

[MUSIC PLAYING]

**MIKE LIVERMORE:** Hi, this is Mike Livermore and with me today is Jon Cannon, professor of Law Emeritus at the University of Virginia. Jon has a long and distinguished career as a law scholar and practitioner. He served as EPA'S general counsel during the Clinton administration. Where he authored the famous Cannon memo that laid out the case for the agency's authority to regulate greenhouse gas emissions under the Clean Air Act.

This memo was cited in Massachusetts EPA and this is a legal question that remains at the heart of current climate change policy in the US. Jon's current book project takes a step back from the daily grind of environmental law and politics to reflect on the role of place in our lives. And in structuring our relationships to the natural world. I've been fortunate to have read some of the draft chapters and it's a wonderful exploration of these questions. I'm looking forward to chatting about them today. Jon, thanks for joining me.

**JON CANNON:** Thank you, Mike. It's great to be with you this morning.

**MIKE LIVERMORE:** So maybe just to get us start at how did you come to this idea of place? Maybe what is the idea of place? [LAUGHTER] I know what a place is generally, but I think there's more to the concept than maybe in our common way of talking. And yes so what is this concept and how did you come to it?

**JON CANNON:** Well, I think I've been coming to it all my adult life and perhaps before that. I think naturally and instinctively we relate to places. Places that we are, places that we live, places that we call home. And I think we do that from early childhood on. Mostly in a pretty unconscious way. But when I sort of became aware of my environmental proclivities, I began to think about the places that I'd been and my experiences there. And what that meant for me going forward in terms of my views, and attitudes, and feelings about the environment.

So I think that basic concept has been percolating for a long time. I will tell you in my service at EPA I was struck both by the importance of the agency's work, but also by the level of abstraction at which that work moved forward. So when we adopted air quality standards they were national air quality standards. When we adopted standards for cleanup of superfund sites, they were standards that were intended to be uniform to create standard levels of tolerable risk and so forth at sites around the country.

They didn't at least on their face in many cases, acknowledge the unique qualities of different places or the feelings and preferences of the people actually living in those places. And I totally committed to the project of environmental regulation but also felt that there was something missing in the presentation, if not the formulation of these rules.

And for a time at EPA, I pushed this notion of place based Environmental Protection. Which was to appeal more directly to the concerns and aspirations of people, in particular places when we were talking about regulations that were national in effect but had a particular impact. And for a while the administrator was talking about protecting real people in real places as a way of expressing that connection. But I think the tension is there. And it continues today.

**MIKE LIVERMORE:** That puts me in mind of a passage that I really like from Bill Ruckelshaus. Did you ever interact with Bill Ruckelshaus?

**JON CANNON:** Yes I did. I actually was an associate in the law firm that he started before I went to EPA and then I interacted with him since then.

**MIKE  
LIVERMORE:** For folks who are unfamiliar this is kind of one of the great figures in US Environmental law and policy over the last several decades. EPA administrator twice during Republican administrations but also widely beloved within the environmental community. The passage that I'm thinking of is actually assign it for one of my classes, which is part of why I remember it. Cause environmentalism at its inception was a grand vision, one that nearly all Americans willingly shared.

Somehow that vision of the essential unity of nature and of the need to bring industrial society into harmony with it has been lost among the parts per billion. And with it we have lost the capacity to reach social consensus on environmental policy. So that sounds kind of similar to the sentiment that you were describing.

**JON CANNON:** Yes. That is certainly part of it. And the other part of it is that environmentalism as a general concept and connection with nature as a general concept are fine. But those all have their expression at least in my experience in particular places. And actually through individual or community experience.

**MIKE  
LIVERMORE:** So I think maybe there are two ways or two kind of ways into this idea of place as it relates to this question of how we think about environmental policy at a very high level. So one is as a way of communicating. And I can imagine PR conversation or a conversation with communications people. That goes along the lines of look, we can't talk about parts per billion nobody knows what that is. We can't talk about the value of statistical life, that sounds crazy.

We need to bring in the kids that are getting asthma, or we need to bring in the moms, or we need to bring in the doctors or whatever. Just as the way any good journalist frames a story. Even if it's about something very abstract like education policy. The lead is about some kid and/or some parents or whatever. So as a way of kind of humanizing these seemingly abstract policy questions. So that's one angle to this.

