

Deep Commoning: Public Folklore and Environmental Policy on a Resource Frontier

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Mary Hufford

Senior Research Scientist, Virginia Tech

Abstract

This article explores the concept and practice of the commons as a holistic, multi-sectoral, cross-disciplinary framework for critical heritage work on resource frontiers. Drawing from my research on forest commoning in the Appalachian coalfields, I argue that land-based systems of commoning vital to communities in the path of resource extraction merit more attention from heritage workers. Commons tend to disappear through their atomization into siloed objects of study and stewardship. This disappearance, partly a function of reductionist, dualistic thinking, points toward a persistent and archaic colonialist myth of emptiness. I argue that the embodied, participatory field methods of public folklorists are particularly well-suited to the participatory study and accreditation of land-based commons as heritage. Building on the idea of ‘deep ecology,’ the notion of ‘deep commoning’ espouses our implication in worlds we bring into dialogue through the practice of public folklore as critical heritage work.

Keywords: intangible cultural heritage, folklore, environmental policy, resource frontiers

Introduction: looking into mountaintop removal in West Virginia

To get to Kayford Mountain, the only public place in West Virginia where, in 1995, it was possible to view a mountaintop removal coal mine by driving there, the science writer, John Flynn, and I climbed into the front seat of local resident Randy Sprouse’s four-wheel drive Bronco. We drove up the hollow of Seng Creek, named for the practice of digging ginseng, past homes and gardens beneath forested coves and hollows. A number of the homes had recently been vacated to make way for expanded mining operations. After the paved road gave out, we continued our steep ascent, bouncing and creaking our way over logs and eroded channels, past old mine entrances, slag piles and the sheared-off faces of ‘pre-law’ contour-mined high walls topped with regenerating second growth forest, more than two thousand feet above sea level. We churned through the potholes of the Seng Creek Tunnel, built at the turn of the 19th century by Italian immigrant stonemasons. My audio recording of that drive captures the echoing *whoosh* of the Bronco fording pools of water dripped from widening cracks in the ceiling. Out in the open, as the tunnel receded behind us, we entered an eerily empty region. Randy deciphered what was for us a bewildering pastiche of ‘landform complexes’: rolling deforested hills bristling with non-native *lespedeza* grasses and black locust saplings,

streams choked with mine waste known as ‘valley fills’, traversed with rock-lined drains bisected by miles of pipeline transporting coal to preparation plants and sludge impoundments beyond our view.

Eventually we arrived at the Stanley Family cemetery on Kayford Mountain, perched precariously on the edge of eleven-miles of lunarscape studded with earthmoving equipment, mounded coal, strips of explosives and rock-encrusted earthen remnants of what had been the lushly forested peaks, gaps, coves, gardens and pasturelands of the Cabin Creek Plateau. Looking into this desolation, hundreds of feet below us, neither John Flynn nor I could speak at first. I felt as if my voice had shriveled in the presence of a something brute, insentient and annihilating.

Having grown up in the Allegheny Mountains of southwestern Pennsylvania, and having spent two years studying the history and community life supported by the biodiversity of the Appalachian plateau forest system in southern West Virginia, I was shocked, not only at the scale of the devastation and its hiddenness from public view, but at how ‘unbuffered’ the community space of the cemetery was from the violence of extraction.

It was Randy who broke the silence: ‘I dug a lot of ginseng on that mountain’, he reflected; ‘I’ll never seng there again’. Randy Sprouse’s comment, alluding to a mountain that is no longer there as if it were still present, conveys the profound disorientation experienced in communities on an Appalachian resource frontier.¹ The view from Kayford Mountain revealed something that had been unthinkable a century ago when coal-mining began in the region: the erasure of a prolific forest commons anchored for many centuries in the unique landscape ecologies of the Cumberland and Allegheny plateaus. My fieldwork, since the late 1970s, on various forms of forest commoning had helped me to appreciate the Central Appalachian commons as a social and cultural institution with Native American and European antecedents. It was precisely the sort of institution that the cultural and environmental laws enacted in the 1960s and 1970s had been intended to protect.

The view from Kayford Mountain twenty years ago opened a window onto the resource frontier as a space of production intentionally located beyond the purview of public folklore and heritage work. Appalachian scholars in the 1970s accounted for this sacrifice zone within the U.S. as an ‘internal colony’, captured by industry at the turn of the 19th century (Lewis 1978). In the late 20th century, annexed to a globalizing extractive regime, the Cabin Creek Plateau, near to Kayford, met the fate of a mature ‘resource frontier’. Landform complexes covering an area the size of the state of Delaware are an effect of what Saskia Sassen (2014, 211) calls a ‘systemic edge’ of ‘expulsion from diverse systems in play—economic, social, biospheric.’ Peer-reviewed studies over the past decade have correlated proximity to mountaintop removal mining with elevated rates of birth defects, mortality rates, and cancers.² As mining corporations file for bankruptcy in U.S. Federal courts, public folklorists and heritage workers on resource frontiers will need to embrace the task, described by Tim Winter (2013, 533), of ‘understanding the various ways in which heritage now has a stake in, and can act as a positive enabler for, the complex, multi-vector challenges that face us today, such as cultural and environmental sustainability, economic inequalities, conflict resolution, social cohesion and the future of cities’. This task is complicated by the shared histories of resource

frontiers as spaces in which the most fundamental forms of heritage, entangled with land-based forms of collective being, have not been recognised or documented.

