

ERIC T. FREYFOGLE

Research Professor Swanlund Chair Emeritus

University of Illinois at Urbana-Champaign
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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, 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

PRINCIPAL PUBLICATIONS TO FEBRUARY 2024

Writings on Private Property

ON PRIVATE PROPERTY: FINDING COMMON GROUND ON THE OWNERSHIP OF LAND (Beacon Press, 2007; paper ed. 2009)

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

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

The Democratic Forebodings of the "Right to Exclude," forthcoming 2025 University of Illinois Law Review

Public Rights in Illinois Waterways Under Federal and State Law, 2024 University of Illinois Law Review 229-287

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)

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

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)

Taking Property Seriously, in FREYFOGLE, *A GOOD THAT TRANSCENDS: HOW U.S. CULTURE UNDERMINES ENVIRONMENTAL REFORM* (University of Chicago Press, 2017); earlier version appeared 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)

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).

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

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)

Goodbye to the Public-Private Divide, in FREYFOGLE, AGRARIANISM AND THE GOOD SOCIETY: LAND, CULTURE, CONFLICT & HOPE (University Press of Kentucky, 2007), earlier version appeared at 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)

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

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)

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

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)

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

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)

Private Lands Made (Too) Simple, Environmental Law Reporter (February 2003)
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 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 (Brazil 2001)

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

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)

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)

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

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)

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

Owning the Land, in FREYFOGLE, JUSTICE AND THE EARTH: IMAGES FOR OUR PLANETARY SURVIVAL (The Free Press, 1993; paper ed. University of Illinois Press 1995)

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*

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*

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

Writings on Conservation Thought and Nature and Culture

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

A GOOD THAT TRANSCENDS: HOW U.S. CULTURE UNDERMINES ENVIRONMENTAL REFORM (University of Chicago Press, 2017)

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

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

BOUNDED PEOPLE, BOUNDLESS LANDS: ENVISIONING A NEW LAND ETHIC (Island Press/Shearwater Books 1998), *recipient of Adult Nonfiction Award of the Society of Midland Authors*, 1999

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

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 BEnvironmental; 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 (Island Press/Shearwater Books 1999; 2001)

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

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

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

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

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)

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

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).

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

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

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

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

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)

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)

The Ethical Strands of Environmental Law, 1994 University of Illinois Law Review 819-846, *reprinted in* 1996 Land Use and Environment Law Review (1997)

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

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 Land Ethic and Pilgrim Leopold, 61 University of Colorado Law Review 217-56 (1990) *reprinted in* 1991 Land Use and Environment Law Review 3-42

Writings on Natural Resources Law

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

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

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).

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

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

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)

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

Granite Rock: Institutional Competence and the State Role in Federal Land Planning, 59 *University of Colorado Law Review* 475-516 (1988)

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)

Water Justice, 1986 *University of Illinois Law Review* 481-519

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)

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)

Writings on Real Estate Transactions

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

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

The New Judicial Roles in Illinois Mortgage Foreclosures, 19 *Loyola University of Chicago Law Journal* 933-70 (1988)

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)

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