

Sustainability and Public Access to Nature: Contesting the Right to Roam

Daniel R. Williams

US Forest Service, Fort Collins, Colorado, USA

This paper discusses the importance of cultural and institutional differences in rights of access to nature for sustainable tourism management. Drawing on the insights from the papers contained in this issue of the *Journal of Sustainable Tourism*, this introduction highlights two overarching themes. The first is the ambiguous/problematic role of science in establishing sustainable capacities for tourism's settings. Not only does this science rely on problematic assumptions of stable ecosystems, the idea of a science of sustainability presumes cultural and institutional capacities to regulate use and access to the commons through political/administrative power that are not uniform in international comparison. The papers illustrate the limits and alternatives to regulatory strategies for achieving sustainability. Second, recognising the dominance of cultural and institutional factors in sustainable tourism management, the papers illustrate how global forces are changing the way public access to nature is conceived and ultimately managed.

The idea for this collection of papers grew out of informal discussions among the various contributors about the degree to which the problem of sustainable recreation and tourism depends less on the science of 'how many is too many' and more on the varying cultural traditions and institutional practices associated with use and access to natural landscapes. At the time I was on sabbatical leave in Norway studying the influence of globalisation on the meaning of Norwegian nature. As a foreigner my attention was keenly drawn to the Scandinavian outdoor tradition of *allemannsrett* (literally, every man's right), which provides, in cultural and legal traditions, a universal right of access, not only to public (crown) lands but to virtually all open, uncultivated land, public or private. Just prior to my sabbatical I had been asked to serve on the programme committee for a planned conference on recreational carrying capacity in the USA. Together these two circumstances drew my attention to the role of culture, history and institutional practices in circumscribing problems of sustainability and prescribing remedies. My already strong reservations about the usefulness of 'carrying-capacity' studies in an American context was only reinforced by contemplating how such a 'science-derived' approach to regulating the commons would apply in places such as Scandinavia where everyone has a basic right to roam across the landscape.

This juxtaposition of common rights of access and sustainable tourism suggests a more enigmatic question: What is it we wish to sustain when we speak of sustainable tourism? Perhaps it is not, as the carrying-capacity paradigm would imply, the unfettered right to roam that undermines schemes for sustainable tourism management. Rather it may be that, as a value worth sustaining, the right of access is itself threatened by changing social, economic and political

forces. Can the right to roam, as a highly valued recreational and tourist experience, be sustained in the modern world?

Not content to leave it to coffee-break conversation I proposed to take up this issue as a conference session, which led eventually to this collection of papers. As a whole, they examine how the problem of recreational and tourism sustainability has been historically and culturally situated in land-use practices, laws and institutions by contrasting selected examples of how public access to the countryside is currently being contested in Scandinavia, Britain, New Zealand and the United States of America. Britain and New Zealand (and, to a lesser degree, the USA) share important cultural and legal traditions associated with English common law regarding property and access. Nevertheless there are important differences in how access has been treated in these countries. In contrast to Britain, New Zealand and the USA share a 'new world' land-management context dominated by large tracts of public land, contested indigenous rights and a frontier or pioneer ethos. Both countries have a history of managing landscapes based on a 'pristine myth' that presumes some pre-European standard for the ecological integrity of the landscape. In Britain (and Scandinavia) human history does not afford as sharp a distinction between the cultural and natural landscapes. And in contrast to Britain and its former colonies, land rights in Scandinavia retain a history rooted in various kinds of common ownership including the general principle of universal right of access both to public and private lands.

Collectively these case studies illustrate the various ways access rights are being challenged (and in some cases reasserted) by modern culture and lifestyles, on the one hand, and by ecological and environmental concerns, on the other. As an introduction to this collection of papers, let me highlight two facets of how public access has been constructed and contested: (1) the science of sustainability (i.e. establishing carrying-capacity limits); and (2) the social and economic forces of globalisation as they relate to the problem of spatial-temporal scale in sustainability and their tendency to encourage the commodification and privatisation of the landscape. Understanding the ways in which problems of access are culturally situated can also help clarify options for problem-solving that might otherwise go unnoticed. They provide models for alternative views of rights and responsibilities to nature, but also show more clearly the different institutional arrangements that might be applied to balancing the competing ideals of tourist access and nature protection.

