINS WITHOUT HANDRAILS: REFLECTIONS ON THE NATIONAL PARKS. By *Joseph L. Sax*. Ann Arbor: University of Michigan Press. 1980. Pp. 152. Cloth, \$10; paper, \$5.95.

Joseph Sax's *Mountains Without Handrails: Reflections on the National Parks* deserves more serious scrutiny than does the typical pro-wilderness treatise about the optimum future of our nation's public lands. That is because beneath its elegant form lies a unique argument. Sax's stated central aim is to test the core "preservationist" position concerning nonbusiness¹ use of public lands to determine whether it is a position that Congress, administrative agencies, and the public "should be inclined to follow" (p. 3). The question is, given the "enormous growth of recreation in recent years" (p. 2), whether the national parks, forests, and deserts should "basically be treated as recreational commodities, responding to the demands for development and urban comforts that visitors conventionally bring to them; or should they be reserved as temples of nature worship, admitting only the faithful" (p. 2)? The latter view, the preservationist one,² constitutes a "bold claim [which] . . . has often been concealed in a pastiche of argument for scientific protection of nature, minority rights, and sentimental rhetoric" (p. 104). Sax explicitly eschews any argument based on either protection of the environment

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1. I use the term "nonbusiness use" rather than "recreational use" for two reasons. First, at some times preservation means literally locking up a parcel of land against all uses whereas at other times it seems to mean preventing all business use but only some nonbusiness uses. Second, some nonbusiness users clearly consider their activities closer to the conventional idea of a "religious use" than to the conventional idea of "mere recreation," recreation as "fun." See L. GRABER, WILDERNESS AS SACRED SPACE (1977); Smith & Watson, *New Wilderness Boundaries*, 1 ENVTL. ETHICS 51 (1979); Godfrey-Smith, *The Value of Wilderness*, 1 ENVTL. ETHICS 309 (1979).

2. In the sociology of recreation literature, and occasionally in this essay, the terms "wildernism" and "wildernism" are used to distinguish between "preservationism" which "locks up" resources completely and "preservationism" which really connotes "usable for wilderness experience only."

or concern about the quality of life bequeathed to future generations. His aim is to "isolate and make explicit the political claim, as it relates to the fashioning of public policy, and leave it to sail or sink on that basis" (p. 104).

Professor Sax first describes the nature of the preservationist's political claim. The preservationist is "like the patriot who objects when someone tramples on the American flag" (p. 14). He is upset not by the physical but the symbolic act. Thus, whatever public lands managers may think to the contrary, preservationists are not satisfied by mere separation of incompatible uses of nature or by mitigation of the "damage done by the most resource-consuming visitors" (p. 13). Though "not an elitist who wants to exclude others, notwithstanding popular opinion to the contrary," the preservationist "is a moralist who wants to convert them" (p. 14) to the appropriate uses of nature. He wishes to persuade vacationers to want "to go it alone in the mountain wilderness as John Muir did" (p. 15).

Having described the preservationists' political claim, Professor Sax seeks out the rationale underlying the claim. Early park supporters such as John Muir and Aldo Leopold assumed that exposing citizens to encounters with nature would induce in all such citizens a sense of nature's "harmonies . . . so simple and so young . . . [as to be] easily apprehended by those who will simply keep still and listen and look" (p. 17), without adequately explaining either why this would happen or why it mattered that it should. In his consideration of Muir and Leopold, as later in his treatment of Edward Abbey, Sax goes over familiar ground, adeptly, and necessarily to the structure of his argument, but without providing major new insights. The strength of Sax's analysis lies in suggesting the pivotal role of Frederick Law Olmsted's writing, first in his 1865 report as chairman of California's Board of Yosemite Commissioners and, more importantly, almost two decades later in his management study for the establishment of a Niagara Falls park. For Sax, Olmsted's writing performs two important functions. First, it provides an existential justification for the preservationist ideal. It explains why allocation of public lands to preservationist purposes is not merely seconding economically valuable chunks of earth away from the civil economy to serve the odd aims of "nature fakirs" (p. 1). Briefly, Olmsted argued that nature is valuable as a means of "conscious development of aesthetic appreciation." Second, Olmsted explained why public appropriations to develop an originally minority preference for preservation were not undemocratic. Where *ancien régime* aristocrats had held "that the masses were incapable of cultivation," Olmsted was "a republican idealist" (p. 24), believing in "the possibility of a nation where every individual counted for something and could explore and act upon his own potential capacities" (p. 24). Providing wilderness sanctuaries, to use modern parlance, would advance,

rather than retard, the cause of democracy because they would, again to use modern parlance, enhance "self-fulfillment."

