

BOOK REVIEW

TRANSFORMING CALIFORNIA: A Political History of Land Use and Development, by Stephanie Pincetl*

I.

INTRODUCTION

Stephanie Pincetl's recently published work, *Transforming California: A Political History of Land Use and Development*, catalogues the political workings behind California's development history beginning with its admission into the United States in 1850. *Transforming California* not only serves a useful function by recording an important aspect of California's history, but also presents a compelling view of how institutional structure influences the ability of ordinary citizens to participate in the political process. To her credit, Pincetl accomplishes this ambitious task without getting bogged down in political minutiae.

Pincetl's analysis of natural resource politics attributes great importance to the structural changes in government and appears to view these changes as ineffective. In fact, Pincetl seems to believe that, notwithstanding the many reforms made over the years, the public has not been given adequate opportunity to participate in the political process. According to Pincetl, the deficiencies in political structure date back to the 19th century when, as a new state, California was not equipped to deal with the conflicts over natural resources that resulted from the emerging capitalistic, industrial economy. Politicians subsequently recognized this as a problem, but a tradition of special interest dominance of government prevented implementation of the reforms necessary to fix the system. As a result, the political shortcomings remain, more or less, to the present day. Hence, the closing section of the book includes the following diagnosis of the current situation:

If the process is such that there is not true public engagement, nor genuine opportunity for people to become educated about issues and to engage in deliberation, then democracy is a shell, manipulated by the few who are insiders.¹

* Johns Hopkins University Press (1999).

1. *Transforming California* at 312.

Not surprisingly, given her views on California's political system, Pincetl characterizes the environmental outcome of the political struggle mostly as a failure. With respect to forestry, Pincetl states that "[d]ecades of activism on behalf of the forest . . . had achieved little due to the regulatory structure put in place by Progressive reforms and its enduring political ideology."² As for open space/land use, Pincetl concludes that "growth-control and growth-management proposals came in all shapes and forms, each crafted to meet local needs. Yet all of these local efforts did little to manage California's growth in the 1980's."³ Pincetl also takes a negative view of the recent efforts to market water rights in the state, seeing the introduction of marketable water rights as "the end of an era in California, even if that era was made up more of dreams than reality. It is the end of the possibility of a Central Valley that might have included family farms and small towns rich in services, retail outlets, and jobs."⁴

Thus, Pincetl's thesis may be summarized as follows. The political structure and institutions in California do not permit the public to participate meaningfully in the management of natural resources. The elite, including legislators, understand the political inadequacies, but do nothing because of their own investment in the status quo. The failure of government to properly take into account the public interest has allowed California's natural environment to deteriorate. Therefore, if we could only prevail upon our own government to make the necessary changes (i.e. design a more effective political system), decisionmakers would hear the public's voice, make better choices concerning resource management, and begin to resuscitate the natural environment.

While Pincetl's careful political history is commendable and her version of how California's natural resources have fared reasonable, a major premise of her thesis deserves a closer look. Specifically, one might examine the fact that Pincetl seems to attribute the woeful state of the environment primarily to developers and other capitalists who consistently manipulate the political system and configure political institutions to forward their own interests. After reading *Transforming California*, one might just as easily puzzle over the role of the public in California's development history. Pincetl, though, shies away from suggesting that the problem with California's environmental management might

2. *Id.* at 168.

3. *Id.* at 224.

4. *Id.* at 261.

lie with the voters, who consistently send to Sacramento and Washington politicians that seemingly favor development at the expense of natural resources.⁵

In fact, one may interpret California's political history as it pertains to natural resource management differently than does Pincetl in *Transforming California*. The same progressions and events that Pincetl seemingly interprets to be a thwarting of the public interest can be seen as efforts to facilitate public involvement in the political process. Under this view, one could look at the current situation and find a political landscape replete with opportunities to participate. Here, the focus shifts to the public. If the opportunity exists, then why hasn't the public sent the "right" signals or made the "right" choices. One could decide either that the decisions have been "right" or that the public simply doesn't understand the relationships between political decisions and the natural environment. Furthermore, these alternative understandings dictate very different remedies than those offered by Pincetl.