The Science of Sustainability and The Right to Roam

Sustainability generally implies some sort of harmony, balance or equilibrium between human necessity and the material system upon which humans ultimately depend. But, as Allen and Hoekstra (1992; 1994) argue, there is no transcendent notion of sustainability nor is sustainability a matter of degree (something is never partially sustainable). Rather, sustainability is always a human decision bound within some temporal-spatial scale and directed toward selected features of the material system. The immediate questions evoked in a discussion of sustainability are: What system features should be maintained? At what geographic scale? Over what period of time? For some forms of

sustainability, equilibrium is sought between humans and nature (ecological sustainability). In other contexts, equilibrium may be thought of as social or economic equilibrium, particularly between present and future generations or between local and global economies.

Tourism, especially nature tourism, epitomises these problematic aspects of sustainability. As an alternative to industrial economic development, tourism, on the one hand, represents an instrument for preservation of various features of a material system (e.g. natural landscapes, cultures and senses of place). On the other hand, tourism as a regional economic strategy constitutes a major contributing factor to the transformation of these very same features by turning them into commodified objects to be consumed by tourists. In nature-based tourism the focus is often on sustaining the features that attract tourists against their alteration by tourism itself. In tourism sustainability often comes down to finding a balance between providing relatively open access to tourism's landscapes and imposing controls over the amount, terms and conditions of that access to the landscape.

The idea of sustainability has been attractive because, as a 'guiding fiction', it serves the potentially useful purpose of organising discourse around what is otherwise a contentious conflict of worldviews (McCool, 1996). It represents a 'common language' through which environmentalists and economic developers frame environmental issues (Macnaghten & Urry, 1998). But sustainability, as a potential critique of modernity and the excesses of industrialisation, has been suppressed according to Worster (1993: 153) because, in the absence of any clear idea of what sustainability is, we 'end up relying on utilitarian, economic, and anthropocentric definitions of sustainability'. Worster suggests three fallacies behind the rhetoric of sustainable development. First, sustainability assumes the natural world exists primarily to meet human needs. Accordingly, nature is nothing more than a pool of resources to be exploited and has no meaning or value apart from the goods and services it can provide. Second, sustainability implies a 'determinable' limit on the carrying capacity of local and regional ecosystems, yet disequilibrium ecology (discussed later) undermines the view of a stable ecosystem necessary to define 'determinable'. Third, sustainability relies on the traditional world view of progressive materialism: the Brundtland Report (WCED, 1987), notes Worster, refers more to issues of equitable distribution of the world's 'resources' (not an unworthy goal by itself) than to the need to adjust our world view with respect to modernity and materialism. Harvey (1996: 148) is particularly critical of this point noting that the literature on sustainability 'is a debate about the preservation of a particular social order rather than a debate about the preservation of nature *per se*'. Still, the important question is whether the discourse on sustainability, however animated, succeeds in challenging the social conditions that work against sustainability. If sustainability is achieving the equilibrium of a particular system (across a particular reach of time and space) what, then, are the social forces that promote the opposite, disequilibrium?

One such force is science itself. Modern science, rather than leading to greater certainty and foundational truth as forecast in enlightenment thought, ends up producing greater uncertainty. Through science, humanity's material relationship to nature is 'subject to chronic revision in the light of new information or knowledge' (Giddens, 1991: 5). In ecology this uncertainty has moved to centre stage. Ecological thinking has shifted from a view of the natural world as

dominated by harmony and order to one of instability and catastrophe. As Botkin (1990) argued in his groundbreaking book, *Discordant Harmonies*, many contemporary ecologists have replaced the once dominant world view of equilibrium and harmony in ecology with change, disequilibrium and chaos. Such a shift in thinking tends to undermine the idea of a natural economy or inherent capacity of an ecosystem. Ecologists want to be able to find value in nature, but disequilibrium thinking undermines the notion that there is a 'balance' in nature to be protected. Botkin's science, as Worster (1993: 151) puts it, leads 'to a rejection of nature as a norm or standard for human civilisation and to an assertion of a human right and need to give order and shape to nature'. With chaos ecology, the distinction between what is 'natural' and what is 'cultural' becomes obscured and sustainability loses its footing.