In this article I draw on my experience leading the Coal River Folklife Project of the American Folklife Center (AFC) between 1994 and 1998 to explore what the framework of the commons can contribute to heritage work on resource frontiers, with frontline communities. By ‘frontline communities’, I mean the communities living with extractive development that disrupts systems of commoning and the ecological resources on which those depend. Despite protections codified in public policy, such commons are vulnerable in large part because they lack visibility. This invisibility, as I will show, is an effect of dualistic, reductionist research methods, supported by archaic colonialist narratives that persist in the literature of environmental review. I provide an overview of the legislative platforms and methods that make public folklore especially well-suited to the cultural recognition of commons, with special attention to the kinds of commons at stake in Appalachia as a resource frontier transitioning to a post-coal economy. I examine how customs of commoning structure relationships foundational to the formation of cross-sectoral communities of shared inquiry and democratic planning. Finally, I consider mitigation archiving as an opportunity for therapeutic intervention in the colonial ‘myth of emptiness’ (Sluyter 1999).

The head of this trail begins far beyond the wrecked horizons of the Cabin Creek Plateau in a political terrain framed by what Reid and Taylor (2010, 52) call the ‘dualist horizons of the transnational corporate state’. To get to those horizons, within which I worked as a public folklorist in the 1990s, we must first make our way through the cultural and environmental policy thickets of Washington, D.C. in the final quarter of the 20th century.

Culture and environment under the regulatory paradigm

The broad legislative backdrop for AFC field projects, such as that of Coal River, includes the suite of preservation laws passed by U.S. Congress in the 1960s and 1970s. The National Environmental Policy Act (NEPA) of 1969, the flagship legislation, aimed to integrate environmental decision-making for the protection of natural, historic, social and cultural values. Hailed as the Magna Carta of environmental law, NEPA (section 101) sets forth, in visionary terms, the ‘continuing responsibility of the Federal Government to [...] assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings’, and to develop environmental resources ‘without degradation, risk to health or safety, or other undesirable and unintended consequences’. NEPA’s bipartisan mandate reaches across federal agencies and academic disciplinary siloes, advising an interdisciplinary approach to the documentation and protection of heritage. NEPA mandates an environmental review process for all development under the supervision of federal agencies, requiring the recognition of cultural and natural resources that would be affected by, for example, mountaintop removal mining, and channels for public participation in decision-making. How could such a process have resulted in the devastation we saw at Kayford Mountain?

Post-mining landforms in Central Appalachia are monuments to what Mary Cristina Wood (2013) describes as the failed regulatory paradigm of environmental law. Inaugurated by NEPA, the regulatory paradigm was quickly commandeered by the very

industries that it was supposed to regulate. NEPA was fatally flawed, however, by provisos for permitting the selective destruction of ‘environmental resources’. Though such permission was supposed to be exceptional, the permitting of pollution, toxic waste dumping and the destruction of fragile ecosystems had already become, in the 1980s, the primary function of environmental agencies captured by industry (Wood 2014, xv-xvii).³ This criticism is not a call to dismantle the regulatory paradigm, but to reclaim the power of this legislation ‘to inform the internal conscience of the government’ (Wood 2014, 115-117), even within corporate-controlled environmental protection agencies.

My work in the southern West Virginia coalfields was enabled by the American Folklife Preservation Act (AFPA) of 1976, part of the same suite of laws enacted by what came to be nicknamed the ‘preservation congress’. The act established the American Folklife Center within the Library of Congress with a mandate to ‘preserve and present’ vernacular cultural traditions, practices and expressions (see AFC 2015). While the AFPA is not a regulatory tool, I argue that it could uniquely support NEPA’s function as the ‘internal conscience of the government’ (Wood 2014). Indeed, advocates for the passage of AFPA argued that it would ‘amplify voices in a democratic polity’ (Gross-Bressler 1995).

AFPA is distinguished as the only legislation ever passed by the U.S. Congress to encourage cultural diversity (Gross-Bressler 1995) and to recognise that the nation has a stake in folklife as collective expressions that renew community life and values – a nod toward the validity of communal being and the environmental and cultural resources that I argue function in support of commons and commoning. The multi-sectoral, transdisciplinary reconfiguration envisioned by NEPA was in fact embodied in the citizen science-monitoring project that drew me to Coal River in the 1990s. That four-year project came about because of the vitality of commoning on Coal River. Pursuing the customs of a well-established forest commons, elders on Coal River noticed disturbing symptoms of species decline that they brought to the attention of forest ecologists.

The Appalachia Forest Action Project and the Coal River Folklife Project

In the 1980s, as mountaintop removal was becoming industry’s preferred method of coal extraction, members of communities on Coal River, long dependent on the biodiversity of the mountains, noticed that certain forest species were not regenerating. Hickories, for example, weren’t reaching maturity. Yellow Poplar displayed lesions around the bases. Sweet Buckeyes exhibited ozone scorch and premature leaf drop. Elderly community members on Coal River related their perceptions to science writer, John Flynn, a native of the valley who had just returned there to retire. Flynn, who had spent his journalism career reporting on acid rain, invited Orié Loucks, a well-known forest ecologist from Ohio, to visit Coal River for a consultation. Impressed with the quality of the elders’ observations, Loucks and his colleagues formed the Lucy Braun Association for the Mixed Mesophytic Forest (LBA). An important critical regionalising strategy in its own right, this association projected an alternative identity to the industrial identity of the coalfields’ (indeed, the coalfields and the mixed-mesophytic forest are coterminous, but the identity of the forest had long been ‘backgrounded’ to the identity of coal). Members of LBA designed and implemented the Appalachia Forest Action Project (AFAP), a three-year citizen science forest monitoring effort, to test those observations and to

answer the question: ‘Are mortality rates changing for species of the mixed mesophytic forest?’

At the end of the three years, AFAP scientists arrived at an answer that both affirmed the elders’ observations and diagnosed the problem: mortality rates for a number of mixed mesophytic forest species had indeed escalated by three to five times historic rates, and the most dramatic increases correlated with the highest depositions of wet sulfates, conveyed into the region from coal-fired smokestacks upwind of the region (Wills et al. 1997). Knowing of my interest in bringing folklife research to bear on the integration of cultural and natural resource management, LBA invited me to consult as a folklife specialist on AFAP. Out of that consultation, with funding from the Lila Wallace Reader’s Digest Fund for Folk Culture, grew AFC’s Coal River Folklife Project (CRF) in the mid-1990s.