But it seems like there's something else too which is well, I don't know. So is that the whole story or is there more to this concept that is deeper in the sense that it tells us? I don't how we should be thinking about environmental policy or how we should be thinking about our relationship to the natural world. And if we think in this purely abstract way that will lead us astray somehow.

**JON CANNON:** So I think the communications are an important part of it. And that's sort of when I was speaking earlier about place based Environmental Protection. That was the thrust of that. But there is I think, at least in my perception something deeper going on here. So the whole structure of environmental law which is very complicated and the creation of environmental policy, which can get quite analytical or technical. Presume certain dispositions or inclinations on the part of people. Certain values that we're trying to protect through collective action.

And where do those values come from? How do they get shaped? And my own sense of this is that those values and the world views that they are part of get shaped through our experience in particular places at particular times as we grow up and mature. As we go to work, as we seek recreational activities. And otherwise live our lives. So there's a sense I have that formative experiences within particular places. I mean our experiences all take place within a place.

That these formative experiences both individually and collectively have something significant to do with place and the places where they occur. And when I talk about place I'm not just talking about the biophysical place. I'm talking about the social and economic elements of place too. And in my concept all those things go together and are interacting all the time.

**MIKE**  
**LIVERMORE:** So tell me if this sounds wrong. But economists will sometimes talk about preferences. [LAUGHS] And one way of thinking about environmental law and policy is well, people have preferences for environmental amenities. Clean air, clean water, nice vistas, open spaces or whatever. And that these what we're doing an environmental law is protecting these amenities because people care about them, because people value them.

And typically economists don't inquire into how people come to those preferences. Why do people like the things they do? Economists again or the economic perspective just takes it as a given that people like certain things. And then normatively we might go about the project of maximizing the things that people like and want. And perhaps the place based perspective or the place perspective that you're discussing is inquiring into how do we come to value the things that we value? Want the things that we want? Dislike or be averse to things that we don't like?

**JON CANNON:** That's exactly correct. I mean the idea is that we-- I mean, who knows where preferences come from? They come from all sorts of places. But in my experience, my interaction with natural environments and social environments, leads to the formation of certain likes and dislikes, certain attractions and not attractions.

**MIKE**  
**LIVERMORE:**

**JON CANNON:** Aversions. And if I were an economist, I'd try to capture my senses along those lines with the senses of other people and aggregate them and come to some cost benefit calculation. But the origins of those preferences seem to me to be better than experience. And that experience takes place in a place. [CHUCKLES] Or many places over time.

I mean, and modern people don't live in one place and our experiences are really an aggregate of experiences that we have in many different places. But those experiences I think are foundational to how we value the world. And what we want from it going forward.

**MIKE**  
**LIVERMORE:** There's so many fun ways to take this conversation. But maybe one, what I think is a hard question. This might not be such a hard question for you. You let me know. So one idea here is that the project are thinking about place in this way of trying to come to understand how people value the things that they value and so on. Is as a descriptive project. It's a process. It's a social, cultural, psychological process that we're interested in. As scientists, or as humanists, or just scholars. Interested in how the world works.

And then there's another way of thinking about it. Which is that there's a normative component to it. That there are some things that we ought to value, there are some things that we ought to be averse to. And it's important to understand how people really come to their values. Because then we can start to think in sophisticated ways about how to structure the world or structured people's experience, such that they come to value the things that they ought to value. And I'm curious which of these two broad frameworks kind of better describes your interest in these questions.

**JON CANNON:** Well, I think it's both. I think the descriptive component is important, at least in the thing I'm working on now. But there's I think inevitably, a normative component that is I see value in places, in certain dimensions of places that I think is important. And my aspiration is that other people will think they're important too. And that's not necessarily the case.

I mean, I live in the country. There's a large tract of land next to me that was until recently forested. And I loved the woods, and I walked through the woods with the permission of my neighbor, and it was beautiful. And I got a lot of benefit from that. And then my neighbor decided that he wanted to create pasture land for cattle. And he cut down all the woods. And that was his prerogative.

But that was something as a normative matter I objected to. And probably as a matter of purely personal interest. And he had another idea in mind as to value of that landscape for certain enterprises that he wanted to undertake. So that's a known example of a normative conflict at a very local, personal, level. And those take place all the time.