This is essentially the issue raised by McCool and Lime (this issue) in their historical critique of the scientific foundations of the carrying-capacity concept. As they see it, many of the underlying concepts of sustainable tourism originate in scientific attempts to establish the carrying capacity of public parks and protected areas. They describe carrying capacity, built on the now discredited assumption of stable ecosystems, as a misguided extension of wildlife and range ecology to tourist settings. As they note,

even in the case of the animal populations that carrying capacity was originally designed to address, the highly varying character of the environment, the non-linearly dynamic nature of many cause-effect relationships and lack of knowledge introduce considerable uncertainty into calculations of carrying capacities (this issue p. 374).

Over time, definitions of recreational and tourist carrying capacity have evolved to include recognition of the importance of management objectives in establishing capacities. But this has undermined the notion of inherent capacity and in fact suggests that an area might have multiple capacities, depending on the objectives established for an area. As McCool and Lime (this issue) see it 'the process of articulating objectives and selecting among them is a uniquely human and political process; the earth itself does not speak in this process, and neither does science' (p. 377). Still they do see a role for science in informing this process, but it is a much-repositioned question that science is to address. Instead of 'how many is too many,' the question becomes the 'amount of change in a protected area' that would be permitted by a given set of management objectives. Accordingly, science provides the knowledge that managers and citizens might use in determining how much change is acceptable, informs planning processes about the linkages and relationships within and among protected areas and exposes the consequences of choosing among various alternatives.

In addition to the concerns about the fundamental scientific basis of sustainability (i.e. sustainability is predicated on the assumption of a stable system), the application of this science presumes cultural and institutional capacities to regulate rights of public access to nature through political or administrative power. The carrying-capacity approach is seen as particularly germane to the management of common property rights, where authority must be exercised in the absence of private interests imposing self-interested constraints on land use. But the scope and operation of any institutional

authority to decide, limit or regulate who shall have access and under what conditions and restrictions (i.e. the political authority of an administrative agency to exercise power over questions of access to public or private land) varies with the cultural and legal traditions of a given country. Knowing the 'magic number' for 'how many is too many' or, following the McCool/Lime alternative, knowing how various kinds of use produce various types of impacts on the material system are of little value without cultural or institutional mechanisms to affect access and use.

The carrying-capacity concept, in particular, perpetuates a technical/regulatory approach to addressing the management dilemmas posed by public rights to nature. It reflects the managerial/coercive bias of the 'tragedy of the commons' offered by Hardin (1968). Various theorists of the commons suggest that such a regulatory and coercive view is overly pessimistic and ignores social science evidence of alternative solutions to the commons (see McCay & Acheson, 1987; Ostrom, 1990; Brown & Harris, 1992). Specifically, Brown and Harris summarise the criticisms of Hardin's commons theory, noting that it ignores contextual factors such as history and culture, it underestimates the ability of people to cooperate in commons situations and it emphasises property rights to the exclusion of other factors. They offer a framework for characterising the potential solutions to the commons dilemma that recognises three basic types:

- (1) politically based institutional approaches of the kind suggested by Hardin, which emphasise regulatory approaches and the use of coercive power;
- (2) market-based institutional approaches, which involve some form of privatising common property rights; and
- (3) non-institutional approaches, which emphasise cultural values, trust, communication, and cooperation.

The papers in this issue explore the role of cultural and institutional mechanisms in managing access and several illustrate Brown and Harris's different approaches. McCool and Stankey (this issue) illustrate the strong role that coercive regulation plays in access policies for the USA's public lands. They note that access has been a central concern in sustainable tourism as a principal mechanism affecting use levels, types of use, activities and their spatial-temporal dimensions and interactions with locals. The underlying assumption within the professional management ranks has been that controlling access necessitates coercive regulation. The authority and managerial values supporting a strong regulatory approach arose in an era of scientific management. But regulating access has been difficult to achieve following the long history of a land disposal policy for the public domain in the USA. They see three colliding forces affecting the pursuit of sustainable tourism. The first is the historic tradition, developed in the early nation-building period, of unregulated access to the public domain. This presumption lingers among rural western populations which historically took considerable advantage of *de facto* free access and which nominally still exists for some uses of public lands in terms of recreation, firewood collecting, mushroom harvesting etc. The second is the well-defined mandate of stewardship, grounded in the US' constitutional principles and congressional purview, creating managing agencies with extensive administrative power over the public lands. The third is the tendency of this administrative authority, buttressed by the

conservation-oriented values of the professional managers, to hold industrial exploitation of resources in check and give justification to rules and policies that restrict, limit or otherwise control access. In sum, access policy in the USA exists as a continuing contestation between the scientism of managers seeking objective grounds and standards for regulating access and the historic traditions of freedom of access to public lands that continue to shape public attitudes and practices.