I worked with Flynn to conduct preliminary interviews that explored with ecologists and community members the question: ‘What does forest species decline mean in social, cultural and economic terms for people whose daily lives are entangled with the forest?’ Photographers, Lyntha and Terry Eiler, worked with us to document the times and spaces of a seasonal round of hunting, gathering and harvesting that was highlighted in interviews, which we then mapped onto the mixed mesophytic forest topography at the headwaters of the Big Coal River Valley. Over the course of three years, our project yielded a rich audio and visual record of the seasonal round of activities.

Maps that we developed located common pool resources at every elevation from river to ridgetop. The cycle of the seasonal round has continued to engage every ecological habitat and landscape feature from the river bottoms to ridgetops: digging ramps (wild leeks), hunting molly moochers (morel mushrooms), gathering many varieties of spring greens, seining for hellgrammites (larva of the dobson fly), collecting bait in intermittent streams to use for fishing in the river (salamanders, crawfish and minnows), planting and harvesting large kitchen gardens, digging and propagating ginseng, hunting squirrel, turkey, deer and bear, as well as gathering and processing nuts and fruits – mainly, walnuts, butternuts, chincapins, mulberries, persimmons, paw-paws, apples, peaches and many kinds of wild berries. A key result of the project was an online presentation of selected images and audio recordings entitled, *Tending the Commons: Folklife and Landscape History in Southern West Virginia*. I return later to how this presentation was utilised by communities attempting to engage in the process of environmental review, as mandated by the 1977 Surface Mine Control and Reclamation Act (SMCRA).

The evisceration of the Cabin Creek Plateau points toward the violation of what the United Nations defines as a human right: the right to ‘protection from sudden and hurtful disruptions in the patterns of daily life’ (in Feltault 2006, 92). This very right to such protection is explicitly safeguarded in US law through SMCRA, which, in Section 18, requires that strip mining permits consider ‘anticipated impacts on . . . the land-use patterns of the surrounding community’, and that permit holders to ‘restore land to a condition capable of supporting the uses which it was capable of supporting prior to mining’ (see Office of Surface Mining, Reclamation and Enforcement 2015). Patterns of daily life on Coal River include venturing into the forested hills to hunt and gather whatever is in season, but because the commons is not recognised in environmental review, it remains invisible to regulators.

I view commons as a continually emergent vernacular socio-ecological system that, for its reproduction, relies on customs of everyday life.⁴ The constituency of the commons is *collective* – not individual – being, and the time frame exceeds the span of one generation (Arendt, 1958). The kind of commons I am describing tend to be invisible, in contrast to formal common property arrangements such as fishing commons. Informal commons are ubiquitous, recognised in the literature as ‘de facto’ (Brown 1994) or ‘latent’ (Tsing 2015). Resulting from sustained, reciprocating cooperation not only between humans, but among human and more-than-human actors, commons, if allowed to mature, can achieve the cooperative arrangement specified in Aldo Leopold’s (1949, viii) acclaimed vision of the land community and its ethic: ‘We abuse land because we regard it as a commodity belonging to us. When we see land as a *community* to which we belong, we may begin to use it with love and respect’.

The notion of land *as* a community, with agency and inherent subjectivity, finds expression in the vernacular concept of ‘robbing the land’, which harbours the notion that some things belonging to the land should not be alienated. In southern West Virginia’s Big Coal River Valley, this concept arose in conversations about strip-mining and clear-cutting, practices that are locally criticised for taking from the land without giving back what is needed for reproduction. As an indissoluble ‘human~more-than-human’ subject, commons is the cumulative effect of ordinary processes of living that, over many generations, render people and land mutually constitutive. For an example of how commoning works in modern urban communities, I turn to my own neighborhood in Bala Cynwyd, Pennsylvania.

Commoning

In Bala Cynwyd, the official line between public and private property is quite bright. There is the public road and the public sidewalk, and behind the sidewalk, private properties firmly platted on maps in the township offices. Yet, affirming Arendt’s (1958) principle of ‘the common’ as that which gathers us together while granting each of us a place, our customs deposit community space that, with our consent, weaves together public and private property. Weather permitting, neighbors gather on sidewalks to watch children and dogs playing in the street, issuing warnings of approaching cars, forced by our commoning to slow down to the posted speed limit. Telephone poles, the private property of utility companies, serve as our communal kiosks, advertising yard sales and rewards for the return of lost cats. Privet hedges become de facto lost-and-found, from which owners may retrieve stray mittens, caps and scarves. Once a year, the county formally accommodates our commons, permitting us to close the street for our annual block party. After a heavy snowfall, we mutually consent to a variant of the ancient homesteading acts: the use of the ‘parking chair’ to mark car-sized spaces as the temporary property of those who arduously shoveled them out. Other forms of commoning include emptying out water that accumulates in buckets and wheelbarrows to control mosquitos; sharing garden produce and swapping plants and seeds; replenishing shade trees as the canopy thins; and grazing on mulberries and wineberries that overhang the sidewalks.

Commoning around the divide between the public and the private, we shape a middle ground, fitting our *res communes* to our constantly emerging collective being.

The resulting commons is a refuge from something untenable: a world with only two kinds of space, the completely private and the completely public. Our neighbourhood commoning exemplifies the role of custom in establishing norms that in effect govern local commons. Even if the shared resources are material, commons are, as Weston and Bollier (2013, 125) explain, ‘equally – indeed, most importantly – sociocultural phenomena’. However, we should not discount the extent to which commons are the result of collaborations of the human and ‘more-than-human’.