This review looks at three episodes addressed in *Transforming California* to show how a different perspective on the role of the public yields a different conclusion as to how we might "fix" California's environmental problems.

5. One might refer to Pincetl's analytical approach as "societal apologeticism." In Pincetl's case, she spends much of *Transforming California* explaining how more process, more information, and greater access to decisionmakers simultaneously leads to a lesser ability to influence the political process. At some point, some responsibility might be allocated to those who supposedly have the ultimate say about what happens in our state—the public. A second potential reading of Pincetl's thesis is that orderly natural resource management and capitalism are mutually exclusive. Early on, she states that "[a] basic theme in the unfolding of this story is the ever present tension between idealistic visions for the state's future—based on science and romanticism, planning and coordination—and capitalistic development." *Transforming California* at 3. Pincetl also seems to suggest a Marxist view of the destruction of community within a capitalistic society: "To make democracy work today, we need to update our understanding of how we live together. This tension between a nostalgic view of democracy, based on the independent yeoman, and today's multicultural society is a major theme in California's evolution." *Id.* at 8. Even if Pincetl's true belief is that capitalism erodes meaningful governance (or at least sound natural resource management), the decision to elect capitalist candidates is still one of the electorate.

II.

AN ALTERNATIVE VIEW OF CALIFORNIA'S
DEVELOPMENT HISTORYA. *The Legacy of the Progressive Movement*

According to Pincetl, the roots of California's inadequately configured political structure go back to early frustration with the emergent, powerful railroads in the economically depressed 1870s. These concerns gradually led to a period of significant political unrest at the turn of the past century. Pincetl notes that "political unease permeated California. Movements of opposition were forming, dissolving, and reorganizing. These movements included labor unions, farmers' unions, business organizations, and political parties."⁶ Out of this wave of political activism came the Progressive Movement, which reached an apex with the election of Governor Hiram Johnson in 1910. The goals of the Progressive Movement went far beyond "curbing the power of the railroad and included urban reforms and strategies for natural resource management."⁷

The Progressive Movement believed that a means to improve management of natural resources would be to place decision-making in the hands of knowledgeable individuals who were insulated from special interests. In addition, the Progressive Movement implemented a number of important political reforms, including cross filing, the initiative, the recall, professional civil service, and policy setting by appointed boards and commissions.⁸

The Progressive Movement also sought to remove partisanship from local governance. "Progressives believed that city government should be administrative rather than legislative, a matter of executing rather than of determining policy."⁹ No longer would city managers, county supervisors, and the like represent political parties. Instead, the public would receive impartial management of important, basic services.

Pincetl apparently views the reforms of the Progressive Movement as well-intentioned, but somewhat misguided. The fatal flaw in the Progressive's implementation of boards and commissions was the identity of those "knowledgeable experts" who

6. *Id.* at 25.

7. *Id.*

8. *Id.* at 26.

9. *Id.* at 59.

would make policy. While "Progressives thought that these business representatives would apply their special knowledge in the public interest,"¹⁰ in reality, the representatives tended to make decisions based on the interests of their company or industry. The Progressives also miscalculated in removing party politics from local government. "City politics was reduced to managerialism, so that social issues no longer implied political choice, but mere technical analysis that could and should be undertaken by professionals or experts."¹¹ Overall, the Progressive Movement disfavored public participation by muting the discourse of political debate (presumably by locating statewide decisionmaking and policy in remote institutions and removing the easily understood party politics from the local level). "Little by little, government was distanced from the people, democracy becoming an exercise in choice among individual politicians rather than a practice of engagement."¹²