Mechanisms for the regulation of countryside access in Britain could be characterised as a mix of the second and third approaches described by Brown and Harris (1992). Starting from the opposite condition of relatively little public access, Curry (this issue) describes state-sponsored and community-based voluntary efforts to expand access to private land, on the one hand, and the role of market forces in the provision of access to nature on the other hand. He describes four main policy forces affecting access in the 1990s. First, access has been seen as a form of agricultural economic diversification (as well as a means of environmental conservation) as commodity subsidies have been cut back. Second, the community and voluntary sectors have actively pursued countryside access in the context of open space preservation, but often with more of an eye toward thwarting development than expanding access. Third, access has been used as an argument for expanding the national forest estate, which economically would not be sustainable without recreational benefits. Finally, and most importantly, there is the political movement toward reasserting access rights that would grant public access to 'open country' in England and Wales and the 'whole countryside' in Scotland. With regard to the first three policy trends, Curry notes that accessibility has largely been used as a public justification for other, less public, ends.

With access largely a private provision, either encouraged through some form of subsidy or voluntarily supported and based on customary or informal agreement, Curry makes the case that carrying capacity is not a pressing issue in Britain as current supply far outstrips demand. Yet there is strong political sentiment to 'reassert' public rights of access to the countryside. This represents a 'fundamental shift in land rights' away from the 'Lockian tradition, which holds that every man has a natural right to possessions and property' (p. 404). Curry sees this as a philosophical and political contestation that has a deeper history, not so much in a struggle for rights of access, but as a lingering contestation of 'Old Labour' versus 'New Labour' politics.

The kind of expansive rights of access being contemplated in Britain has long existed in Scandinavia as the culturally based tradition of *allemannsrett* (every man's right) (Kaltenborn *et al.*, this issue). This tradition appears to be a particularly strong example, at least among western nations, of the cultural/cooperative approach to the commons dilemma previously described. This right provides for anyone, including international tourists, to have the right, with certain restrictions, to move freely across private and public land holdings, to pick wild berries and mushrooms, and to collect wood for campfires, as long as the land is not currently cultivated for agricultural purposes. Historically the *allemannsrett* supported the needs of the landless. While this right has been broadly recognised since the middle ages, it took the mass recreation movement of the 20th century to seize it as a specific concept around which an outdoor touring tradition could be built.

While this right has been codified in law to a certain extent (especially in Norway), it is based on a historical tradition that divided property rights quite differently from the English tradition. The public retained, in effect, residual rights to the land that did not have particular economic value, such as the right of trespass and the collection of wild edible plants, so long as these activities did not damage or disturb the economic interests and well-being of the property owners. As Kaltenborn *et al.* note, this right is limited not only by economic interests and privacy, but by the particulars of the landscape itself. One must be able to read the landscape to understand how to utilise these rights without infringing on the private economic rights of the landowner (e.g. how close one can come to a dwelling without causing disturbance, what constitutes low impact recreational practices, etc.).

A key theme of this collection of papers is that the problem of sustainable tourism requires the recognition and examination of the specific cultural contexts within which questions of access to nature and the regulation of recreation users arise. In each of the cases previously described, despite emphasising different cultural and institutional mechanisms, access is nevertheless a cultural construction, contested to be sure by various groups and interests, and managed by convention and tradition as much as by scientific calculation and regulation. An important question that remains, and one the papers by Kaltenborn *et al.* and McIntyre *et al.* (this issue) give particular attention to, is how to sustain these systems of access in the face of increasing globalisation.

Globalisation and Sustainability

Disequilibrium, whether between nature and society, present and future generations or local and global culture, is tied one way or another to an accelerated reshaping of time–space relations that is endemic to globalisation. Globalisation refers to the increasing movement of goods, people and ideas across space and time. In this age of globalisation, the sustainability of tourism is not just a matter of sustaining the natural system, but also a matter of sustaining cultural and historic places and local society (e.g. rural towns, villages, hamlets) which are undergoing structural change brought on by global-scale exchange and interaction. In this context the problem of the geographic scale on which to seek sustainability is highlighted: how to sustain local economies and ways of life in the face of globalisation? Globalisation emphasises the spatial dimensions of sustainability, finding equilibrium between the city and countryside and between global- and local-scale processes.