It is through nature’s engagements with us that our neighbourhood exceeds its status as a set of individual properties lining the public pavements to become a creative and collaborative ensemble of the human and more-than-human, a place to which we collectively belong. Some of us plant to attract birds and insects, whose territories crisscross private properties. We compare notes on our sightings, not only of birds, but of groundhogs, foxes, and rabbits that have no regard whatsoever for property lines. The birds drawn to our feeders attract a variety of hawks, and the small fishponds maintained by several neighbours harbour populations of frogs and toads that chorus noisily in the spring. Shade trees in the neighbourhood host multiple species of squirrels, owls, woodpeckers, cicadas and crickets, which adding in the winter winds soughing through evergreens, rustling the dried leaves of beech and oak, produce signature sounds of the seasons. The cycles and continuities of this soundscape lay claim to us as human and more-than-human commoners mutually entangled in what Maurice Merleau-Ponty (1969) named ‘the flesh of sensibility’.

Suburban and urban commons are less likely to fully mature into the commons that exists on Coal River, rooted in a time that precedes European contact. High taxes and mortgages make it difficult for retirees to live in such communities, and for neighbours to bail each other out in times of crisis. Safety nets are distributed through costly, individualised insurance policies. In contrast, in resource frontier communities, land-based patterns of household provisioning function as safety nets against economic downturn. From time to time in U.S. history, informal commons have found some support in state and federal policies, such as Virginia’s 1780 legislation designating ‘common lands’ in the headwaters and estuaries (Embry, 1931, 220), and most recently, President Clinton’s 1994 ‘environmental justice’ memorandum advising federal agencies to take into account the existence of non-timber forest products, and fish and game on lands proposed for development (US EPA 2015). In this regard, the comparison of NEPA to the Magna Carta should remind us that there was a second charter signed by King John at Runnymede: the Great Charter of the Forest (see Linebaugh 2009). This 12th century charter specified the rights of commoners to the same sorts of ‘commonables’ provided by the Central Appalachian forest common: rights of piscary, herbary, turbarry, housebote, plowbote and the widow’s right to estovers. All of these rights are exercised and renewed through custom.

Customs as matrices of commons

Over many generations, commons can develop into complex, adaptive socio-ecological systems. ‘A commons’, write Weston and Bollier (2013, 124), ‘constitutes a kind of social and moral economy. . . a matrix of perception and discourse – a worldview – that can loosely unify diverse fields of action now seen as largely isolated from one another’. This ‘matrix of perception and discourse’ is continually engaged through *custom*,

including the sorts of collective behaviors that heritage scholars and professionals may recognize as ‘intangible cultural heritage’.

Ironically, though one scarcely encounters the term ‘custom’ in contemporary folklore journals, legal and environmental scholars have assigned *custom* a key role to play in emerging forms of ecological governance. Weston and Bollier (2003) cite the work of legal scholar Alison Dundes Renteln and folklorist Alan Dundes as the principle source of information on this emerging arena of interest to scholars of law and the commons (see also Renteln and Dundes 1994). In an article entitled ‘The Comedy of the Commons,’ legal scholar Carol Rose (1986, 759) describes custom as a ‘medium through which a seemingly “unorganized” public may organize itself and act, and in a sense even ‘speak’ with the force of law’. Over time, spaces in which customary activities are repeatedly performed, along with associated artifacts, buildings, landscape features and sites, Rose (1986, 721) observes, develop an ‘inherent publicness’, an abiding association with ‘customary publics’. Though inherently public properties may in fact be privately owned, courts have recognised that without access to these, a public would in some sense cease to be a public (Rose 1986, 760).

The notions of ‘customary publics’, ‘inherent publicness’ and ‘vernacular law’ relate to the shared interests of professionals across multiple disciplines in the cultural foundations of democracy, social and environmental justice and participatory community-based planning (Taylor 2009; Howitt and Hillman 2010; Simon and Ashley 2010; Hufford 2014). Whether we think of them as ‘intangible cultural heritage’ or ‘folklife’, customs are the interactional routines that structure and renew the mutually constitutive relationships among commoners, and between commoners and commons. Constituting both commons and commoners, integrating perception and discourse, customs are matrices for both customary publics and public space.

Methods for the study of commons: undoing dualisms

What methods are needed for the study of commons? Legal scholar Ugo Mattei (2011) warns that while commons hold the key to stemming the social injustice of ecological crises, commons cannot be studied or cared for through reductionist methods. ‘Commons’ offers a framework within which folklore’s disciplinary objects (such as customs and speech genres) continually engage and reproduce the ‘middle ground’ that is obscured in key heritage dualisms, including nature/culture and subject/object. Since dualisms occlude our views of commons and commoning, it is worth reviewing briefly how the dualist mechanism works, and how public folklore and heritage work are particularly well positioned to disrupt that mechanism.

Ecofeminist philosopher, Val Plumwood (2006), describes the pervasive effects of dualism on Western thought. The basic operation, she notes, ‘polarizes difference, while minimizing shared characteristics’, and is replicated across a broad spectrum of dualisms’ (Plumwood 2006, 118): male/female, rational/irrational, culture/nature, subject/object. The effect is, as Reid and Taylor (2010, 21) argue, to ‘drop the middle ground – thereby disappearing the most interesting and constitutive parts of nature and our natural being’. Their book, *Recovering the Commons: Place, Democracy, and Global Justice*, describes the devastating political and ecological effects of habitually cancelling out the *ground* of our co-constitutive relationship with nature.

Consider the pragmatic function of the forward slash, which visually supports a construction of ‘difference along lines of superiority/inferiority’ (Plumwood, 1991, 17). Plumwood notes that ‘Because its nature is defined oppositionally, the task of the superior side, that in which it realizes itself and expresses its true nature, is to separate from, dominate, and control the lower side’. (1991,17). Placing the weaker member of the pair in the shadow of the forward slash, dualisms can function as tiny pragmatic enactments. From the field of coordination dynamics, David Engstrøm and Scott Kelso (2008) propose that in order shift our view of dichotomies from ‘oppositional’ to ‘complementary,’ we replace the forward slash with a ‘squiggle’ (tilde). They state:

In both coordination dynamics and the philosophy of complementary pairs, the squiggle character (~) signifies the symbolic punctuation of reconciled complementary pairs [...]. The (~) character is neither trivial, nor is it a fancy hyphen, but rather an indication of the complex, relational and complementary dynamics that exists between complementary aspects. (Engstrøm and Kelso 2008, 121)

Reid and Taylor (2010, 237) adapt this proposed use of the tilde to invoke not only complementarity, but an egalitarian, dialogic relationship of co-constitution among elements in a foundational system they call ‘body~place~commons’.