One could interpret the reforms of the Progressive Movement differently than does Pincetl. For example, consistent with the Progressive Movement's original intent, boards and commissions typically are more knowledgeable about the subjects with which they deal than legislators. In addition, the procedures of the boards and commissions, however substandard, at least provide a paper trail for a citizen to analyze the goings on of the state government. There is also evidence that these boards and commissions, rather than being remote and inaccessible, are amenable to public participation. For meetings where important issues will be addressed, for example, crowds of citizens often show up to voice their opinions. If disappointed with board and commission decisions, these same citizens will often look to the records from these meetings for evidence to support litigation positions. In this way, concerned citizens have the benefit of knowing the locus and format of decisionmaking and therefore can organize and participate more efficiently. Moreover, the quality of debate is enhanced by the knowledge of boardmembers and commissioners. Concerned citizens can present sophisticated information and arguments without fear that the decisionmaker will not understand. Many times, the same cannot be said for legislators, who must address a broad array of issues and often know little about more narrowly focused topics (such as whether the Califor-

10. *Id.* at 29.

11. *Id.* at 73.

12. *Id.*

nia Forest Practice Rules permit a timber company to apply a certain formula to determine sustained yield harvest practices). Finally, to directly answer Pincetl's primary complaint, since citizens often *do participate* in board and commission meetings, they can observe the actions of boardmembers and commissioners and attack those self-serving decisions that favor industry at the expense of the law. In summary, from one perspective at least, the reforms of the Progressive Movement have increased accountability by subjecting decisions to procedure, have improved the expertise of decisionmakers, and have not removed institutions from the public eye.

At the local level, it is certainly possible that implementation of non-partisan leadership improved the quality of local governance. Today, many cities appear to function as relatively ordered administrative bodies, without many of the problems of the state legislature, including a relative freedom from partisanship. The issue of whether local governance is sufficiently independent is, of course, somewhat subjective. After all, what one person considers to be special interest meddling may be considered meaningful participation by another. Moreover, to the extent that local governments function poorly, from improper influences or otherwise, it is not necessarily due to the legacy of the Progressive Movement. One would hope that voters could discern qualified leadership and effective governance in the absence of political parties. The Progressive Movement may not have succeeded in eliminating the predominant influence of the elite from the political process, but it did at least formalize the process of government and make decisions more transparent.

B. *Confronting Problems of Local Inertia on the Growth Issue in the 1960s*

Following World War II, California experienced tremendous industrial growth and urban expansion. Significant portions of the Central Valley Project were completed. The State Water Project was constructed. Los Angeles and San Francisco expanded into regions. In the midst of this growth, efforts to maintain quality of life were "buried by the frantic pace of development, stalemated by local control over land use, and subverted by federal housing policy."¹³ Pincetl characterizes local government as a willing partner in the process: "the essence of local government

13. *Id.* at 126.

was to facilitate growth, its function administrative rather than political.”¹⁴

The perceived solution to the disorderly growth during the Post-War period was to concentrate more authority in regional decisionmaking bodies. The California Tomorrow organization emerged in the 1960s as a strong supporter of regionalism as a means to improve local governance and land use. California Tomorrow believed that government could act as a redistributive entity,¹⁵ while local governments were seen as too beholden to special interests and as the cause of fragmented land use planning.¹⁶ Only by removing control from local government could communities escape the seductive lure of uninhibited growth. Unfortunately, efforts to create regional authorities were few, the powers granted to the authorities limited, and success in achieving orderly growth elusive. According to Pincetl, a primary reason for the failure was that “California Tomorrow’s proposals were too threatening to the established power structure and too elitist for the general public.”¹⁷

Here, again, one can reach a different conclusion by examining the events from another perspective. First of all, when considering the public’s positions on regionalism, one should recall that the general public elects local officials in the first place. These locally elected officials make land use decisions and have the ability to address growth. Therefore, if the public chose not to attack the source of the problem—the city council and the county board of supervisors—perhaps they did so because they agreed with a pro-growth philosophy. Under this view, Pincetl is lamenting the inability to curtail growth when, in fact, the public prefers crowded, congested cities.

