

January 2021

**ERIC T. FREYFOGLE**

**Research Professor  
Swanlund Chair Emeritus**

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**PROFESSIONAL EXPERIENCE**

University of Illinois at Urbana-Champaign

2016 to present	Research Professor; Swanlund Chair, Emeritus
Dec. 2012-2016	Swanlund Chair, UIUC, and Professor of Law
Fall 2012	Guy Raymond Jones Chair in Law
1996-2012	Max L. Rowe Professor of Law
1983-1996	Assistant, Associate, Professor of Law
2000-2016	Affiliate Professor, Department of Natural Resources and Environmental Sciences

Visiting Professor of Law, University of Michigan (2007); University of Utah (1990);  
College of William and Mary (1990)

Visiting Fellow, Stellenbosch (South Africa) Institute for Advanced Study  
(August-November 2012); Herbert Smith Freehills Visitor to Faculty of Law,  
University of Cambridge (Fall 2013)

Principal Courses Taught: Property Law; Natural Resources Law; Environmental Law  
and Policy; Wildlife Law; Conservation Thought; Property Theory; Land Use  
Planning; Readings in Economic Justice

1980-83 Associate, Baker & Daniels (now Feagre Baker Daniels) Indianapolis, IN

1976-80 Assistant to Army General Counsel, Office of the Secretary of the Army,  
Washington, D.C. (Captain JAGC)

**EDUCATION**

J.D., *summa cum laude*, University of Michigan Law School, 1976. Managing Editor,  
Michigan Law Review, 1975-76

B.A., history, highest honors, Lehigh University, 1973

## RECENT PROFESSIONAL AND COMMUNITY ACTIVITIES

Director, National Wildlife Federation, Reston, VA (2016 to 2020)

Director & President, Prairie Rivers Network (Illinois affiliate of National Wildlife Federation), Champaign, IL, 1996-2019 (President 2000-2005)

Director, Urbana (IL) Parks Foundation, 2007-2011 President,

Sangamon Valley Conservancy, Inc., 1995-2006

## PUBLICATIONS

### Principal Publications

#### *Monographs*

OUR OLDEST TASK: MAKING SENSE OF OUR PLACE IN NATURE (University of Chicago Press, 2017)

A GOOD THAT TRANSCENDS: CULTURE CHANGE AND OUR COMMON HOME (University of Chicago Press, 2017)

ON PRIVATE PROPERTY: FINDING COMMON GROUND ON THE OWNERSHIP OF LAND (Boston: Beacon Press, 2007; paper ed. 2009); *excerpted in* Planning and Environmental Law (October 2007)

AGRARIANISM AND THE GOOD SOCIETY: LAND, CULTURE, CONFLICT & HOPE (Lexington: University Press of Kentucky, 2007)

WHY CONSERVATION IS FAILING AND HOW IT CAN REGAIN GROUND (New Haven: Yale University Press, 2006), *excerpted in Orion* (May-June 2006) (*The Sustainability Sham*)

THE LAND WE SHARE: PRIVATE PROPERTY & THE COMMON GOOD (Washington, D.C.: Island Press/Shearwater Books, 2003; paper ed. 2011)

BOUNDED PEOPLE, BOUNDLESS LANDS: ENVISIONING A NEW LAND ETHIC (Washington, D.C.: Island Press/Shearwater Books 1998), *recipient of* Adult Nonfiction Award of the Society of Midland Authors, 1999; *excerpted in* OUR LAND, OURSELVES: READINGS ON PEOPLE AND PLACE (Peter Forbes, et al., eds., 1999) and Sustain: A Journal of Environmental and Sustainability Issues no. 22 (2010)

JUSTICE AND THE EARTH: IMAGES FOR OUR PLANETARY SURVIVAL (New York: The Free Press, 1993; paper edition University of Illinois Press 1995)

### *Other Books*

NATURAL RESOURCES LAW: PRIVATE RIGHTS AND THE PUBLIC INTEREST (with Michael Blumm and Blake Hudson) (West Academic, American Casebook Series 2015) (with teachers' manual)

PROPERTY LAW: POWER, GOVERNANCE, AND THE COMMON GOOD (with Bradley Karkkainen) (Thomson-West, American Casebook Series, 2012) (with teachers' manual)

WILDLIFE LAW: A PRIMER (with Dale Goble) (Washington, D.C.: Island Press, 2009); Second edition (with Dale Goble and Todd Wildermuth), 2019.