To illustrate how a nature experience can advance democracy and enhance self-fulfillment, Sax draws from literature "largely ignored . . . produced not by the scholars, but by the participants themselves" (p. 27) — *e.g.*, Izaak Walton³ and Roderick Haig-Brown⁴ on fishing technique and motivations, Galen Rowell⁵ on mountaineering, Ortega y Gasset,⁶ Hemingway,⁷ and Faulkner⁸ on hunting — as well as less extensively on the related scholarly literature on "play and culture."⁹ From these writers, Sax educes related motifs that he finds especially significant: the valuing of technique over mere technology; immersion of the self in natural detail; eschewing of an audience; and, in the case of hunting, a complex bundling of motivations, commencing with atavistic longings but restrained by an "ethical structure" that, as in fishing and mountaineering, prevents the sport from becoming "a mere will to conquer" (p. 42). These related motifs suggest how a nature experience might serve an individual and democracy: the individual deals by "self imposed hard labor" in nature with tendencies in society to submissiveness; the individual comes to term via contemplation with instincts toward dominance; and, nature fulfills the need for urban man to absent himself temporarily from civilization, to find harmony in nature via "auto-telic" (pp. 55-59) activity and "setting one's own agenda." The result, according to Sax, is "self-actualization."¹⁰

Much of the remainder of the book is devoted to explaining the policy implications of the nature-experience findings — chiefly which activities should be encouraged, which ruled out, and which barely tolerated. According to Sax, three types of public wildlands' recreation are quite inappropriate. One consists of activities such as those at posh ski resorts where the major motivation is being "where the action is," rather than reflective recreation. A second is motorized recreation of a passive, spectating sort, whether it is driving along manicured scenic roads through the wildlands, or taking tram-

3. I. WALTON & J. COTTON, *THE COMPLETE ANGLER* (1925 ed.).

4. R. HAIG-BROWN, *A RIVER NEVER SLEEPS* (1946).

5. G. ROWELL, *IN THE THRONE ROOM OF THE MOUNTAIN GODS* (1977).

6. J. ORTEGA Y GASSET, *MEDITATIONS ON HUNTING* (1972).

7. Hemingway, *Big Two-Hearted River*, in *IN OUR TIME* 131 (1970 ed.).

8. Faulkner, *The Bear*, in *THE PORTABLE FAULKNER* 199 (M. Cowley ed. 1967).

9. *E.g.*, R. CAILLOIS, *MAN, PLAY AND GAMES* (1961); M. CSIKSZENTMIHALYI, *BEYOND BOREDOM AND ANXIETY* (1975); A. GUTTMAN, *FROM RITUAL TO RECORDS: THE NATURE OF MODERN SPORTS* (1978); J. HUIZINGA, *HOMO LUDENS: A STUDY OF THE PLAY ELEMENT IN CULTURE* (1949); P. WEISS, *SPORT: A PHILOSOPHIC INQUIRY* (1969).

10. *Cf.* pp. 57-59, where Sax discusses Carl Rogers's "client-centered therapy" and the work of A. H. Maslow. For a critical view of Rogers's theories as they relate to law, see Simon *Homo Psychologicus: Notes on a New Legal Formalism*, 32 *STAN. L. REV.* 487 (1980).

ways to the top of scenic mountains, or driving "insulated" from nature through the wildlands in a large recreational vehicle (pp. 70-81). The third is motorized off-road recreation. The key considerations for Sax appear to be that these nonbusiness activities provide only the illusion of an "authentic" nature experience, that they entail bringing the "city" and its plastic artifacts, so to speak, into the wildlands and thereby violate the essence of the experience; that they are the product of artificially stimulated demand (*e.g.*, by advertising) for the particular recreation; and that they fail to encourage at least a sufficient measure of "self-reliance."

With regard to passive, motorized sight-seeing recreation and to motorized off-road recreation, Sax argues that the pace of these activities is so rapid as to preclude intensive, rather than merely superficial, appreciation of nature. "Intensity of concentration upon the natural scene and attentiveness to detail are simply less likely to occur at forty miles an hour. For *this* reason it is appropriate to discourage motorized travel" (p. 79). What makes off-road recreation so problematic for Sax is not simply the environmental damage done or the annoyance to other users, but also the fact that "the satisfactions they produce are directly correlated to the increasing exercise of power and of consumption" (p. 75). States Sax:

If a motorcycle is good, a more powerful and faster cycle is better. . . . Unlike some ordinary tourist activities (a picnic or a volleyball game) which are simply different from reflective recreation, power-based recreation is antithetical to it. The fly-fisherman, for example, simplifies his tools in order to reduce power over his experience. The consumer-recreationist does precisely the opposite. . . . If the preservationist does not succeed in reducing the taste for such activities, he will fundamentally have failed. [P. 75.]