I don't think the normative at least in this setting, I don't think the normative project is one of advocacy in a direct way. I think it's more a matter of modeling or showing people how one comes, or might come to a deeper appreciation. For example of the value of forested land. And that's why at least for the purpose of this book, I'm taking a less discursive and more narrative approach.

**MIKE  
LIVERMORE:** It's a great example. And so I'm inclined to kind of push on it [LAUGHTER] to see if it's illuminating. So on the one hand we might think, look, there's just some finite resources in the world. And we need to decide what to do with them and we might have just conflicting wants and desires. And there's a cake, I want some of the cake, you want some of the cake, everybody else wants some of the cake. And that's just the way it is.

And under that view and maybe interjecting a little bit of this kind of notion of place into them, you come to a way of relating to this land by walking there. And through your own experiences with forests and the value that you get out of interacting with a place when it has certain characteristics. And then this fellow has a different set of experiences with different places and who knows, let's just make it up and say, he lived out in the West. [LAUGHTER]

And he is familiar with these pasture lands and cattle. And that's a place based understanding of the world. And an understanding of the value of place that's in part commercial, that you get some commercial value by. But it's productive. The thinking of land being put to a productive use, which comes out of an experience of place as part of his worldview.

And so what you have here is a conflict over a finite resource, a chunk of land and two different ideas about how to put it to its best use. And so I guess to really put a fine point on it, would be the distinction on the one hand that this is just again, a finite resource. Two different conflicting ideas of how to put it to its best use and that's all there is to it. And it's just a social question of how to resolve that conflict.

Or normatively, you're right and he's wrong. [LAUGHTER] Or at least that's possible. Maybe you're not 100% sure but you think you're right and you think there is such a thing to be right. He might think he's right, but one of you is in fact right, and one of you is in fact right.

**JON CANNON:** Well, I think I'm right, of course.

**MIKE** You think you're really right? Yeah I get.

**LIVERMORE:**

**JON CANNON:** But I don't really think I'm right. I mean, part of what I'm trying to do in this book is illustrate. I mean, these conflicts exist all over and we understand them. The distinction between landscapes, they're for our recreational use or aesthetic enjoyment. And landscapes that are put to work for different productive uses.

But my sense is that well, just to carry that forward, that tension is always there. And I don't think it's resolvable in terms of yeah, good always protect. Never develop or exploit that's the word that's sometimes used. Because human beings are users of nature. We evolved that way. That's the way we got to where we are today and the way we can continue with the level of comfort and longevity that we have.

So it's always a balance, I don't think there's one good side or bad side. But I think in a way part of my project is just to explore in a way that I think is more place based, more specific. That particular divide. And maybe I guess, this would be my normative thumb on the scale. Maybe develop in a more persuasive way the sense of the importance, or value of natural landscapes for human flourishing.

Because I think that's something that's easy to put aside. And the drive to maximize so the productivity of land and resources. And it's something that I think is worth constantly bringing to the fore and showing again, the importance of.

**MIKE** And just to put a fine point on it, that sounds like a claim at least partially about a mistake. That if we were to fail  
**LIVERMORE:** to appropriately, or people who fail to appropriately value the role of natural landscapes and human flourishing, are making a mistake. That it's not simply a preference, simply different ways of looking at the world. But at least as human beings are culturally and biologically oriented, that there is a better and worse way of thinking about at least this question.

That again, not to mean that it's a be all end all. And that there shouldn't be no such thing as development and the like. But there are better and worse ways of approaching these questions in part if you're informed by this better way of thinking about landscapes. And maybe just to add something to that is, if someone were to only value natural landscapes and to disregard altogether direct human needs. Say, didn't care if people starve to death. That would be a mistake too.

**JON CANNON:** That would be a mistake too. I guess what I'm urging probably implicitly is that people adopt an open and deliberative approach to these issues. In a way that allows them to the extent that any individual can to integrate these different dimensions. But also in the process of that, making sure they give full expression to those different dimensions. And don't artificially diminish or minimize them.

**MIKE** So here's another related question. Maybe we can move tax a little bit from this. It's funny because the point of  
**LIVERMORE:** your project is to ground us in particular places and then all I want to do is take us to the most abstract way of talking about this.

[LAUGHS]

**JON CANNON:** And that's part of pushing back against that.

**MIKE**  
**LIVERMORE:** But just to do one more very abstract question. I'm wondering if the sensibility that you're describing here is ethical or if it's aesthetic. In the way that on the one hand, if someone were to come along and say, look I just don't care if other people starve to death. I mean, I would certainly think that would be an ethical mistake on their part. They would be making a huge moral error.