NATURAL RESOURCES LAW: PRIVATE RIGHTS AND COLLECTIVE GOVERNANCE (Thomson-West, American Casebook Series, 2007).

WILDLIFE LAW: CASES AND MATERIALS (with Dale Goble) (Foundation Press, 2002; 2d ed. 2010); also FEDERAL WILDLIFE STATUTES: TEXTS AND CONTEXTS (with Dale Goble).

Editor, THE NEW AGRARIANISM: LAND, CULTURE, AND THE COMMUNITY OF LIFE (Washington, D.C.: Island Press/Shearwater Books, 2001); *recipient of Silver Award, 2001 ForeWord Magazine Annual Book Awards* Environmental; Introduction (*A Durable Scale*), *reprinted in Environmental Law Reporter; Farming Magazine; the Quivira Coalition Journal*

Co-Editor (with J. Baird Callicott) of Aldo Leopold, FOR THE HEALTH OF THE LAND (Washington, D.C.: Island Press/Shearwater Books 1999; 2001)

### *Significant Articles, Book Chapters, and Essays*

*American Land, American Democracy*, in David W. Orr, et al., eds., DEMOCRACY UNCHAINED: HOW TO REBUILD GOVERNMENT FOR THE PEOPLE 122-135 (The New Press, 2020)

*A Brief Strategy for Wildlife*, 56 Idaho Law Review 99-106 (2020) (symposium honoring Professor Dale Goble)

*Laudato Si' and Private Property*, in Robert McKim, ed, LAUDATO SI' AND THE ENVIRONMENT: POPE FRANCIS' GREEN ENCYCLICAL 21-37 (Routledge, 2019)

*Water, Community, and the Culture of Owning* (Wallace Stegner Lecture) (University of Utah Press, 2018)

*The Climate-Change Challenge to Human-Drawn Boundaries*, in C. Murphy, P. Gardoni, & R. McKim, eds., CLIMATE CHANGE AND ITS IMPLICATIONS: RISKS AND INEQUALITIES 211-232 (Springer, Switzerland, 2018)

*Trump, the Environment, and Our Cultural Lessons*, University of Illinois Law Review Online (2017)

*Naming the Tragedy*, 2014 BYU Law Review 1415-1441 (2015)

*Wilderness and Culture*, 44 Environmental Law 1149-1176 (2014)

*Property Law in an Era of Transformation: The Record of the United States*, 131 South African Law Journal 883-921 (2014)

*Private Ownership and Human Flourishing: A Critical Review*, 24 Stellenbosch (SA) Law Review 430-454 (2013).

*Leopold's Last Talk*, 2 Wash. J. Env'tl. L. & Pol. 236-282 (2012), *reprinted in* 45 Land Use and Environment Law Review (2014)

*Private Rights in Nature: Two Paradigms* in P. Burdon, ed., EXPLORING WILD LAW: THE PHILOSOPHY OF EARTH JURISPRUDENCE 270-78 (Wakefield Press, Australia, 2011)

*Taking Property Seriously*, in D. Grinlinton & P. Taylor, eds., PROPERTY RIGHTS AND SUSTAINABILITY: THE EVOLUTION OF PROPERTY RIGHTS TO MEET ECOLOGICAL CHALLENGES 43-61 (Martinus Nijhoff/Brill, Netherlands, 2011)

*Making Room for Nature's Refugees*, in W. Rodgers, et al., eds., CLIMATE CHANGE: A READER 285-292 (Carolina Academic Press, 2011)

*Property and Liberty*, 34 Harvard Environmental Law Review 75-118 (2010), *reprinted in* 42 Land Use and Environment Law Review (2011)

*Owning Nature Responsibly*, in K. Barth, ed., IMAGINATION AND PLACE: OWNERSHIP 158-77 (Lawrence, KS: Imagination and Place Press, 2010)

*Better Ways to Work Together*, in L. MacDonnell & S. F. Bates, THE EVOLUTION OF NATURAL RESOURCES LAW AND POLICY 98-123 (ABA Books, 2010), *excerpted in* Inside Practice (ABA, Jan. 2010).