Sax proposes a central policy principle for lessening conflict over the nonbusiness use of the public lands. He would force users to "unbundle" their recreation demands. The "pure" nature experience is to be preferred over the hybrid ski-by-day and disco-by-night vacation. Persons who concentrate on nature and not on things they could do equally well in the megalopolis should be given priority.

Professor Sax concludes his test-voyage seemingly convinced that the preservationists' political claim sails rather than sinks as public policy, and that it needs no flotation assistance from arguments about the "scientific protection of nature, minority rights, and sentimental rhetoric" (p. 104). But is the verdict of seaworthiness compelling? Several objections are likely to be raised by public land users with preferences different from those of preservationists and by land managers trying to cope with competing demands.

A first objection pertains to what Sax chooses not to do. *Mountains Without Handrails* is curiously short, coming from a lawyer's pen, on precisely how the policy preferences should be translated

into law and rule. Moreover, the book sometimes seems to assert a "strongly exclusionary" set of use-rules. But at other times it seems merely to advocate a policy of preferring certain uses without completely prohibiting others. The uncertainty is bound to be frustrating to those oriented toward problems of policy implementation.

A second objection has to do with Sax's use of evidentiary materials. I am troubled by his failure to make more than occasional reference to the extensive scholarly literature on the management of public lands and on the sociology, economics, and psychology of recreation. For example, he almost completely overlooks the social science periodical literature of the past decade and the research that has come out of the U.S. Forest Service Research Experiment Stations. Yet much in that literature bears on important aspects of Sax's discussion. These studies include empirical research on: (1) motivations of different types of wildlands users; (2) relationships among work, recreation, and the search for identity or "self-actualization of self" that so much concerns Sax as a justification for preservationist policy;¹¹ and (3) relationships between age, education, occupation, and income, on the one hand, and recreational use preferences, on the other hand. In addition, there are several recreation typologies more sophisticated than the simplistic analytic dichotomies ("nature appreciation" versus "power motivation"; "self-disciplined roughing it" versus "mere comfortable spectating"; "unbundled" versus "bundled" motivations; "authentic" recreation versus "illusory" recreation) that *Mountains Without Handrails* utilizes.¹² Much of this literature suggests that recreation motivations, behavior, and their social-psychological sources are more complex than *Mountains Without Handrails* seems to contemplate.¹³

Because Sax has overlooked most of this research, his argument

11. See, e.g., the essays in *Integrated Inventories of Renewable Natural Resources: Proceedings of the Workshop*, USDA Forest Service General Technical Report RM-55 (1978); *Outdoor Recreation Research: Applying the Results*, USDA Forest Service General Technical Report NC-9 (1974); reprinted in *Proceedings: River Recreation Management and Research Symposium*, USDA Forest Service General Technical Report NC-128 (1977); *Recreational Impact on Wildlands*, USDA Forest Service No. R-6-001-1979 (1979). These are all large compendia of research under forest service auspices. See also almost any issue of the *Journal of Leisure Research*.

12. See, e.g., Becker, *Perceived Similarities Among Recreational Activities*, 8 J. LEISURE RESEARCH 112 (1976); Duncan, *Leisure Types: Factor Analysis of Leisure Profiles*, 10 J. LEISURE RESEARCH 113 (1978); Iso-Ahola, *Basic Dimensions of Definitions of Leisure*, 11 J. LEISURE RESEARCH 28 (1979); Levy, *A Paradigm for Conceptualizing Leisure Behavior: Towards a Person-Environment Interaction Analysis*, 11 J. LEISURE RESEARCH 48 (1979).

13. See, e.g., Brown, Hautaluoma & McPhail, *Colorado Deer Hunting Experiences* in 42ND NORTH AMERICAN WILDLIFE AND NATURAL RESOURCES CONFERENCE TRANSACTIONS 216 (1977); Clark, Hendee & Campbell, *Values, Behaviors, and Conflict in Modern Camping Culture*, 3 J. LEISURE RESEARCH 143 (1971); Knopp, *Environmental Determinants of Recreation Behavior*, 4 J. LEISURE RESEARCH 129 (1972); Potter, Hendee & Clark, *Hunting Satisfaction: Game, Guns, or Nature?*, in PROCEEDINGS OF THE 39TH NORTH AMERICAN WILDLIFE CONFERENCE 220 (1973).

depends to a heavier degree than otherwise would be necessary on balanced utilization of his own intuitions about "people in nature" and of what some of the more literary participants have written.

