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Book Review: *Up to Heaven and Down to Hell: Fracking, Freedom, and Community in an American Town* written by Colin Jerolmack

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BOOK REVIEW

Up to Heaven and Down to Hell: Fracking, Freedom, and Community in an American Town by Colin Jerolmack (Princeton University Press, 336 pages; 2021)

“Cuis est solum ejus est usque ad coelum et ad infernos.”
(Whoever owns the soil, it is theirs up to heaven and down to hell)
—Accursius

First-year law students are all too familiar with the *ad coelum* doctrine after surviving a property law class. The Latin phrase asserts that property holders have rights not only to the plot of land itself, but also to the air above and ground below. In property law, students are taught that *ad coelum* rarely has a place in modern American common law. The latter is especially true when considering the advent of air and space travel. However, despite this doctrine’s place amongst other seemingly outdated principles in legal history, residents of Williamsport, Pennsylvania are forced to grapple with this legal dilemma every day.

In *Up to Heaven and Down to Hell*, Colin Jerolmack¹ dissects the constitutional inconsistency that landowners face when deciding to lease mineral rights to fracking companies. On one side of the coin is the American ideal of personal liberty—the freedom to do what you please with your land. This Jeffersonian concept regards personal land sovereignty as the root of a democratic country and, although arguably obsolete, it is the contemporary driving force for many Pennsylvanians’ choice to lease their mineral rights. The other side of the coin is the concern for the common spaces—a view which Jerolmack concedes is less popular. The common spaces concept dates back to medieval England and emphasizes that certain individual decisions are collective-action problems because of their effect on the greater community. In examining what Jerolmack dubs the public/private paradox, readers will enjoy his thought-provoking analysis of the conflict between self-interest and community resilience for American fracking towns.

Jerolmack spent eight months living in communities outside of Williamsport. Throughout the book, he weaves together stories from locals to illustrate how landowners weigh financial benefits and environmental consequences when the landmen, or representatives from petroleum companies, come knocking on their doors. The personal tales humanize the fracking issue. The author describes in crisp detail how people dress, decorate their homes, speak, and most importantly, how they value their land and the community around it. Although skeptical at first, a fair number of residents Jerolmack spoke with viewed leasing away their property as a positive thing. These deals meant a new stream of income for families who previously struggled to pay medical bills, buy winter clothes, and other necessities. In some cases, royalty checks from the petroleum companies helped families purchase new farm equipment and ensured they survived economic recessions while

1. Colin Jerolmack is Associate Professor of Environmental Studies and Sociology at New York University. He is the Chair of the Department of Environmental Studies.

keeping businesses afloat. In fact, for most Williamsport residents, the concern to the commonwealth was not top of mind when they were asked to sign a contract for fracking.

The main theme of the book is the clash between private property interests and concern for the wellbeing of the community. Jerolmack candidly sets the scene by pointing out key differences between fracking and other ways property owners can modify their personal land. In towns like Williamsport, community action and consensus in local townhall meetings is the typical approach to making most decisions. However, subleasing mineral rights has become a purely independent matter- an expression of personal liberty. In Pennsylvania, building a cell phone tower or acquiring a liquor license for a business requires more community input than leasing out mineral rights. At first glance, this may not seem outrageous considering it is just that – a person’s individual right to minerals below their land. However, as Jerolmack reminds readers in every chapter, this seemingly individual decision affects nearly every type of communal experience. Tap water runs murky, bright flames from your neighbor’s drilling pad illuminate your house at night, and community roads are redesigned to better fit oil rigging trucks. An individual decision to profit from personal property can very quickly infringe on the rights of the community to live a peaceful life.

In an ironic twist from the rosy outlook on leasing mineral rights, Jerolmack interviews several residents who once happily leased their mineral rights away, but who now feel as though all of their personal freedoms have been stripped away by the companies who advertised leasing as a way to exercise those very freedoms. Lessors describe being chained to vague and complex contracts from petroleum companies which allow landmen to overbuild on their property. In the book, one resident describes how years after they stopped fracking on his land, the petroleum company still retains rights to the drilling pad and use it to park tens of industrial trucks on his property. Sadly, unable and unwilling to put up with the destruction and disturbance of continued fracking operations extending beyond drilling, many of these residents resort to leaving the state.

Turning from a focus on the community dynamics of Appalachia, Jerolmack dedicates a few chapters to an exploration of how the emphasis on personal over community constitutional rights is rooted in state and federal government. Despite Williamsport residents growing discontent over the effects of fracking, there is no forum or government official designated to assist them with concerns facing property rights. Local communities lack the power and the tools to change the arena of mineral rights from purely personal to a community consensus. Unlike other available forums on the quality of groundwater, roads, and air, local communities are left powerless against fracking companies with no way to modify laws that regulate the fracking industry.

Despite painting a surreal image of Appalachian culture in the book, Jerolmack’s analysis of the roots of individualism in fracking communities left me wondering if this culture permeates every state where fracking is a popular industry. Much of the constitutional analysis in the book hinges on the history of Williamsport and the relationship residents share with each other and the government. Readers and critics of fracking may ponder whether this is a universal experience among fracking communities, or if it is unique to the Appalachian region.

This book is well organized and presents a multi-faceted perspective on how fracking has taken over small communities in Appalachia. Jerolmack is not afraid to candidly state his opinion that public/private paradox created by fracking is dangerous to the culture of American communities, if not just the environment.

Constitutional scholars will enjoy this book for its historical approach to the issue and its argument for reimagining what it means for private property to be entirely untethered from community involvement. Environmentalists will be drawn in by the organization of this book, and how Jerolmack dilutes dense explanations of fracking technology with the legal, social, and environmental implications of contracts that allow operations to continue for years under standards set by the federal government and private companies. Readers from any discipline will benefit from hearing about the fracking debate from the perspective of people living through it, and how these conversations test the very fabric of our democratic government. From constitutional traditionalists to staunch environmentalists to fracking supporters alike; upon finishing this book, all readers will be left to consider what is most valuable: property, freedom, or community.

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