What would it mean for public folklore and heritage studies if we were to refigure dualisms under the sign of the tilde, invoking the mutually constitutive relations of culture~nature, subject~object, individual~collective, private~public and tangible~intangible? What if public folklore and heritage studies *were* in fact the tilde, the anti-slash, a key site for recuperating the middle ground? Obviously, replacing the forward slash with the tilde is not enough. Having reframed the pair as complementary, we need alternative terms that register reciprocal relationships that have been officially denied for centuries, relationships in which the inert partner – nature, ecology and the land itself – has in fact been active and creative.

The framework for the study of commons is what I call ‘deep commoning’: world-making from within that also reflects on those worlds, the rules for making them and the meanings for all participants. As an ‘ecological-qualitative category based on inclusion and access’, Mattei (2011, 5) insists, ‘commons can be described only from a phenomenological and holistic perspective’. I read this as a clarion call for the phenomenological ethnographic approaches espoused by public folklorists and a number of heritage scholars as well.

Deep commoning: phenomenological ethnography as participatory world-making

As CRF unfolded over a four-year period, it became increasingly clear that not only was commoning our *object* of study, it was our *method*. Structured as dialogue, fieldwork implicates us in common worlds that we fashion and co-inhabit with our interlocutors. Studying commons as world-making, our participation in customary activities and structures of communication implicates us in those world-making projects.

The dialogic structures governing any fieldworker’s participation in community life undermine the ideal of an ‘objectivity’ that strictly separates subject from object. As Merleau-Ponty (1969, 354) describes it:

In the experience of dialogue there is constituted between the other and myself a common ground; my thought and his are interwoven into a single fabric, my words and those of my interlocutor are called forth by the state of the discussion, and they are inserted into a shared operation of which neither of us is the creator. We have here a dual being, where the other is for me no longer a mere bit of behaviour in my transcendental field, nor I in his; we are collaborators for each other in consummate reciprocity. Our perspectives merge into each other and we co-exist for a common world.

Our implication in such worlds engages the matrix of discourse and perception described above by Weston and Bollier (2003), for it is through local rites and ceremonies that dialogues of ‘mute perception’ (Merleau-Ponty, 1969, 155) become shared sensibility. Entering into conversations with people about local things, fieldworkers – both ethnographic and ecological – enter into this shared sensibility. Katharine Young (2011, 81), a pioneering phenomenological folklorist, notes the particular compatibility of folklore studies with phenomenological approaches due to its ‘angle of entry into culture by way of embodied behavior and performance’. Through deep commoning, fieldworkers attend not only to the human dimensions of custom, but to contributions of the land to dialogues of mute perception that support our initiation into worlds collaboratively wrought by human and more-than-human interlocutors. To illustrate how such structures appropriate fieldworkers into local worlds and their projects of tending sensibility, I turn to horizons fabulated through place-name recitations and etymologies in southern West Virginia’s Big Coal River Valley.

Conversational genres as socio-ecological matrices

In conversations with community members on Coal River in southern West Virginia in the early 1990s, I was struck by the preponderance of names for topographic features. In what seemed to be an indecipherable jumble of unmarked features – creeks, coves, drains, knobs, gaps, ridges, flats, benches, curves, straight stretches, roughs and crossings – everything, I learned, has a name. ‘Every big rock is named’, Jess Duncan of Sylvester stated.⁵ ‘Every hole of water’s got a name to it’, emphasised Dennis Price of Arnett; ‘every little puddle’, he added.⁶ Sitting with an elderly man, Ben Burnside, on his porch at the head of Buffalo Fork of Rock Creek, I asked: ‘Do all those hollows across from us have names?’ He disappeared into his house, and returned with a fragment of drywall onto which he had, years earlier, sketched and labelled all the side hollows of Buffalo Fork. Handing me the drywall to read, he began to recite from memory, and with evident pleasure, the names of the hollows, pointing to each on the surrounding slopes: Bee Comb Hollow, Big Lick Hollow, School House Hollow, Paw-paw Hollow, Stockingleg Hollow, Coon Hollow, Canterbury Hollow, Sugar Camp Hollow and Hollow Field. ‘Somebody must have had a newground in there’, he commented, alluding to the practice of shifting cultivation that entailed clearing a forested patch for cultivating ‘heavy vegetables’ – corn, beans and squash – until the soil ‘wore out’. Then, in this system of agro-forestry, the patch would be ‘let go’ for decades in order to replenish the soil.⁷ On the back of the drywall, he had sketched a plan for his flower and vegetable garden. In such conversational speech, place names become a dynamic, interactive index to kinship networks and land-use history, especially for elders, whose talk is laced with accounts of how coves and hollows (referred to as *hollers* throughout Appalachia) got their names.