Unfortunately, there is a marked imbalance between Professor Sax's capacity to understand recreational activities that *Mountains Without Handrails* winds up "in favor of" and his incapacity to understand those it finds inappropriate. For example, in examining hunting, Sax looks behind his initial impression that it "at first seem[s] wholly built around the conquest of a prey" (p. 34). With the help of Ortega y Gasset and Aldo Leopold, he finds that it actually is not. Hunting is then found to be an appropriate recreational activity on public lands. Sax turns next to off-road vehicle recreation. But he fails to take a similar look beyond apparent motivations to allow for the possibility that ORV recreation may not be quite what it at first seems to him. To be sure, he allows that "it is possible to imagine the lonely cyclist exploring the back country in quite the same fashion as the hiker or the horseman" (p. 33). But in the following sentences he states:

Yet, in fact, the ORV has associated itself in our minds with a style of use that is quite at odds with Leopold's description of the ethical hunter, Olmsted's contemplative visitor, or Walton's pensive fisherman. The ORV has become a symbol of speed, power, and spectacle. [Pp. 33-34.]

Instead of inquiring in the same fashion as before into the motivations of the "ideal" motorcyclist and making them determinative (as with Leopold's ideal hunter, Olmsted's visitor, and Walton's fisherman), Sax *constructs a fact* about *our* minds. In *our* minds, the ORV has become an undesirable symbol. What is going on in the cyclists' minds does not matter. It is what *we* think (for good reason or ill) that is going to determine matters, not what they think.

What is the ground for thinking that this symbol in our minds — if it was actually there at all before Sax's *ipse dixit* — should control? Suppose that there is some symbol in our minds about some other groups of would-be users of *our* public lands — such as kinky hair or a tradition of boiling Christian babies. Should these groups also not use *our* public lands? *Our* public schools?

Sax continues:

The best-known ORV event on the public lands is the Barstow-Las Vegas motorcycle race [T]his mass event, infamous for its destruction of the desert ecosystem, its rowdiness, and its vandalism, has become an emblem of the ORV. Commercial advertising has reinforced this picture, as publicity for off-road vehicles demonstrates: "Just put your gang on Suzuki's DS trailbikes. And head for the boonies. . . . Peaks or valleys, it's all the same to these rugged off-road machines." [P. 34.]

This is curious. I cannot find anywhere in *Mountains Without Hand-*

rails the suggestion that the motivations and behavior at mass competition events in other recreational activities should have any bearing whatsoever on admission or exclusion of individuals to wildlands. Bass-fishing derbies in the Ozarks, Snakeshoots in the Pecos — there is no mention of events of this sort in the book. As for the Suzuki ad, how many rifle ads promote reflective contemplation of nature? How many manufacturers of guns advertise that the barrels are *not* rugged? How many fishing equipment firms advertise that it is *harder to catch* a fish with their flies and plugs?

Sax's use of the participant literature also demonstrates a "we-they" attitude. According to Sax, the fishing and hunting books "clearly affirm" the Olmsted proposition that "activities removed from mere will to accomplishment and achievement in the eyes of others" (p. 35) are "important as a contrast to the values that so often dominate our daily lives" (p. 35). In marked contrast, the cycling literature, though seeming to speak to a similar contrast, "in practice . . . diverge[s] sharply" (p. 35).

The hunting and fishing writers are drawn to activities that transcend, without denying, the raw impulsion to exhibit power, win the games, pile up a score, and exercise dominion — treating the will to prevail as something natural, but at the same time dealing with it as something to be faced and measured, rather than yielded to. [P. 35.]

Whatever exactly it is that this means, clearly it is something that hunting and fishing writers do, but alas, ORV writers don't. What it is that ORV writers do, and what is "wrong" with them or what they're writing about, is clear from the following sentence: "The picture . . . is all exhilaration excitement — speed, danger, and domination" (p. 34). Professor Sax, however, does not marshal sufficient authority to prove this dichotomy between ORV writers and hunting and fishing writers. Besides the Suzuki ad, he gives just two quotations and one reference. One quote is to *The Snowmobilers Companion*, which is limited to only snowmobiling and which, in the quoted passage, was describing only snowmobile racing. Again, where are the snakeshoots and the bass-festivities?

The second quote is from Lee Gutkind's book, *Bike Fever*:

The [motorcycle] bellowed as it bounced over the sage, and folded down the yellow grass on either side of the wheels. . . . He jetted off across the prairie for a while, breathing in the red dust that the wind and his wheels were kicking up. . . . He trampled the sagebrush . . . he had run into some "whoop-de-do" jumps — a series of brief hills, about 25 feet apart. He cranked on, climbed the hill, and disconnected from the ground. . . . Each time he hit the top of a hill, his wheels left the ground and his stomach ricocheted into his throat [P. 34.]