On the other hand, if someone were to say look I just don't care about natural landscapes. I like cities, I like to see. When I look out at the world if I see undeveloped land, I let's put a mall there. Let's put a strip mine there. Is that a moral mistake or are they making an aesthetic mistake? The same way that if someone were to look at some hand drawing that I made and say, that's actually kind of better art than Picasso's *Guernica*. They would be making a severely mistaken aesthetic judgment. How would you classify what you're describing?

**JON CANNON:** Well, I'm not sure. And I know there's a lot of moral philosophy about this or I'm guessing there is.

**MIKE**  
**LIVERMORE:** There's a lot of moral philosophy about everything. [LAUGHS]

**JON CANNON:** Yeah, that's right. But I'm not sure there is a firm distinction between aesthetics and ethical judgments. And when we talk about the earliest people used to talk about the true, the good, and the beautiful. And I think there is something innate in us that encourages us to connect what we think is beautiful with what we think is good.

But that doesn't solve the problem, of course, because people think different things are beautiful. [LAUGHS] And I think our notions of beauty evolve over time depending on our experiences. But you're exactly right. I mean there are people, there developers who have talked to say, they see open land as waste.

**MIKE**  
**LIVERMORE:** Probably a good chunk of human history looked at-- I mean, open land was dangerous.

**JON CANNON:** Right. It was waste and it was not pretty. It was something to be transformed into settlements or development that was useful to human beings and those were beautiful. Cities are beautiful. And I actually think cities are beautiful too in their own ways. So I guess I'm avoiding your question. I'm not sure that there's a strong distinction. But there probably is more of a distinction than I'm willing or able to articulate.

**MIKE**  
**LIVERMORE:** So to maybe get us back to somewhat more concrete set of cases. Part of what I think is an interesting tension in the contemporary environmental movement is exactly on this thing that we're talking about. Which is what I might call the old school view about natural landscapes. Which I think is probably closer to what you're articulating. And how that's somewhat intention. Or actually often an extreme tension with the need to devote substantial parts of the landscape to renewable energy development. We're going to address climate change.

And putting wind turbines on mountaintops, freeing up large swaths of offshore areas for wind turbines. And then even more land intensive is solar going out to the Mojave Desert and carpeting it with solar panels. What do you think of this tension in the contemporary environmental movement. Is it just a matter of kind of striking the right balance?

I mean I think a lot of people would agree with that very generally. But do you do you think it undermines some of the moral force of the environmental movement when they have to be advocating both things simultaneously [LAUGHS] for the natural landscape and for very intensive development?

**JON CANNON:** So that's a great question. And I think it's a real problem for at least traditional environmentalists. And I start by saying something obvious. That is place exists at different scales. So we have our home place, our place of most immediate experience. But there are also places that we define and think of and relate to at larger scales like regions, and states, and nations. And I would say also the planet.

Obviously, our relationship to the planet is more attenuated or abstract than our relation to our home place. But I think it's nonetheless an important one. And it's informed by more and more information that we have. I mean, maybe not so much direct experience, but information that we get in from studies, and newspaper accounts, and everything that we can go on the world wide web and find out in a second.

And that connection to the planet means that we have concerns or might mean that we have concerns about the health of the planet as a whole. And not just our particular environment. And I think that's where I see the tension getting resolved. I have solar panels on our property sufficient to provide us with our electrical needs over the years. And I think they're beautiful.

And part of the reason I think they're beautiful and good is that I'm relating them to a larger planetary need. If I were just thinking of my own place, I'm not sure that I would think that they were beautiful. But the perspective, the shift in scales allows me to say those are great, and we ought to have more of them.

And I could say the same about transmission lines and wind farms. And I think actually wind turbines are beautiful. Particularly if they're understood in this larger concept of a planetary need. Kind of an evolution of the landscape to accommodate a larger concern.

**MIKE  
LIVERMORE:** Of course, I want to just be a pain and say, so kind of in the same vein, someone could look at a coal fired power plant, or a chemical factory, or an arms factory for that matter. And say, these are beautiful because they're in service of human development, or the war against fascism. If it was in the '40s or the effort to push back totalitarian and communism. And so that context, that kind of broader sociopolitical, global context, world historical context. Could make lots of different kinds of things appear beautiful in different observer's eyes.