‘These different little hollers’, explained Howard Miller, another elder living near the head of Drew’s Creek at that time, ‘they had a name for each one, so when a neighbour talked to another neighbour about a certain thing that happened at this holler, they knew exactly where it was at; they knew even from Beckley down to Racine, down to Madison’.⁸ The names for the coves tether community history to the land: Mill Holler (‘In front of my sister’s, where you stayed at’), Peach Orchard Holler, (‘Undoubtedly there was a peach orchard there’) and Bee Light Holler, where they baited bees in order to ‘line’ them to wild hives, filled with honey from mixed mesophytic flowering trees like lin, poplar and mountain locust.⁹

The epistemological assumptions at play in these conversations run contrary to Western scientific beliefs about evidence. Exemplifying what Jeff Todd Titon (2013) calls ‘relational epistemology’, Ben Burnside and Howard Miller affirm the trustworthiness of place names. ‘Hollow Field’ must have had a newground up there; while on ‘Peach Orchard’ there was at one time ‘undoubtedly. . . a peach orchard’.¹⁰ Moreover, the dependability of speech rests on the bedrock principle that collective perceptual activity encoded in place names can be trusted. This trust is in itself a form of social capital, a cultural asset vital to cultural reproduction. Place name etymologies stimulate perception. Both men rotate place names as if they are objects. Thus Miller transforms ‘Peach Orchard Hollow’ from a means of pointing to a landmark into a trace of the perceptions of originary namers. Retrieving the mute dialogue of perception in which ancestors participated, the place name etymology imports a deeply historical, collective sensibility to which ancestors gave voice through names. Through etymology, conversationalists not only share perceptions with each other, but together we enter into, in Merleau-Ponty’s (1969, 123) terms, a seeing, a saying, a ‘being’ that is ‘older than my operations and my acts’. As a portal to that being, customary speech tends the sensibility that confers belonging on each new generation.

The dialogical structure of perception, emulated in conversational form, offers an ecological model for egalitarian principles of turn-taking and inclusivity. My presence registers in the speech of Howard Miller, who heightens for me the relevance of a place by relating it to his sister’s home, where he knows I have stayed. Including me, and deepening my connection to local places, the place name etymology (a conversational custom) functions as a tiny rite of initiation into which resident community members and visiting fieldworkers alike are susceptible. The memory richly lodged in the Central Appalachian landscapes is the accretion of shared perceptual activity, speech and practice over many generations. The landscape and its memories depend on living speech and custom in much the same way that varieties of heritage beans depend on being planted, harvested and consumed for their continuation. The historic depth of collective memory demonstrated in stories about place names in Central Appalachia signals a socio-ecological system that generations ago matured into a multi-generational forest commons.

How could it be so invisible?

Double occupancy and the myth of emptiness

AFAP came under vigorous public attack from state and corporate foresters, who accused the scientists on the project of failing to maintain objectivity by listening to local talk (Loucks 1994). The foresters' criticisms were not of the science *per se*; rather, they were an attempt to discredit the discourse that folklorists study – the rich, multi-variegated discourse that *in situ*, constitutes the commons and its land ethic, and which sometimes goes by the name of 'folklore'. The firestorm of criticism from state foresters that greeted AFAP was an indicator that it was operating in forbidden territory. Our recognition of the ecological and cultural value of the mixed mesophytic forest and its human communities was treated as an act of poaching in a preserve of the corporate state.

Appropriated by coal and timber barons in the 19th century, Central Appalachia's coal-bearing plateaus had indeed come to function as an internal resource colony. Under the terms laid out in what were known as 'broad form deeds' at the turn of the 19th century, absentee corporations claimed mineral and timber rights, while granting fructuary rights to residents, many of whom would join the new workforce, digging coal and cutting timber, while continuing traditional patterns of forest commoning. Thus, throughout the 20th century this rural-industrial workforce continued to rely on subsistence practices, including grazing, hunting, gathering, fishing and householding. Governed through customary rules, supported by a mixed-mesophytic commonwealth at the headwaters of the Big Coal River, the institution and practices of commoning continued throughout the 20th century.

If you were to juxtapose a map showing the extent of commoning throughout the mountains with a map of company property, you would have a visualisation of the arrangement that anthropologist Kathleen Stewart calls 'double occupancy' (1996, 42). Under this arrangement, the absentee extractive corporations grew wealthy at the expense of the mixed mesophytic forest commons. 'Double occupancy' (Stewart, 1996) means that land is simultaneously 'company property' and 'local commonwealth'; in the logic of dualistic thinking, there is no middle ground, only one of these can survive. The company property survives in part by suppressing the local commonwealth from public view.

The discourse of suppression includes numerous iterations of colonialist foundation myths of Western development, myths that form a kind of intangible cultural heritage to which critical heritage studies might pay greater heed. While there are a number of variants of this myth, political ecologist Andrew Sluyter (1999) highlights that the basic trope is the 'myth of emptiness'. He traces shifts in this myth as it was used in colonising the territory around Veracruz in Mexico since the 15th century. What began as 'pristine wilderness' became colonial 'pasturelands', and finally 'wasteland' (Sluyter 1999). Neglecting to mention the presence of Indigenous populations, these notions represent the territories as devoid of people. The myth of emptiness is motivated in part by an imperative to subordinate non-Western forms of knowing and being to Western forms of rationality.

This myth is alive and well in 21st century state archives of environmental review. Consider the 'land-use history' filed by Armco Steel in 1985, with its application to build a wet coal waste impoundment in the hollow of Shumate's Branch (West Virginia Division of Environmental Protection 1985). Shumate's Branch was a thriving agro-forestry community with roots pre-dating the Civil War. The 'land-use history' filed by

the coal company functions as a late-20th century Appalachian coalfield variant of the myth of emptiness:

Before coalmining activities began in this area, productivity of the land was non-existent. The area was timbered in the early 1900s, but coal mining has been the basic industry to the present [...] Much of the surrounding areas were, and are now, used as forestland and wildlife habitat. Because of steep slopes and lack of topsoil, large-scale farming of this area is ill-advised (West Virginia Division of Environmental Protection 1985).

The move is to deny the presence of a rational subject capable of managing the resources of the coalfields. Only the coal industry is capable of making the land productive. A rival (irrational) subject is hinted at and dispatched under cover of the passive voice: 'surrounding areas were, and are now, used as forestland and wildlife habitat'. In the late 1980s, with the state's permission, the Peabody Coal Company evacuated Shumate's Branch. A strong incentive for the myth of emptiness is provided in SMCRA. SMCRA requires strip mine operators to restore the land to its pre-mining purposes, a costly undertaking, *unless* the operator proposes to reclaim the site for higher and better uses (see Office of Surface Mining, Reclamation and Enforcement 2015).