One problem with Sax's use of this quote is that a single passage is not likely to be representative of an entire literature. In this case, the quoted "power-oriented" words (which in fact are snippets from

pages 230-33, not 211-13 as cited) are not even representative of the book they are quoted from. The book is in important measure a nature-aware text. A different quote-snipping technique could produce quite a different result from the very same pages. Thus:

He ran out of prairie and dropped down a steep hill into the trees, the shade and the coolness splashing him like water. He swam in the shade for a while . . . From his position . . . , Red could look down and . . . see the fish and the rushing water. Red thought he could smell the water, it looked so fresh and pure . . .¹⁴

A second problem springs from the observation that if one is going to skimp on sources, it is prudent to use ones that are at least arguably "typical." What is the case here? Gutkind's book in fact has very little to do with off-road recreation. It is almost entirely the narrative of a University of Pittsburgh Assistant Professor of English making a cross-country on-road motorcycle trip. And the passage Sax quotes describes an aging ranch-hand trying to ride an enormous road-machine offroad while seeking to recover his youthful memories of thirty years earlier. Whether the narrative at this point is fact or merely the fantasy of an Assistant Professor of English is not quite clear. What is clear, however, is that Sax no more manages a relevant quote of off-road recreation literature than he does in the only other motorcycle "literary source" he refers to. That is Robert Pirsig's *Zen and the Art of Motorcycle Maintenance*.¹⁵ As anyone who has actually read that distinguished literary work should recall, it is: (a) primarily about a former Montana State University faculty member seeking to recover his personal identity after massive shock therapy for schizophrenia; and (b) not at all about off-road recreation. Pirsig's protagonist, Phaedrus, backpacks a great deal and rides motorcycles on the highway a great deal — as well as philosophizes almost endlessly. But Phaedrus — in the entire course of the "autobiography" — never even goes near an off-road recreation experience.

Law professors do not often select their citations and references in such fashion. What is amiss? The difficulty, I surmise, lies in part in Professor Sax's uneven insights into different recreations and in part in the uneven screening effects of his dichotomizing models of recreation. The two reinforce each other and sometimes produce bizarre results, as in *Mountains Without Handrails*' certainty that white-water kayaking is an "appropriate" form of wildlands recreation versus its doubts about hang-gliding. Hang-gliding is "controversial because it emits an ambiguous message . . . and is to some

14. L. GUTKIND, *BIKE FEVER* 230-33 (1974).

15. R. PIRSIG, *ZEN AND THE ART OF MOTORCYCLE MAINTENANCE* (1975). Sax cites to Pirsig at page 33 of *Mountains Without Handrails* in connection with the statement discussed *supra* that "it is possible to imagine the lonely cyclist exploring the back country . . ."

extent . . . the spectacle of thrill seeking, rather like going over the falls in a barrel or riding a roller coaster" (p. 35). But also, and positively, hang-gliding requires "skills . . . such as close attention to and understanding of complex wind patterns, which make it seem rather like the activity of the hunter or fisherman who has minimized his tools and put himself as close to the margin of experience as possible" (p. 35). But exactly what is it about hang-gliding that makes it controversial, whereas Grand Canyon rafting without power-assists is plainly acceptable? Is it that hang-gliding is more like a roller coaster or going over the falls in a barrel than is white water boating through rapids? Hard to believe.

My main purpose here is not to catch Professor Sax out on some careless marshalling of sources. Rather it is to suggest that wildlands-use policy is not much aided by proceeding to "test" the legitimacy of competing recreations in such fashion or by concluding that recreationists who don't "play" in exactly the mode and manner that preservationists prefer simply display "the psychology of the spoiled child" (p. 84).

A satisfactory test of the "preservationist claim," and of competing claims, should be concerned less about who contemplates "correctly" in nature and who does not, less about who seeks thrills and who engages in hard self-discipline, and less about the maximum velocity attainable before an intensive wilderness experience is impossible. A satisfactory test needs, instead, to examine at least six issues. These are: (1) How sound is the claim that "wildernist" exclusion of other uses passes democratic muster?; (2) How sound is the claim that wildernist uses offer "authentic recreational experience in nature" whereas those uses wildernism disapproves do not?; (3) What are the comparative costs to society and economy of wilderness versus other uses of public lands?; (4) Should all recreational users be charged for the costs to the public treasury of their activities?; (5) Do differences in the socioeconomic status of user groups have any bearing on the societal good sense of adopting "exclusionary zonings" of American nature?; (6) Finally, what are fair mechanisms for minimizing inter-user-group conflicts?