**JON CANNON:** I think that's correct. And I think that goes back to our conversation earlier about the developer seeing a new shopping center being beautiful. And perhaps that suggests that mere aesthetics by itself doesn't serve the moral or normative function that I'm suggesting for it. You have to go deeper. And I think our views about these things are determined or conditioned significantly on our world views. And what we think at sort of the foundational level is important for human and non-human flourishing.

**MIKE  
LIVERMORE:** Yeah. So just to maybe get to your own experiences. So this is a fascinating and this seems like part of your project. Is this interplay between the direct sensory experiences that we have of the world. Which we can think of as just like this raw. And is it the raw input photons hitting our eyeballs [LAUGHTER] and that kind of thing. Which our brains actually do an enormous amount of pre-processing, before sending upstream to like the kind of cognitive centers where we could even conceive of aesthetic appreciation or ethical normative reasoning happening.

So that's pretty structured just probably by our physiology. But then there's any case, we've got those cognitive, ethical, aesthetic judgments being made. Or somehow from the sensory experience. That presumably I think part of what you're talking about, those set of sensory experiences, and how we relate to our direct physical immediate context place. Then informs the bigger picture worldview kind of way that we put the world together.

Which then feeds back into our sensory perception or the way we interpret our sensory perception. That's two people look at a mall and they feel it very differently based on their world views. But then that worldview came from somewhere. And I think part of your argument is that worldview comes in part from our sensory experience and how we relate to place.

So that's interesting model. I wonder if we could put it to use a little bit to describe your own experiences. Like what are some of the ways that you've seen this? Have you seen this feedback happen in your own history? Where places feed into a worldview that feeds back into how you interpret places. Is that a way of thinking that has any resonance for you?

**JON CANNON:** Yes. I think that's true, at least in my experience. I mean I sort of think about my childhood with a very immediate I grew up in Florida. Which is a very different environment than the one I have inhabit now. But that was a time, childhood is a time of a sort of immediate contact with the environment. And I spend a lot of time outdoors. And developed a sense of comfort, I think. Which some people don't have. A sense of comfort being outdoors and a natural environment or a semi-natural environment.

And that dimension of my early experience continued to develop with opportunities to go out West for example. To work with my uncle on a horse farm during my teen years. Or camping trips that I took with an uncle to whom I was very close and so forth. And that sort of became a dimension of my outlook. And the pleasure of those trips, the significance of them, and my developmental arc.

It was sort of defining in a sense. And maybe that's unique to me, or maybe it's a function of opportunities I had, or that other people didn't have. Or maybe it's something entirely different, maybe it's in the DNA. I don't know. I can't explain it but I experienced the evolution of that. And that in turn has led me to make certain choices. I went to DC to be an environmental lawyer and make a career. But as soon as I'd sort of done that I escaped to the Virginia Piedmont. Because I wanted to be here.

I mean, this is the place that I wanted to be physically and sort of aesthetically. And so my choice is reinforced. I see the things that I want to see now. I think to see the things that I think are beautiful. And opportunities to move in a landscape that I value. So I guess you could see all of that as a kind of a circle that reinforces certain early tendencies and brings them to completion toward the end of life.

[LAUGHS]

**MIKE** Again, many different ways to take the conversation here.

**LIVERMORE:**

**JON CANNON:** I know that's a big load.

**MIKE** Part of what I think is kind of fun about the experiences you've shared is I relate to those. The being a kid and  
**LIVERMORE:** being outside kind of in a what I think of as a semi disturbed suburban landscape. At least that's where I grew up, in upstate New York. And it sounds a little bit like where you grew up in Florida.



Where there's rows of houses and my father built our house on an acre of land that we cleared, talking about clearing land actually. But within five minute bike ride there was woods, and streams, and places you can go camping, and all that. And I spent enormous amount of time like that. And one kind of branch of the conversation is I wonder, to what extent the contemporary environmental movement is just made up of kids who like to play outside when they were little? And that ends up being very formative.

And that's just kind of interesting perhaps, that there's some experiences that a lot of people have shared. Which are different from folks who live in really intensely developed urban environments. Or very, very rural places where there is a different way of relating to the landscape in terms of productivity, and agriculture, and the like. So that's one thread that I think is potentially interesting. Is just how a certain kind of experience can feed into almost a political debate.