*Simplicity, Community, and Private Land*, in S. Alexander, ed., VOLUNTARY SIMPLICITY: THE POETIC ALTERNATIVE TO CONSUMER CULTURE 245-52 (Stead & Daughters Ltd., New Zealand, 2009)

*Fostering a Culture of Land*, 14 Science and Engineering Ethics 545-549 (2008)

*Wendell Berry and the Limits of Populism*, in J. Peters, ed., WENDELL BERRY: LIFE AND WORK 173-191 (Univ. Press of Kentucky, 2007)

*What Is Land? A Broad Look at Private Rights and Public Power*, Planning and Environmental Law 3-9 (June 2006) (address to American Planning Association)

*Land, Ecology, and Democracy: A Twenty-First Century View*, 25 Politics and the Life Sciences 42-56 (2006) (with J.L. Newton & W.C. Sullivan)

*Ends and Means in Environmental Law, or the Unlikely Marriage of Law and Letters* 24 Virginia Journal of Environmental Law 263-280 (2006) (symposium presentation)

*Goodbye to the Public-Private Divide*, 36 Environmental Law 7-24 (2006) (annual natural resources lecture, Lewis and Clark Law School), *excerpted in* Oregon Humanities (2006), *reprinted in* Land Use and Environment Law Review (2007)

*Homeland Health: How Environmentalism Can Regain Lost Ground*, Dissent 48-53 (Summer 2005)

*The Culture of Owning*, Orion 16-23 (March-April 2005), *reprinted in* Barry Lopez, ed., THE FUTURE OF NATURE 331-40 (Milkweed Editions, 2007)

*Sustainability: A Dissent* (with J.L. Newton), 19 Conservation Biology 23-32 (2005); also, *All About Nature*, a reply to comments on the article solicited by journal editor; *reprinted in* T. Campbell & D. Mollica, eds., SUSTAINABILITY (Ashgate Publishing 2009).

*Private Rights in a Connected Land*, in C.A. Arnold, ed., WET GROWTH: SHOULD WATER LAW CONTROL LAND USE 315-334 (Environmental Law Institute Press, 2005)

*The Wildlife Refuge and the Land Community*, 44 Natural Resources Journal 1027-40 (2004)

*Private Property: The Story Retold*, 2004 University of Illinois Law Review 445-461

*Conservation and the Lure of the Garden*, 18 Conservation Biology 995-1003 (August 2004)

*Protecting Fauna on Private Land: The Mixed Experiences of the United States*, in , Antônio H. Benjamin, ed., PROCEEDINGS FROM FIRST INTERNATIONAL WILDLIFE LAW CONFERENCE (Brazil 2004)

*Private Property Rights in Land: An Agrarian View*, in N. Wirzba, ed., THE ESSENTIAL AGRARIAN READER: THE FUTURE OF CULTURE, COMMUNITY, AND THE LAND 237-58 (University of Kentucky Press 2003)

*Conservation and the Four Faces of Resistance*, in B. Mineer & R. Manning, eds. RECONSTRUCTING CONSERVATION: HISTORY, VALUES, AND PRACTICE 145-64 (Island Press, 2003)

*Wildlife Law: A Coming of Age* (with Dale D. Goble), *Environmental Law Reporter* (February 2003)

*Private Lands Made (Too) Simple*, *Environmental Law Reporter* (February 2003)

*The Tragedy of Fragmentation*, 32 *Environmental Law Reporter* 11321-32 (2002); also published at 36 *Valparaiso Law Review* 307-337 (2003) (annual law review lecture)

*Putting Science in its Place* (with J.L. Newton), 16 *Conservation Biology* 863-873 (August 2002), reprinted in S. Armstrong & R. Botzler, eds., *ENVIRONMENTAL ETHICS: DIVERGENCE AND CONVERGENCE* (3d. ed., 2004)