Although Sax makes an effort to deal with the first pair of these issues, he ignores the second pair and gives bare (and unconvincing) nods to the third.

Let me take the issues Sax ignores first. There are two types of reasons why it is unsatisfactory to bypass the issues of "comparative costs" and "charging for recreational user costs." One grounds in a hard-nosed economics point of view. Preservation of wilderness costs government and taxpayer — at least where the "locked-up" parcels contain renewable or nonrenewable natural resources. It is not adequate to say that "locking up" such resources is just altruisti-

cally leaving them to future generations. If the resources are nonrenewable, there is a problem as to fair inter-generational distribution not automatically solved by always deciding "pro-wilderness." If the resources are renewable, it is possible that members of the present generation (at least those who would prefer, *e.g.*, cheaper lumber prices to more wilderness) are losing by the lockup without any net benefit to the future generation. A "strong" version of this view argues that free, or nearly free, wilderness amounts to the general public providing costless vacations to wilderness recreationists, that public policy "ought" to remove these vacation subsidies, and that the most efficient solution is to let the free market take over by selling public lands off to the private sector — whether to developed recreation buffs, to wilderness hikers, or to industry.¹⁶ One does not have to accept the free market solution in order to concede that a fair test of preservationist policy claims ought to include reckoning with the question of vacation subsidies and research which suggests that though wilderness backpacking may be less expensive to the public treasury than dispersed recreations with much heavier environmental impact, it may be much more expensive than picnic sites, scenic roads and vista-viewing facilities.¹⁷

A second approach would argue that this "hard-nosed" view of costs and related benefits is insufficient because it may commit an error of omission similar to one of Sax's, though in a rather different fashion. Costs and benefits estimates should, on this showing, include the "off-public-lands costs" to society as a whole of favoring exclusionary wilderness zoning and disfavoring other recreational or business uses. Put crudely, if keeping four-wheel-drive users off public lands, or Auntie Maud from driving on a scenic trails highway causes lower productivity the next week on the job or more family arguments, these consequences represent costs of "locking up" public lands that should at least be considered in any convincing test of policy.

To say this is perhaps to indicate why *Mountains Without Handrails* at least skirts reckoning with the issue of socioeconomic differences among user groups and related differences in recreational taste. Sax, thus, recognizes that although the preservationist viewpoint on wildlands use "implies that we can choose our own recreation as freely as we can choose our own clothes," "there is a strong strain of contrary opinion . . . rarely made explicit in the debate

16. For such a perspective see J. Baden, *The Case for Private Property Rights and Market Allocations*, THE CENTER MAGAZINE, Jan./Feb. 1981, at 26, 29-30; J. Baden & R. Stroup, "Priceless Wilderness: A Paradigm Case of Rent Seeking," unpublished paper prepared for Liberty Fund Conference, Sept. 21-23, 1980.

17. See Tyre, *Average Costs of Recreation on National Forests in the South*, 7 J. LEISURE RESEARCH 114, 118 (1975). Tyre's calculations work out to: observation site visits, \$0.07 per visit; family campgrounds, \$1.28 per visitor-day; wilderness areas, \$6.03 per visitor-day.

over the national parks" (p. 47). If, as that strain (characterized, for example, by Erich Fromm and Irving Howe)¹⁸ argues, it is correct that "a certain kind of leisure is . . . to be expected from the alienated worker" (p. 47) or even "psychologically necessary for him" (p. 47), there is a problem of elitism. If recreation preferences flow from position in society — *e.g.*,

fly-fishing for the professional . . . and snowmobiling for the blue-collar worker — then to embody one style of recreation in public policy, and to commit our parklands significantly to it, is to yield a valuable and very significant public resource to a very limited segment of the population (limited not just by numbers, but by class as well). [P. 47.]

Aware of this counter-argument, and duly noting that only five percent of wilderness visits are accounted for by blue-collar workers, Sax adverts to the blunt authority of Edward Abbey. Declaring that "the dilemma cannot be resolved by data," he quotes Abbey's *Desert Solitaire*:

They will complain of physical hardship, these sons of the pioneers. [But] once they rediscover the pleasures of actually operating their own limbs and senses in a varied, spontaneous, voluntary style, they will complain instead of crawling back into a car; they may even object to returning to desk and office and that dry-wall box on Mossy Brook Avenue. The fires of revolt may be kindled — which means hope for us all. [P. 49.]

Sax, a few pages later, states that though in one sense the "preservationist is an elitist . . . to the social reformer his message is that he can help generate incentives that will lead toward reform of the workplace" (p. 53).