But the other almost challenge that I wanted to raise a little bit more, out of being a pain [LAUGHTER] is kind of this idea of nostalgia. And maybe these things are related. That there are certain experiences that we have as kids and we relate to the world in a particular way. And we spend a huge part of our lives trying to get that back. It's this kind of subconscious process. And part of people engaging in environmental advocacy, or going to certain types of landscapes, valuing certain types of vistas and the like. Is really a kind of psychological thing of recapturing a lost youth.

[CHUCKLES]

**JON CANNON:** Yeah. That's great. I love that. So kids that want to play outside become environmentalists. Those that don't want to or don't find much pleasure in it, because they get stung by insects or trickled by brambles become developers. I don't know. [LAUGHTER] That could be. And maybe we're all predisposed one way or the other.

I mean, certain of us don't care so much about being bitten by insects. And we go on and spend our lives longing for the woods. I think there is a nostalgia element perhaps in this. There was a poem from Wordsworth and I can't remember it exactly. But he laments in middle age, he laments the lost connection with nature. "There's passed away of glory from the Earth." That's the line I remember.

And the glory is this sort of immediate, intuitive connection to nature, which becomes less accessible to him at least intuitively as he gets older. And I think, at least those who have the experience or think they've had the experience of that as kids feel that to some extent. You get older, you have more sort of intellectual approach to things, you're more rational. And there's this sense of loss.

But I think and this may be deeper than anyone wants to go. But I think there is a current unavailable connection to nature and natural landscapes in later life. And people describe it differently is cosmic joy or some sort of recognition of the universal. Or you can put it in religious terms. But I think that's available to people who are open to it and have the capacity for it.

And that's a very important component of life or at least in those lives where it occurs. And I think to emphasize that sort of risks making environmentalists, kind of elitist, or the protectors, or purveyors of a rather specialized human experience. But I don't how rare that experience is. But it's one that I seek even when I don't find it. And get immense pleasure from when I do find it and it's there.

**MIKE**  
**LIVERMORE:** Yeah. I mean, my impression is that almost everybody is looking for something along the lines that you're describing. I mean, whether they look for it in a church or lots of different ways. But one question I think I keep returning to in a way and this is, how much of this is tied to the kind of quote unquote nature? The trees, forests, and undisturbed nature. Places that comport with a certain idea of what a landscape looks like without human intervention.

And you've got various shades of from that ideal on through to a city. And I think of some experiences that I had. So I used to live in New York City before I came to Charlottesville. So I grew up in upstate New York and I lived in Brooklyn and Manhattan for a number of years. And I used to get around the city on a bike. And I had some experiences I still very fondly remember of late at night when the streets are full of traffic. Riding around in Manhattan and Brooklyn.

And that's awesome. It's an awesome experience. And I've been on mountaintops, and I've been in forested landscapes and those are awesome too. But at least in my experience, they're very different from each other. But one's not clearly more deeper or broader. So yes even though they're both in places, of course, because you can't get away from that. So I do wonder about how much of what we're talking about is tied into the undisturbed landscape kind of thing?

**JON CANNON:** Yeah. So I think that's a really good point. I think the undisturbed landscape is one venue for this, but it's not the only venue. It can't be the only venue. And, of course, when we're talking about undisturbed landscapes, I'm talking about the woods near my house. Those woods grew up on land that was totally disturbed by the early colonial settlers, who basically ripped all the trees off the land so that they could farm it.

So there's actually more trees now there than there were 150 years ago. And they're not the same. It's not an old growth forest. It's just a place with some trees.

**MIKE** 60-year-old trees.

**LIVERMORE:**

**JON CANNON:** And probably some invasive species. Almost certainly. August olive taking over all. But there is a kind of an otherness to it that I think gives rise to a different state of mind than we experience in more closely packed or populated environments. But I think even that's going too far. Because you can experience cosmic joy in New York City.

**MIKE** They sell it in various corners.

**LIVERMORE:**

[LAUGHTER]

**JON CANNON:** They sell it in-- That's right exactly. I don't know. Walt Whitman crossing of the Staten Island Ferry or something. That's a very connected joyful poem. And I think experience with people, directly with people can produce that same sort of thing. So I think there's a risk and you point this out of sort of valorize using these particular landscapes as the ultimate source of these kind of deep connections. It's much more complicated than that. But they are one source.