Consequently, the rhetoric of permit applications emphasises the worthlessness of proposed mining sites. Intended to emulate scientific detachment and objectivity, the rhetoric conceals the presence of commoners within the shroud of the passive voice. For example, in the Independence Coal Company's application for its Edwight Surface Mine, a finding of no prime farmland includes an opinion: 'Because of very steep slopes this soil is used *only* for wooded areas, as wildlife habitat, and for recreation' (emphasis added).¹¹ One would have no way of knowing that the 1849 acres to be stripped at that time supported an extraordinarily diverse mixed mesophytic seasonal round of gardening, hunting, gathering and community events. The documentation of culture mostly addresses archeological sites, because 'culture' is, for the most part, narrowly reduced in the state rubric to archeological remains of aboriginal commoners. In the gray literature of environmental review preserved in the state's archives, it is as if the vibrant, living landscape of commoning on Coal River never existed beyond prehistoric times.

The discourse of the applications thus functions to establish the worthlessness of a pre-mining landscape compared to the post-mining uses intended by the project proponent. Re-inscribing the *res communes* of the local commonwealth, a century ago as *res nullius*, and now as the *res derelicta* of industry, the permit applications reduce the mixed mesophytic forest commons to *overburden*, defined in the U.S. Code of Federal Regulations as: 'earth and other materials which lie above a natural deposit of minerals and such earth and other materials after removal from their natural state in the process of mining' (25 CFR 216.3(c))

In this light, can the heritage of communities living under conditions of double-occupancy be protected? Here, I argue that public folklore's phenomenological ethnographic methods can be used to expose the interactions of different worlds anchored in the same physical properties, with the ultimate aim of bringing them into public dialogue. To do so requires rearticulating the relationship between the local commonwealth and the state and federal governments, a relationship disrupted by the

imposition of corporations between unincorporated hamlets and official channels of governance. Public folklore is one way to launch this diplomatic endeavor.

From participant observation to participatory reason: public folklore's civics

It is of no small significance for the democratic project that, as fieldworkers in conversation with fellow citizens, we are ineluctably caught up in the making of common worlds. The 'common world' through which the ethnographer and her interlocutors come to co-exist is in effect an expanding world, which leaves its traces on all participants. In other words, when subject/object becomes subject~object, participant *observation* exceeds itself to become what Reid and Taylor (2010, 155) call 'participatory *reason*' (emphasis added). Noticing the impacts of deep commoning, we learn that the fieldworker's point of view offers a larger than local perspective from which community members may imagine their situations, and vice versa. As Randy Sprouse reflected, following our trip to Kayford Mountain: 'I knew mountaintop removal was horrible, but I didn't realize how bad it was until I thought about what it looked like to you'.¹² And what it looked like to me was intensified by my having been swept up in and persuaded by the admiration that people have for the beauty and collective sensibility embodied in mountain places. Moreover, in regional and national settings, exposure to this sensibility can change perspectives taken by regulators on heritage, as happened during the 1996 annual meeting of LBA in Charleston, West Virginia.

The Lucy Braun Association Meeting, Charleston, WV 1996

LBA's annual meetings were multi-sectoral, drawing together scientists working in academic and government settings and in state and federal agencies, forest activists and residents throughout the seven states where the monitoring took place. The meetings were also multi-disciplinary, featuring presentations on aspects of the region's ecology, history and culture, and their relevance to the citizen science monitoring project, as outlined earlier. At the meeting in 1996, I delivered a slide presentation focusing on the 'mixed-mesophytic seasonal round' as a form of living heritage that would be seriously affected by the loss of forest species. The powerful photography of Lyntha and Terry Eiler illustrated my argument that the mixed mesophytic species and habitats were in deep reciprocity with a seasonal round of land-based customs. I argued that the seasonal round, and its associated spaces, models the integrity of a system that is at once ecological and cultural. Furthermore, I noted that while fossil fuel combustion seemed to be threatening the forest through the air, as the science was beginning to show, for communities on Coal River, mountaintop removal mining posed a more immediate and permanent threat.

Following the session, a forester named William Maxey, then Director of the West Virginia Division of Forestry, introduced himself to me. We talked about Coal River, where Maxey had grown up as the son of a mining engineer who supervised Armco Steel Company's operations in the company town of Montcoal. We paused in our conversation and then, to my surprise, Maxey commented incredulously: 'you made the people look so dignified'.¹³ Two years later, in protest against mountaintop removal mining, Maxey resigned from his position. In an op-ed piece for the *Charleston Gazette*, he accounted for his resignation:

[I]t was 1996 before I fully realized the magnitude and permanent elimination of West Virginia's forestland in the southern and central coalfields by mountaintop removal of coal. A helicopter tour of these areas and the results of an updated forest inventory disclosed not only the size and rate of deforestation, but the loss of West Virginia's mountain culture [...] I resigned as a matter of principle, for I did not want to share in the blame nor guilt for the loss of West Virginia's heritage through the loss of our forested mountains'. (Maxey 2000)

Maxey, surveying the mown-down forests and flattened mountains, had no trouble perceiving 'heritage' that is at once cultural and ecological. Yet, he was unable to find or foster a shared sense of stewardship for a world in common among the state legislators for whom he worked.