Neither the declaration that the dilemma cannot be resolved by data nor the quote of Abbey nor even the statement of the preservationist's message to the social reformer rises to the level of serious analysis. It may be urged that Sax is here trying more to describe the preservationist position than to assess it. But so urging only defers one difficulty and exposes another. The latter — an endemic one in *Mountains* — is that the boundary between Sax's description of preservationism's tenets and his authorial position frequently dissolves. Too close to his subject, Sax is often unclear as to whether he is describing, agreeing, or analyzing. The difficulty here deferred is never addressed in the remainder of the book. One finishes *Mountains* without encountering a sophisticated effort either at wrestling with the Fromm-Howe viewpoint or at explaining why the social reformer should not perceive the preservationist's message about workplace reform as fatuously shallow industrial sociology.

18. See E. FROMM, *THE SANE SOCIETY* (1955); Howe, *Notes on Mass Cultures*, in *MASS CULTURE: THE POPULAR ARTS IN AMERICA* 496, 499 (B. Rosenberg & D. Manning eds. 1957). These works are cited in footnotes 1 & 2, respectively, to Chapter Four of *Mountains Without Handrails*, 125.

Sax's prescription for providing fair mechanisms for minimizing inter-user-group conflicts is plain enough. As we have earlier noted, it originates in a number of dubious dichotomies (*e.g.*, technology versus technique) and eventuates in the not very "neutral principle" of motivational and experiential "unbundling." The difficulties with this principle are many, but we shall have to limit ourselves to three major ones. First it assumes, rather than demonstrates, the superiority of "unbundling" in a particular direction rather than in another and of "unbundled" recreational experiences over "hybrid" ones. Second, it not only does not describe what "mechanized recreationists" want to do "in nature," but also does not describe what many, perhaps most, of the recreationists whom Sax assumes are largely "on the preservationist side" want to do.¹⁹ Finally, in place of analysis of the "right relations" among society, individual, and nature in the later twentieth century, it offers two ultimately bogus political claims. One is that what wildernists want to do (preservationism keeps coming back to this) is to have an "authentic" experience in preference to the "illusions" desired by others. The other is that, even if the preservationist policy position is elitist, it is not undemocratic.

Thus we are brought to the two issues pertinent to wildlands policy-making that Sax does attempt to analyze — the "authenticity" claim and the matter of wildernist preservationism's compatibility with democracy. The "authenticity versus illusion" claim is one of a number of dichotomizing motifs in the book that contains more appeal to preservationist sentiments than unassailable logic or descriptive accuracy. Adequate policy analysis ought to scrutinize the claim more closely than Sax does, for it is open to at least two objections. First, if the claim is to be grounded in anything more than a preservationist *ipse dixit* about the nature of "authentic experience," the analytic path should lead into the thicket of the literature on the psychology of "nonwildernist" wildlands experience. Second, the analysis needs to address an alternate view of "authenticity" and "wildernism." Swiftly put, it is that, in the late twentieth century, any wildlands recreational experience seeking to recapture how Muir and Wesley Powell experienced nature itself requires an illusion because the recapture is literally impossible in a post-industrial society. Further, and ironically, the quest for authenticity misapprehends in an oddly anachronistic fashion both what Powell and company were doing and what wildernists in fact now do. In the first place, Powell did not disdain the highest technology then available

19. See, *e.g.*, Adams, *Segmentation of a Recreational Fishing Market: A Canonical Analysis of Fishing Attributes and Party Composition*, 11 J. LEISURE RESEARCH 82 (1979); Hautaluoma & Brown, *Attributes of the Deer Hunting Experience: A Cluster-Analytic Study*, 10 J. LEISURE RESEARCH 271 (1978).

— he hardly set out down the Colorado in Izaak Walton's seventeenth-century skiff. In the second place, today's wildernists rarely recreate the conditions and technological limitations attending, again, Powell's expedition. Few white-water recreationists these days face backwards; it is too dangerous. Few mountain climbers and backpackers abjure lightweight alloys and synthetic fibers in selecting gear at the suburban wilderness store. Literalist "recapture" of past experience simply does not describe what wildernists do. Rather they select those contemporary products that happen not to offend their particular preferred "illusion."

In my judgment the most serious analytic defect of *Mountains Without Handrails* lies in the bungle it makes of the attempt to square preservationism and democracy. Having dodged the Fromm-Howe view, it offers two other lines of argument. The first is intellectually embarrassing. Against the contention that the elderly and infirm would be shortchanged by ruling out easy access to the wilderness, Sax offers only the declaration — wholly unsupported by any systematic evidence — that it is not the formerly active elderly or infirm, but rather development advocates using them as a foil, who complain about the shortchanging. The strongest piece of evidence he adduces is the statement: "I myself have climbed in Montana with a seventy five year old totally blind man . . . and walked down and back up the Grand Canyon with a husband and wife in their late sixties . . ." (p. 80). So what?