**MIKE**  
**LIVERMORE:** Right. I mean, so to get into the complications a little bit, you mentioned the kind of settlers. And, of course, we're talking about European settlers. And the places that we live in are often very complex in that way, they have complex histories, complex political histories, complex histories with respect to justice and injustice.

And maybe as a way to get into that conversation, even the idea of an undisturbed landscape that has such resonance in the US environmental movement and US culture more generally. I think it's probably fair to say that comes out of a particular European way of relating to a landscape that had been depopulated through disease, and war, and [LAUGHTER] expropriation.

And then once the current Indigenous people, the very substantial population of Indigenous folks and who are using the landscape in lots of ways, for their own purposes were pushed off or killed. And then people said, wow, isn't it beautiful here? And that becomes a kind of idealized Eden. So that's troubling [LAUGHS]

And when we're thinking about our own experiences with these beautiful landscapes and they're meaningful to us. There is this background of injustice and suffering that exists on every landscape and many different layers. Especially in the Americas. But that exists everywhere in the world. There's a history to every landscape.

So how do we make sense of that? We experience a place now viscerally. But part of the abstraction that comes with any place. One abstraction is to locate that physical sensorium within a planetary context. And in a big three dimensional space. But another way of providing context to that sanatorium is in four dimensional space. And we can take a spot, and we can trace backwards in time. And a lot of times that context is troubling and complicated. And how do we make sense of that?

**JON CANNON:** Yeah. So that's so that's a great question too. And none of these landscapes is uncomplicated as you say. I mean the land that I live on now was once a plantation, it's much smaller now. [LAUGHS] It was in pre-civil war times. But it has a house that was built before the Civil War. And after we moved in we found an inventory that showed the names of enslaved people.

Which we must have known had we been there. But when we saw the inventory it kind of hit us with a ton of force that in fact, that land had been the land on which people were held captive and forced to work. And we've spent a lot of time since then learning who those people were, and tracing their descendants, and trying to reconcile the history to the place.

But I'm not sure that either my wife or I believe that a reconciliation is ultimately possible. And that's just part of the history of the land, and ugly, and brutal part of the history of the land that will always be there for anyone who takes any time to understand the land and its history. And, of course, as you talk about there's the earlier displacement of the monarch and Indians who were there. And whose artifacts we find on the land arrowheads and axe heads and so forth.

They occupied that land, made their living off the land. And then we took it. And we own the land that was there. So there's that forced labor and dispossession that are part of the history and part of an understanding of the place overall. And I think they qualify the more exhilarating, the deeply qualified, the more exhilarating dimensions of the experience but they're all part of it.

**MIKE** Yeah. So on this the qualification part of it. I'm just trying to think about how to even relate to this question. Is it  
**LIVERMORE:** qualification? I guess is the question. Because it's like, is it an asterisks? Like oh this is beautiful, asterisk, yeah I was expropriated and enslaved people work here. And so on and so forth.

And it's something that we should all keep in mind, let's go back. OK now we've read the footnote, we can go back to appreciating the landscape. Or is it something else where it's entangled with the beauty of the landscape. In such a way that it doesn't even make sense to think of the landscape as beautiful, or as anything outside of this context. I guess don't if it's fully satisfying. The asterisk version I'm not sure it's fully satisfying, but I'm not sure that I have anything better to add as an alternative.

**JON CANNON:** I totally agree with you. I mean, I haven't yet in my own mind come fully to terms with how to integrate that information into the overall sense of the place. My wife has done a lot of work to develop that information. So we a lot about the people who were there now, more than people believed were was possible when we started out.

And we are in communication with the people who are their descendants and have active discussions with them about the meaning of the place for them. And what they think we should think about the place in light of that history. So it's an ongoing discussion that is very important to us in terms of living there. But I don't have an ultimate resolution. And maybe that the land is just permanently cursed by that history.

And I'm not even sure what I mean when I say that. But it's a mark that never will be eradicated. But it may be a mark that remains toxic, there's no way to detoxify it

**MIKE** Yeah. I mean, that's obviously a pessimistic. And that doesn't mean it's wrong way. But on the other hand you  
**LIVERMORE:** because you guys found this ledger and it had such an impact on you. And because you treated it seriously and engaged with the history and in respectful way. You built a lot of relationships with people who you wouldn't otherwise have had any relationship with. And just obvious human value that comes out of that.