Public Folklore archiving as mitigation

The environmental review process mandated by NEPA creates a permanent record that is housed in state archives. Though such a record could be used to hold corporations and government employees accountable, researchers are finding that in many states the environmental reviews are driven by the myth of emptiness. Public participation is not encouraged. Unless citizens request public hearings, the reviews are conducted out of public awareness and paid for by project proponents with a high stake in finding an environment suitable for polluting projects and facilities (Espelund 1993; Howitt 1995; Hufford 2002; Westman 2013). The archives of environmental review are therefore missing at least some of the key data needed by communities as they set about calculating the true costs of post-fossil fuel ecological restoration and economic transition (Taylor et al. 2014). If environmental review is intended to support the NEPA function as 'internal conscience' (Wood 2014), it needs some backup, such as can be provided by AFPA.

Consider the assumption that presenting folklife could 'amplify voices in a democratic polity' (Gross-Bressler 1995). A notion interchangeable with 'point of view', 'voice' may be grounded in social, political, and geographic space. In a democracy, every person is presumed to have a voice, and therefore a place. It is only from such a place that the autonomy associated with dignity is possible, and for reasons that Reid and Taylor (2010, 37) bring to our attention:

Independence of political thought and action [...] is hinged into the commons in a relation of co-constitution. And, in important ways, that hinge is *dignity*—a sense of personal integrity, security, and honor that is highly charged affectively, as well as the incarnation of abstract political principles in daily embodied practices of livelihood, social interaction, and speech among equals.

These 'daily embodied practices' include the customs in which public folklore maintains its core interest. Can the amplification of voices in a democratic polity offset the silencing effect of mountains exploded and flattened? There is a sense in which AFPA finds that it is in the nation's interest to be in dialogue with its collectivities in ways that promote a politics of cultural recognition. Since the 1970s, as environmental reviews have accumulated in state archives, public folklore projects have created many archives from which a great deal of socio-ecological information could be retrieved in order to model the relationships refused by corporate-state controlled environmental review.

One of the ways in which AFPA could uniquely support the internal conscience function of NEPA is through what I call ‘mitigation archiving’. To mitigate the routinised exclusion of cultural and ecological values from consideration in environmental reviews conducted for mountaintop removal permits, I worked with community members to produce an archival collection, based also on my fieldwork, for the Library of Congress.¹⁴ The online exhibition, entitled, *Tending the Commons: Folklife and Landscape in Southern West Virginia*, was used by the Coal River Mountain Watch (CRMW) activist organisation, established in the late 1990s, to contest misrepresentations in mining permits. Community members subsequently used the website’s interactive maps and seasonal round graphic to represent the presence of cultural and ecological heritage in relation to proposed mining sites. Several of us who participated in the forest monitoring project have provided expert testimony for CRMW’s mine permit appeals. While none of these efforts stopped a mountaintop removal project, they helped to bring the value of the forest commons to public attention.

Beyond the public recognition and affirmation of the value of the *res communes* that are denied in the environmental assessment portions of the permits, this online database could also be used for reclamation planning. Unlike the state’s documentation of *res nullius* and *res derelicta*, *Tending the Commons* could also be used by communities throughout the coalfields to initiate a baseline description of the socio-ecological *res* needed for post-coal cultural and economic sustainability.

Conclusion

That mountaintop removal and other forms of extreme fossil fuel extraction continue are indicators that public folklorists and heritage professionals working on resource frontiers could be doing more to support the ‘internal conscience’ function of NEPA. I have argued that the commons offers a methodological framework for public folklore’s contribution to land-based heritage planning on resource frontiers. Although this framework has been implicitly supported in the U.S. over the past forty years through cultural and environmental policies, we have been slow to recognize the implications. NEPA’s clear directive to recognize the cultural, social, economic and aesthetic values of natural resources has been compromised through the atomisation of resources into narrow objects of stewardship divided up among government agencies coopted by the industries NEPA was intended to regulate. AFPA is the only federal legislation that recognises expressive culture as collaborative, community-based productions vital to the national democratic project. I have shown, through examples drawn from AFC’s Coal River Folklife Project, how government-sponsored folklife research on customs of land-based commoning can counter the colonialist myth of emptiness that continues to dominate narratives of development in extractive regions. My argument grounds the capacity of public folklore research to ameliorate the myth of emptiness in the phenomenological ethnographic methods of public folklore. Amplifying voices that historically have been stifled, public folklore as participatory world-making anchors democracy in the practice of fieldwork as deep commoning, and can certainly be considered *critical* heritage work.

¹ In *Recovering the Commons: Democracy, Place, and Global Justice*, Reid and Taylor (2010) call this disorientation ‘pluritemporality.’

² For a list of published peer-reviewed studies on the social, cultural, ecological, and health impacts of mountaintop removal mining, see the Coal River Mountain Watch web page: <http://www.crmw.net/about/impacts-of-mountaintop-removal.php>. (Accessed 30 April 2016).

³ Within a few decades of its passage, the regulatory paradigm established by NEPA was replicated in nations across the world. The global legacy is, as Wood (2014, 6) writes, a ‘decision-making elite [that] includes thousands of environmental agencies [...] Collectively, they rule over Earth’s natural resources’. Wood (2014, 50) cites mountaintop removal mining as a vivid illustration of the regulatory paradigm’s effects in Central Appalachia.

⁴ Reid and Taylor (2010, 22) usefully define ‘commons’ as the ‘substantive grounds of social and ecological reproduction.’ I have focused my definition around custom, public folklore’s disciplinary object.

⁵ Interview with author, March 31, 1997

⁶ Interview with author, April 18, 1997

⁷ Interview with author, May 25, 1994. The practice was severely curtailed in the early decades of the 20th century, when timber companies prohibited the cutting of ‘merchantable timber’.

⁸ Interview with author, April 22, 1995

⁹ Interviews with author, April 22, 1995

¹⁰ Interviews with author, April 22, 1995

¹¹ West Virginia Department of Environmental Protection Surface Mining Application no. 3019-99

¹² Interview with author, June 29, 1995

¹³ Conversation with author, March 15, 1996

¹⁴ See <https://www.loc.gov/collections/folklife-and-landscape-in-southern-west-virginia/> (Accessed 30 April 2016)

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