The second line of argument needs to be taken more seriously, for it seeks to controvert the assertion that preservationism is undemocratic in telling people what they "ought" to want and in pushing for policy that would coerce them in that direction. Sax argues that coercion is not inherently antithetical to democracy. Rather, he says, part of the faith of democracy is the very capacity of the democrat for self-improvement by disciplined self-cultivation. "To those who ask how anyone else can purport to know what another citizen should want" (p. 51), the preservationist responds that "complacent acceptance of things as they are is not the hallmark of a democratic society" (p. 51). Just as we do not think it undemocratic to bring along a serious book on a vacation or to enroll in a music course and so use an external aid to discipline ourselves into self-cultivation, we do not think it undemocratic to place ourselves in an analogous position in making public policy. Why is this parallel plausible? Because "[i]ndividual behavior patterns have counterparts in public action" (p. 52). Thus, Sax continues, public television is an "obvious example" (p. 52) of our willingness "to coerce (that is, to tax) ourselves to some degree to be induced to view it, even though we know we will probably resist the temptation most of the time" (p. 52). To "yield autonomy in this fashion does not undermine commitment to a democratic philosophy" any more than does coming to a doctor

and rather than “order[ing] removal of [our] appendix” asking him to do his best to make us “healthy again” (p. 53).

What about the preservationist who tells us to do what we ought? He is like the doctor, the “professor of history, or the museum director, who speaks for his or her profession” (p. 54). He “boldly asks the public to vest similar power in him” (p. 54). Far from being undemocratic, he is simply asking “for something akin to the academic freedom we give a teacher in the class room” (p. 54) — who assigns the books he thinks can contribute most to our advancement, be they controversial or not.

This amounts to argumentation by specious analogy. Take the analogy to public television. It blurs who is coercing whom. It does so by its simplistic unitary “we,” as if in some sort of a national town meeting all Americans voted tax appropriations for public television. A more plausible explanation is that a minority of persons, disproportionately of high socioeconomic status and political influence, succeeded in lobbying for public funding. The analogy flounders further by confusing the proportions of public sector versus private sector opportunities available in the two recreational areas (television wastelands and wilderness wildlands). It ignores the vast differences between the extent of “coercion” entailed in setting aside one or two of a dozen television channels and that entitled in exclusionary claims concerning American wildlands. Of course, the analogy could be made more exact — if wildernists were to reduce their claims to urging set-asides of only a small fraction of “prime wildlands” while leaving the great majority of choice and not-so-choice public recreational sites to powerboaters and auto sightseers. Or, it could be made such if American public television were to occupy the majority of channels, and to contain a steady string of exhortations about “appropriate” and “inappropriate” television watching, etc. But thus made more accurate the hypothetical loses its force. Or, if you prefer, it picks up a different kind of force. It makes the preservationist’s claim seem too close a cousin to the claims of the Moral Majority and to the practices of television broadcasting in “people’s democracies.”

The analogy to the university professor is similarly specious. An individual chooses to go to a particular college, to select a course from among many options. Again the analogy could be made more exact. It would be more accurate if there were only one federal system of higher education, if all courses were required, if all professors thought alike, and if all assigned the same books. The analogies elide much that should not be elided. And, they have a final difficulty. They are equally serviceable to anyone who wants to make an “exclusionary claim” based on the argument that “taking my advice will improve your (democratic) character.” Imagine: (a) devotees

of power-based recreation making claims about the natural suitedness of public lands to their goals; (b) a group of "one-worlders" wishing to turn over American public lands to free homesteading for the Third World's poor, ragged, and hungry; (c) a group of corporations advocating full-scale energy development; and (d) "animal liberationists" arguing that both humans and animals would be better off if no one, and they mean no one, sets foot (or wheel, or keel) on the nation's public lands. Each claims to be the professor with the best set of character-building and policy-setting books. Unless there are reference points external to these books, each separate set gives the policymaker little to go on.

To say this is to point to the central failing of *Mountains Without Handrails*. It is less a test of the preservationist's set of books in rigorous comparison with those of others interested in the future of America's public lands than it is a friendly and too uncritical reading of the preservationist set. The authorial voice emanates from a location closer to that of the advocate than to that of the judge. *Mountains Without Handrails* declares near the outset that it is going to test the preservationist political claim. Well before the end, the test looks less like a test and more like a lawyer's argument for his client.