**JON CANNON:** Well, that I mean it's human value to us. And I think it's human value to the people, to the folks that were involved with. But it's fraud also. I mean, we're living in a house that was the Center of an oppressive regime for their forbearers.

**MIKE** And clearly if you could go back in time. And these are bad things that happened. And obviously you're not  
**LIVERMORE:** celebrating them, you're. acknowledging the reality that they happened. And it's just a question. Really the only question that we have now is, how do we relate to these events that we can't do anything about them in the past other than to.

But there are things that we could do differently today based on our understanding of those past events. I mean, one curious if this is a fair characterization. Is we kind of started the conversation with this aesthetic versus moral kind of question about, how to relate to landscapes and different people have different ways of relating to landscapes. And maybe it's just a preference that doesn't need to be justified. Or maybe there are judgments either ethical or aesthetic that are made. That could be subject to kind of reasoned deliberation.

And I think here we're talking about a different way of relating to the landscape. Do we owe an obligation to engage with these histories? Is that a better way of relating to a landscape either aesthetically or morally. Then someone who comes along and says, hey, you what? Let's just forget about that. Let's knock the old house down, we'll build a new one, and we won't worry about what this land was used for.

**JON CANNON:** Exactly right. Well, I mean, that's a historic way of putting the question. But I think it's an important one. And this is not just history. I mean, we had the experience of having one of the descendants of enslaved people at our house staying with us when the White supremacist came to town.

**MIKE** OK, that's crazy.

**LIVERMORE:**

**JON CANNON:** And it was just incidental. And so this history extends, like all histories [LAUGHS] into the present and in hurtful and threatening ways. So I think in a way, coming to a combination of with history is coming to an accommodation with the present.

**MIKE** So last couple of questions for you. I appreciate you taking the time to chat with me today Jon.

**LIVERMORE:**

**JON CANNON:** No, this fun. Yeah.

**MIKE** It relates to this kind of current political dilemma that we have around environmental issues. And again, at the beginning of the conversation I quoted that Ruckelshaus piece about the lost consensus on the environment. And so on the one hand, there is a way in which place is a human universal. We all relate to a place, we all care about physical places. And that's a way of bridging perhaps difference in political disagreement and so on.

**LIVERMORE:**

We can say look, let's look at this shared foundation that we have as people located in places. And that sounds promising as a way to maybe build political coalitions and rebuild political consensus around making progress on environmental issues. But on the other hand where the conversation ends is a very complex landscape, highly contested historical interpretation, and difference, and painful histories that many people would like to pretend just didn't happen. And that doesn't seem like a fruitful ground for building political compromise at all.

And so I guess the final question for you is, what role does this idea of place and different ways of relating to place and so on, does it have in informing a path forward on politics, or environmental politics, or maybe not at all?

**JON CANNON:** Well, that's a good final question and I don't have a very good answer to it. I think the contestation that we've sort of identified in place means that it's often just as hard to resolve questions at the local level as it is at the National or international level. But I think the fact of greater shared experience at the local level, makes it easier in some ways to overcome differences in interests and worldviews.

The shared experience is significant. If you somebody, or you know somebody who knows somebody. Often that connection helps. Or at least minimizes the viciousness of the conflict. But I don't that builds to sort of a more general model of conflict resolution at higher scales. I don't that if you can resolve a land use issue at the local level, does that say anything about your ability to deal with climate change policy at the National level or the International level?

And for those issues, the resolution really has to occur at the higher scales. The only other point I would make is that it may be at the local scale where people are experiencing, for example, effects of climate change and sharing those experiences with their neighbors. There is some ability to build in a sort of bottoms up way some national consensus. But I have no real evidence for that.

**MIKE** Yeah, it's an interesting thought though. And it's worth exploring. One of the things I always appreciate about Jon  
**LIVERMORE:** is that you don't over claim. [LAUGHTER] Which is a very scarce commodity of not over claiming in the world of environmental politics and legal scholarship. So I always value that. Well, thanks so much for the conversation today. It was super interesting and always a pleasure to chat with you.

**JON CANNON:** Thanks Mike. I really appreciate it. And I hope it was useful. [LAUGHS] I feel much better. [LAUGHTER] Thank you.

[MUSIC PLAYING]