A second issue is whether the California Tomorrow plan was “too elitist” for the general public. Presumably, “too elitist” means that the public couldn’t quite grasp the fact that these great regional solutions were in their best interest. Another interpretation, which gives more credit to the public, is that people rejected the proposal because they wanted economic development and were willing to sacrifice certain environmental amenities to get it. The passage of the Coastal Act certainly indicates that the public is capable of adopting growth control mechanisms

14. *Id.* at 125.

15. *Id.* at 154.

16. *Id.*

17. *Id.* at 161.

when presented with the right opportunity. Moreover, it is not necessarily unreasonable that a rational public would decide to adopt strict growth control measures for the coast, but decline to do so for other areas of the state.

C. *The Malaise of Jerry Brown's Second Term*

The title of Pincetl's chapter on Governor Jerry Brown's tenure aptly expresses her view of his political accomplishments, or lack thereof: "Unfulfilled Visions." She believes that Brown brought fresh ideas to the governor's office, but failed to capitalize on the opportunity to implement real change. The combination of Prop. 13's crippling impact on local governments and Brown's inability to implement his vision at the state level resulted in little progress for environmental management.¹⁸ Pincetl attributes great importance to the failed efforts of the Brown administration. On page 137, she notes that "Brown's two terms as governor ended with citizens more alienated from government than ever before."¹⁹ Thus, "the stage was set for the disintegration of the government of the state of California."²⁰ With the onset of the Reagan presidency, government had come to be viewed "as just another service-providing sector, rather than as the privileged sphere of democratic governance and accountability."²¹

Viewed through Pincetl's eyes, the general public in the 1970s is but a powerless bystander to the unsuccessful programs of the Brown administration. Instead of continuing to fight for these important objectives, the public withdrew into the comfort of a more traditional world. Pincetl's account is both paternalistic and overly forgiving, ignoring the fact that—as always—political evolution is a matter of public choice.

Pincetl may have discounted the possibility that the public might have been ambivalent over the breadth and ambition of Brown's vision from the beginning. Jerry Brown made many ambitious proposals. Such proposals, if implemented, would have significantly changed the lives of Californians. With this context,

18. *Id.* at 186. Pincetl sums up the disappointment of the 1970s as follows: "in the end, politics as usual, and the accompanying cynicism, prevailed, dashing the hopes of voters, contributing to apathy, and plunging the state into a nihilistic process of dismantling government and discrediting its programs."

19. *Id.* at 237.

20. *Id.* at 238.

21. *Id.* at 240.

one can understand why a person with a relatively stable livelihood might shy away from radical change. Moreover, some of the contributions of the Brown administration probably deserved the rejection of the public. Even today, California funds several programs dating back to the Brown administration with questionable benefit. For example, the California Energy Commission has provided subsidies for alternative fueled automobiles for many years. These programs seem to have had little impact on either the use of alternative fuels or the quality of the air in the state. Many Sacramento bureaucrats consider these types of programs to be emblematic of Brown's legacy: high on rhetoric, low on reality. In the face of this style of government, the "cost-benefit" decisionmaking mode that characterized Ronald Reagan's presidency probably resonated with voters following the Brown years.

Finally, there is the distinct possibility that the public didn't understand Brown's goals and couldn't see the long term benefits that would flow from near-term sacrifices. Brown's view of the world, one would suppose, factors in complicated relationships about the distribution of wealth, intergenerational obligations, and other fairly abstract ideas. While one could see the average voter in the late 1970s struggling to understand why California should sacrifice economic development for less immediately tangible benefits, this failure to think long-term (if it really is one) shouldn't be blamed entirely on Brown.

III.

IMPROVING NATURAL RESOURCE MANAGEMENT

If one accepts the idea presented in this review, that the public has had an adequate opportunity to influence natural resource management, one must then address the question of how to improve the outcome. In other words, if the voters currently have the ability to make better choices, why haven't they done so?

As a starting point, one only proceeds to ask how to improve the system if he or she believes that a problem exists. In contrast, one might think that the system is fine, the public has spoken, and California's environment today is as healthy as it should be. For the sake of argument, this paper assumes that California has not engaged in optimal natural resource management and that the environment is not as healthy as it should be.

