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**Fire, Native Peoples, and the Natural Landscape, edited by  
Thomas Vale**

Aukjen T. Ingraham

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uncontroversial body of "general" international law or international law in general. The legitimacy of such a presumption has been questioned already by many scholars of international law. There appears to be no such uncontroversial, or settled, context of all contexts or "outside-background" to which different international law contexts, including that of international environmental law, could be compared. Indeed, general international law, or the question of international law in general, has to be explored, according to the author, in its own context. Given the inherently controversial and problematic nature of international law in general, any attempt to presume its contents would remain metaphysical or, at the most, political.

Dr. Kuokkanen's attempt, throughout the book, to place the relationship between international law and the environment into a substantive and a historiographical context has served a real purpose, that of building a missing link between theoreticians and practitioners, and through that a better understanding of international environmental law. Also, because it seeks to demonstrate the different roles international lawyers dealing with environmental issues can play, the book is certain to become a very useful tool for them. In clear and straightforward language, Dr. Kuokkanen takes the reader through the breadth of complex and multifaceted considerations and labyrinths of international environmental law. His book is, no doubt, a leading and most comprehensive commentary on international environmental law and, as such, an entry for novices as well as experts into an increasingly important but all too often misunderstood field of international law. Combining both preciseness and academic excellence, along with an impressive bibliography, Dr. Kuokkanen has produced a high quality work. His book should find its own distinct place on the bookshelves of international law practitioners and academics alike.

Kishor Uprety  
D.E.S., Ph.D. (Sorbonne University)  
Currently Legal Counsel, World Bank  
Washington, D.C.

*Fire, Native Peoples, and the Natural Landscape.* Edited by Thomas Vale. Washington, DC: Island Press, 2002. Pp. 315. \$50.00 cloth; \$25.00 paper.

In *Fire, Native Peoples, and the Natural Landscape*, noted geographer Thomas Vale presents a collection of work challenging the concept of humanized landscapes. A series of seven articles, written almost wholly by geographers, examines the physical and historical evidence of whether or not native peoples of the western United States changed the landscape through setting fires for hunting and agricultural

purposes. Vale, who writes the introductory and closing chapters, cites the purpose of the volume as attempting to find common ground between the concepts of humanized landscapes and natural landscapes. Did native peoples significantly change the landscape with fire before Euro-Americans arrived? Each author answers "no"; the landscape of the western United States (American West) as we know it has been the direct result of Euro-American efforts. All changes in the natural environment before the arrival of Euro-Americans can be attributed mostly to "nature."

The importance of this book lies in the contributions made to forest fire management policy and the several overlapping debates involving geology and environmental history. In the former, authors look to how policy makers use the evidence of Indian fire regimes to support their own position of aggressively managing forests. In the latter, the book's central debate, humanized versus natural landscape is a complex issue that relates to both environmental history and geography among other disciplines. As Vale notes, scholars introduced the idea of a humanized pre-European landscape full of Indian villages, crops, and structures to replace the old concept of pristine wilderness untouched by people (Vale, Ch. 1, 1). Using the example of fire, Vale and his colleagues attempt to show exactly how much effect native peoples had on the western United States.

In the majority of this collection, the authors firmly hold Euro-Americans responsible for the degradation of the American West while determining that the presence of native peoples had no part in changing the natural landscape. Vale and his collaborators provide hefty scientific and historical evidence to back up their assertions. Scientific evidence includes pollen or charcoal data taken from sediment, fire scar data taken from tree rings, analysis of fuel sources feeding fires, and reported lightening strikes in various regions of the American West. Historical evidence is taken from Euro-American journals, such as that of renowned botanist David Douglas and comparatively unknown forester C.S. Crandall (Whitlock and Knox, Chapter 6, 206; Baker, Chapter 2, 55). The authors, particularly William Baker, address the credibility of these journals well, noting that few native people were observed lighting fires despite the widespread assumption by eighteenth and nineteenth century Euro-Americans that they used fires frequently for hunting. (While various authors note that Euro-American observers were aware of native peoples' use of fire in driving game, other uses mentioned in these articles include encouraging specific crops and species of grass, thinning out trees for camps, and warfare burning.)

While Vale and his collaborators are successful at placing fire regimes by native peoples in neither a humanized nor a pristine environment, only a few of the authors tell us why this placement is

important. Cathy Whitlock and Margaret Knox make the most convincing argument for why the study of fire and native peoples is essential to the discussion of humanized versus pristine environment. Assigning native peoples an historical role in changing the natural landscape via fire provides a foundation for aggressive forest management advocates to argue that forests have already been completely changed, so forest management is appropriate. They argue that forest management is necessary to return to pre-Euro-American landscapes and might include both prescribed burning and fuel reduction through tree thinning (Whitlock and Knox, p. 222). Middle-of-the-road forest managers concede that some forest management is necessary where native peoples most heavily burned, but this necessity decreases in areas uninfluenced by native peoples, such as in some of the mountain highlands. Advocates for leaving the forests alone downplay the impact of native peoples on the natural landscape, claiming that the population was not significant enough nor were the anthropogenic fires frequent enough to make any real changes in the natural landscape.

Thus, while Vale proves his claim that there is a middle ground between pristine and humanized landscape with solid evidence, the reader is given only a few tidbits of why this academic argument is important to the study of natural resources. Much of the book is addressed to refuting the evidence of previous geographers, explaining the prejudices of nineteenth century explorers and mountain men, and presenting new physical evidence demonstrating the actual frequency with which native peoples used fire. The graphs charts are well done and explained thoroughly and believably. Yet, while *Fire, Native Peoples, and the Natural Landscape* is an impressive book, it lacks a compelling connection to the problems of our own century.

Aukjen T. Ingraham, JD, MA  
Attorney, Portland, Oregon

***Property Rights: From Magna Carta to the Fourteenth Amendment.*** By Bernard H. Siegan. Bowling Green, Ohio: The Social Philosophy & Policy Foundation, 2001. Pp. 329. \$49.95 hardcover.

Prospective readers need not be discouraged by the somewhat academic sounding title of this book. This remarkable work presents the subject of the origin of property rights in a clear and informative manner. Beginning with the Magna Carta and tracing the continuity of property rights through the founding of the United States to the Fourteenth Amendment, Bernard H. Siegan, professor at the University of San Diego School of Law, presents a thorough investigation of the roots in our legal system pertaining to and protecting private property. The book's premise is that countries that respect property rights also respect