Tourism has become a major tool of governments, industry and regional authorities for diversifying and restructuring local economies in response to local and global forces. As several geographers have noted, local regions increasingly see themselves in economic competition with each other. 'Inter-place competition is not simply about attracting production. It is also about attracting consumers (particularly the affluent) through the creation of amenities such as a cultural center, a pleasing urban or regional landscape and the like' (Harvey, 1996: 298). This leads to investments in what Harvey calls 'consumption spectacles' in which local heritage is put on the market. Globalisation creates a tension for local place, between engaging in ever wider spheres of exchange and

communication that tend to commodify local culture and a simultaneous inward and deliberate search for authenticity, a conscious effort to evoke a sense of place and cultivate the past. Tourism is often the context within which the tension between global and local forces is worked out.

As several of the papers in this issue demonstrate, globalisation is an important force challenging and contesting rights of access. McIntyre *et al.* (this issue) characterise tourist places as 'sites of transactions between external derived global influences and the internal characteristics of a place'. The interaction of these forces in specific localities generates conflict among local recreationists, tourists, landowners, commercial operators, local tribal groups, government agencies and access pressure groups. In Scandinavia open access is marketed internationally as a tourism commodity, leading Kaltenborn *et al.* (this issue) to ask: 'How do we deal with the egalitarian and democratic concept of public access in a world of market forces, commodification, as well as changing environmental meanings and legal requirements' (p. 418)?

The paper by McIntyre *et al.* (this issue) takes the issue of globalisation head on. They see three global influences on public access to nature in New Zealand: globally driven market philosophies, the promotion of international tourism and indigenous land rights movements. During the 1980s and 1990s the 'New Zealand experiment' had been to transform the state from a highly regulated to a highly deregulated economic system through the roll-back of protectionism, opening up to foreign investment and the privatisation of government assets. Consequently areas such as public forests, previously managed in a multiple-use regime, were hastily divided between production-oriented and preservation-oriented lands, with the former effectively turned over to private management, which reduced public access. In addition, the government tourism agency has been redesigned as a marketing body turning its traditional role of tourism planning over to the Department of Conservation and local agencies. With greater emphasis on financially oriented management of recreation and tourist facilities within the Department of Conservation, domestic recreational interest groups fear the extensive back-country system of huts and tracks, which tend not to generate much revenue, will be allowed to deteriorate. As McIntyre *et al.* summarise: the economic transformations of the last two decades 'are changing the face of access in more than 40% of the land area of New Zealand, (p. 443).

The growth of international tourism is itself another manifestation of globalisation. 'Parks have become commodities, something to attract and captivate and essentially sell to the overseas tourist' (McIntyre *et al.*, this issue, pp. 443–44). As an example of the way access has been affected by this commodification they cite the 'Great Walks' concept developed by the Department of Conservation. The 'Great Walks' are a series of 12 well-marked, graded, multi-day trails that are heavily promoted and patronised by international tourists. Similarly, commercial operations have made it impossible to avoid the noise of high tech intrusions of planes and helicopters ferrying tourists around in some areas. These types of commercial intrusions, while catering to international tourists, impact 'principally on local recreationists, who make up the majority of the back-country trampers and climbers' (p. 444).

A final force affecting public access in New Zealand are land claim settlements by indigenous populations. With private and leasehold lands excluded from

potential land-claim settlements, only public lands in pastoral leases and conservation areas were potentially available for settlement, putting further pressure on available access. While effects on access have been negligible thus far, the Maori have sought greater protection for areas of high cultural significance within conservation lands. The summit of Mount Cook is one such area where Maori have sought to prevent mountaineers from treading (Ryan, 1997).