Therefore, one must ask what should be done about the fact that the public has failed to make wise choices. An obvious sug-

gestion is to invest in greater education. More education, however, could mean many different things depending on what it is that the public doesn't understand. One possibility is that the public simply doesn't understand the environmental implications of their decisions. As an example, a person may not understand why a wetland is more important to a wide array of species than a swimming pool or golf course, so he or she may not vote for a local bond to purchase sensitive habitat. In this case, the government and non-profit organizations would attempt to educate citizens on scientific and ecological issues.

Alternatively, citizens may understand the ecological implications of their decisions, but not understand the sociological implications. For example, a person may oppose a certain zoning ordinance not because he fails to grasp the traffic benefits, but because the primary beneficiaries will be in another city or part of town. Here, the purpose of education would be to make clear the links among communities and individuals to encourage more inclusive decisionmaking.

Unfortunately, efforts to educate the public on the importance of community may run counter to an individualistic ethic. Our society tends to reward individual effort and equates wealth with success, but may not sufficiently honor altruism.²² The potential inconsistency between environmental education and overall societal values raises complicated questions beyond the scope of this paper. With respect to imbuing a sense of environmental consciousness, however, it suffices to note that programs of education may not be capable of overcoming the messages that a person receives through family, friends, the media, etc.

Another factor that militates against community is the mobility of individuals in this day and age. For example, a citizen of Simi Valley looking to move to Santa Monica may not feel inclined to protect community values to the same extent as a fifth generation resident of a small town. The Simi Valley resident, therefore, would not necessarily be "irrational" to vote against an assessment intended to preserve open space in a community that he or she intends to leave.

These general observations, however, do not suggest that efforts to educate the general public on the meaning of community would be pointless. They simply highlight that to influence deci-

22. As an example, many people today recognize the names Bill Gates, Warren Buffet, and Donald Trump. In contrast, few people could name the president of the National Wildlife Federation or the Salvation Army.

sionmaking by citizens may not be a simple matter. The most important avenue for educating people about the importance of community may be the family and the community itself. Unless people develop an affinity for others that transcends society's message of individualism and profit maximization, outside efforts to educate on the importance of community will probably fall on deaf ears.

IV.

CONCLUSION

Transforming California provides a thorough, interesting account of California's first hundred and fifty years. By any measure, this period produced profound change on the landscape. In all fairness, Pincetl's somewhat pessimistic perspective is quite understandable. Untrammelled wilderness is no longer pristine. Easy commutes are now traffic jams. Open space is now congested.

In light of the significant changes, Pincetl concludes that "California, the Golden State, stands at a crossroads."²³ Undoubtedly, this is true, just as California may always find itself in this predicament. Each time, some increment of the natural landscape has been lost along the way and we confront again the question of whether we are prepared as a state to make the real sacrifices that would accompany a break from continued development of land and natural resources.

Pincetl also accurately observes that "management of growth is fundamentally a political question, a social issue, not a question of technique, not a matter of drawing better boundaries."²⁴ Where Pincetl's analysis may falter is with her apparent expectation that some other configuration of political institutions and arrangements will allow the public to manifest a presumed preference. True management of growth is not a minor endeavor. While the exact relationship is uncertain, land development and other resource exploitation fuel our economy. People benefit from the wealth and job creation that accompany land development, agriculture, forestry, and mining.

At some level, the public most likely already understands the relationships between development, the economy, and quality of life. Alternatively, the public may be poorly informed or be too

23. Id. at 304.

24. Id. at 319.

lazy to navigate the political system. In either case, political structures and institutions provide a convenient excuse for these shortcomings, but they are nonetheless just an excuse. The people of California will continue to confront difficult decisions concerning resource management. They may be making poor decisions that do not promote their own self-interest. Ultimately, however, the burden is on the public to use the significant opportunities afforded by the current system to make wise decisions concerning political representation and resource management.

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