*Land-Use Pollution and Property Rights in the United States*, in Antônio H. Benjamin & José C.M. Sicoli, eds., *THE FUTURE OF POLLUTION REGULATION AND ENFORCEMENT* (O Futuro do Controle da Poluição e da Implementação Ambiental) (Brazil 2001)

*Regulatory Takings, Methodically*, 31 *Environmental Law Reporter* 10313-321 (2001)

*Community and the Market in Modern American Property Law*, in John F. Richards, ed., *LAND, PROPERTY AND THE ENVIRONMENT* (ICS Press, 2002); reprinted without references as *Property Rights, The Market, and Environmental Change in 20th Century America*, 32 *Environmental Law Reporter* 10254-66 (2002); also reprinted as *Owning Nature: Private Property, the Market, and Environmental Change in Twentieth-Century United States*, 6 *Revista de Direito Ambiental* No. 22 (2001)

*A Sand County Almanac at 50: Leopold in the New Century*, 30 *Environmental Law Reporter* 10058-68 (2000)

*Five Paths of Environmental Scholarship*, 2000 *University of Illinois Law Review* 115-134 (symposium contribution)

*Eight Principles for Property Rights in the Anti-Sprawl Age*, 23 *William & Mary Environmental Law and Policy Review* 777-799 (1999) (symposium contribution)

*Land Health as an Organizing Goal*, book chapter in *Proceedings of Biennial George Wright Society/National Park Service Conference*, Asheville, NC (1999)

*Leopold's A The Farmer as a Conservationist*, in *PEOPLE AND PRAIRIES: CARING FOR WHERE WE LIVE* (T. Rice, ed., 1999)

*The Particulars of Owning*, 25 *Ecology Law Quarterly* 574-590 (1999) (symposium contribution)

*Owning the Land: Four Contemporary Narratives*, 13 *Land Use & Environment Law Review* 279-307 (1998) (annual distinguished lecture at Florida State University)

*Bounded People, Boundless Land*, in R. Knight & P. Landres, eds., *STEWARDSHIP ACROSS*

BOUNDARIES 15-37 (Island Press, 1998)

*The Price of a Sustainable Environment* Dissent 37 et seq. (Spring 1998)

*Illinois Life: An Environmental Testament* 1997 University of Illinois Law Review 1081-1108 (originally written as Occasional Paper for the Illinois Environmental Council, 1998)

*Consumption and the Practice of Land Health*, in L. Westra & P. Werhane, eds., THE BUSINESS OF CONSUMPTION: ENVIRONMENTAL ETHICS AND THE GLOBAL ECONOMY 181-201 (Rowman & Littlefield 1998)

*Repairing the Waters of the National Parks: Notes on a Long-Term Strategy*, 74 Denver University Law Review 815-846 (1997) (commissioned study for National Park Service)

*Ethics, Community, and Private Land*, 26 Ecology Law Quarterly 631-61 (1996); excerpt reprinted in Wild Earth (Summer 1998); alternative version published as *Land Ethics and Private Property* in Society of American Foresters, ed., THE LAND ETHIC 49-70 (1998)

*Water Rights and the Common Wealth*, 26 Environmental Law 27-51 (1996)

*Local Value*, 1 Terra Nova: Nature and Culture No. 2, 29-39 (1996)

*The Construction of Ownership*, 1996 University of Illinois Law Review 173-187

*The Moral Psychology of the Environmental Age*, in J. Braden, H. Folmer, T. Ulen, eds, ENVIRONMENTAL POLICY WITH POLITICAL AND ECONOMIC INTEGRATION: THE EUROPEAN UNION AND THE UNITED STATES 35-54 (Cheltenham, U.K.: Edward Elgar 1996)

*Land Ownership, Private and Wild: A Proposed Strategy*, Wild Earth 71 (Special Issue #2 on The Wildlands Project, Winter 1995-96); a longer version of the same essay appeared as *Owning and Belonging: The Private Landowner as Ecosystem Member*, 1 Sustain 16-23 (Spring 1996) (publication of the Kentucky Institute for Environment and Sustainable Development)