In the Scandinavian countries, contact with nature has been central to national and cultural identity. Kaltenborn *et al.* (this issue) show that public access to nature has special meaning for Nordic identities. Yet, globalisation appears to be pressing in on traditions of nature access and contact and thinning them of meaning as they become the commodified interest of increasingly spatially and culturally distant social groups. Norwegian researchers, for example, have noted that maintaining the kind of close contact with nature that open access provides is a powerful expression of identity in the face of an increasingly multi-ethnic, urbanised and globalised culture (Eriksen, 1997; Gullestad, 1992). Through their power to ritualise the cultural memories of rural Nordic life, these traditions, as Eriksen (1997) argues, provide a way to shelter one's identity from the globalisation of culture. It remains to be seen whether outdoor traditions such as *allemannsrett* will be sustained in a globalised world.

Globalisation and its tendency to contest the status of public access lead Kaltenborn *et al.* (this issue) to examine the cultural, ethical and managerial issues facing Scandinavian tourism. First, access, which has played an important role in cultural construction, is becoming increasingly contested as nature is commodified, popularised, diversified and fragmented by modern global society. At the same time nature access is seen as an important democratic value but one needing to be protected from market forces. Second, nature access is closely linked to the development of environmental ethics. Public access has traditionally been seen as an important aspect of understanding human dependence on nature. Globalisation threatens these values as it contributes to the detachment of nature-based outdoor activities from their original subsistence meaning and promotes the development of specialised landscape areas for outdoor exercise and tourist experiences. Third, the commodification of nature and tourist activities raises complex management issues for public access. One major challenge of globalisation involves communicating the public responsibilities and ethics that go with nature access to distant, urban tourists who are less engaged in the cultural practices that have traditionally instilled the norms for using nature. But ultimately it is not the universal right of public access that threatens environmental quality and cultural traditions in an age of globalisation. What Kaltenborn *et al.* see as the important concerns of globalisation in the sphere of tourism and outdoor recreation are the increasing pressures to open up the landscape for more motorised recreation and holiday resorts, pressures that erode traditional forms of access to nature.

Conclusion

Within the context of globalisation and sustainability, tourism represents two competing tendencies. On the one hand, tourism is a major contributory factor in the transformation of natural landscapes and the dilution of their traditional

meaning. On the other hand, tourism is a potential vehicle for the preservation of the local culture and landscape. Tourism, more than other forms of economic development, values and trades on the character of places. Thus, communities are often torn between the hope that tourism will sustain local economies and ways of life and the recognition that tourism development may transform that same cherished character of the landscape.

The papers in this issue reinforce a socially constructed view of natural landscapes in which sustainability is anchored in history and culture rather than their objective, inherent, enduring and tangible properties. Their meaning and value is constantly being contested and re-created through social interactions and practices. Just as the historical/cultural idea of *allemannrett* is vital for understanding the meaning and sustainability of the Scandinavian countryside, so too is the frontier and pioneer history of the USA critical for understanding the meaning and management of public forests, wilderness and national parks. In Britain globalisation, overproduction and membership of the European Union have subtly shifted policy priorities from agricultural production to recreational access to the countryside. Similarly in New Zealand, responding to the forces of globalisation has meant restructuring land management agencies and policies so as to reduce or commodify public access to nature.

Sustainable tourism is perhaps not attainable by refining and applying the science of stable ecosystems to touristic settings. Even basic thermodynamics suggest that no natural system is sustainable in any indefinite sense. Rather, sustainability is perhaps better approached by searching out and controlling sources of undesired change. Science (how we understand and conceptualise the world) and large-scale social restructuring (globalisation) are important forces of change. The same globalising forces in society that make travel possible and generate the desire to seek meaning in nature potentially dilute and undermine the very meanings and values that make natural landscapes appealing as a refuge from the modern global world. By helping to transform and personalise the values of a landscape, tourism intensifies conflicts over how natural landscapes should be developed and managed.

Collectively these papers make the argument that sustainability is ultimately a cultural concept. And while we find important differences among the countries examined here, the variation in culture is nevertheless limited to that found within western societies that generally subscribe to progressive materialism and science. It is worth reminding ourselves that this western cultural view is too easily taken for granted as a starting point, if not model, for applications in non-western contexts. Recognising the cultural dimensions within western perspectives should give us pause for reflection before attempting to generalise them to the rest of the world and points out a need to recognise and study how access to nature is understood and managed in non-western societies.

Correspondence

Any correspondence should be directed to Dr Daniel R. Williams, US Forest Service, Rocky Mountain Research Station, 2150A Centre Avenue, Fort Collins, Colorado 80526-1891, USA (drwilliams@fs.fed.us).

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