*The Owning and Taking of Sensitive Lands*, 43 U.C.L.A. Law Review 77-138 (1995), reprinted in 1996 Land Use and Environment Law Review (1997)

*The Ethical Strands of Environmental Law*, 1994 University of Illinois Law Review 819-846, reprinted in 1996 Land Use and Environment Law Review (1997); also published in Report of Program for the Study of Cultural Values and Ethics, UIUC (No. 6: Spring 1994)

*The Dilemma of Wendell Berry*, 1994 University of Illinois Law Review 363-385; excerpt published in Wild Earth 4:2 (Summer 1994) at 64-66

*Owning the Wolf*, Dissent 481 et seq. (Fall 1994)

*Ownership and Ecology*, 43 Case Western Reserve Law Review 1269-1297 (1993) (First Annual Fiske Lecture); *reprinted in* 1995 Land Use and Environment Law Review 3-31

*Should We Green the Bill?*, 1992 University of Illinois Law Review 159-171

*On the Trail of the Land Ethic* (Review Essay), 1992 University of Illinois Law Review 913-20; *also published in* 3 Rivers 139-142 (1992)

*The Language of Owning*, Wild Earth (Summer 1992)

*The Land Ethic and Pilgrim Leopold*, 61 University of Colorado Law Review 217-56 (1990) (lead article in natural resources law symposium), *reprinted in* 1991 Land Use and Environment Law Review 3-42

*Allocating the Groundwater Pollution Tasks: A Comment*, 65 Chicago-Kent Law Review 429-38 (1990) (comment presented at conference on groundwater pollution control)

*Context and Accommodation in Modern Property Law*, 41 Stanford Law Review 1529-56 (1989) *reprinted in* 1990 Land Use and Environment Law Review 3-30

*Vagueness and the Rule of Law: Reconsidering Installment Land Contract Forfeitures*, 1988 Duke Law Journal 609-56 (1988)

*Granite Rock: Institutional Competence and the State Role in Federal Land Planning*, 59 University of Colorado Law Review 475-516 (1988) (contribution to symposium on natural resources law)

*Land Trusts and the Decline of Mortgage Law*, 1988 University of Illinois Law Review 67-99

*The Evolution of Property Rights: California Water Law as a Case Study*, in P. Hay & M. Hoeflich, eds., PROPERTY LAW AND LEGAL EDUCATION: ESSAYS IN HONOR OF JOHN E. CRIBBET 73-107 (University of Illinois Press, 1988)

*The New Judicial Roles in Illinois Mortgage Foreclosures*, 19 Loyola University of Chicago Law Journal 933-70 (1988) (invited paper prepared for the 1987 Illinois judicial conference)

*A Comprehensive Theory of Condominium Tort Liability*, 39 University of Florida Law Review 877-923 (1987), *reprinted in* 37 Defense Law Journal 575-623 (1988)

*The Installment Land Contract as Lease: Habitability Protections and the Low-Income Purchaser*, 62 New York University Law Review 293-320 (1987)



*Installment Land Contracts*, published as new Chapter 84D in 7 POWELL ON REAL PROPERTY (1987) (134 pages)

*Water Justice*, 1986 University of Illinois Law Review 481-519 (contribution to symposium on natural resources law)

*Introduction: The Railroad and the Holocaust*, 1986 University of Illinois Law Review 301-11, reprinted as *Protecting Natural Resources: Incorporating a Land Ethic into American Law*, The Chronicle 4-11 (Fall 1986) (introduction to symposium on natural resources law)

*Lux v. Haggin and the Common Law Burdens of Modern Water Law*, 57 University of Colorado Law Review 485-525 (1986) (contribution to symposium on natural resources law)

*Federal Lands and Local Communities*, 27 Arizona Law Review 653-90 (1985), reprinted with Addendum in 24 The Public Land and Resources Digest 90-130 (1987)

*Land Use and the Study of Early American History* (Review Essay), 94 Yale Law Journal 717-742 (1985)

*Real Estate Sales and the New Implied Warranty of Lawful Use*, 71 Cornell Law Review 1-52 (1985)