

TO HOMESTEAD A NATURE PRESERVE A RESPONSE TO BLOCK AND EDELSTEIN, “POPSICLE STICKS AND HOMESTEADING LAND FOR NATURE PRESERVES”



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Abstract

Block and Edelstein, expounding libertarian homesteading theory, state that “in order to convert unowned virgin territory into ownership status, one must mix one’s labor with it, thus transforming it through his efforts into land that can be better used by humanity.” With the widespread interest in preservation of the natural environment, Libertarians should consider how to perform similar safeguards while respecting liberty and private property. Extant nature preserves tend to be government owned. The difficulty for freedom loving people is that real property is based on mixing one’s labor, which is uniquely their own, with virgin territory to possess a private but pristine estate. An unsullied reservation would appear to prevent such mixing of labor and land. This article demonstrates that simple protection is inadequate to realize conservation and that public ownership serves to denigrate the subject property. Restoration, maintenance, and on-going activities that involve labor are necessary and compatible with conservancy. While the entrepreneur determines the goal of a reserve, profit opportunities are suggested. That ethical, non-violent, and lucrative processes can be used to create a nature preserve is demonstrated.

Key words: nature preserve, homesteading, rights, private property, virgin land.

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**TO HOMESTEAD A NATURE PRESERVE
BUT NOT WITH POPSICLE STICKS!**

How can an original explorer homestead a nature preserve? With the current interest of people in organic culture, it is incumbent on libertarians to address how one might accomplish this purpose while honoring the non-aggression principle. Advocates for preservation of the natural environment, who look to the state for salvation, assert they alone demonstrate concern to safeguard the innate ecosystem. Most reservations, wilderness areas, national parks, etc. are lands claimed by governments. While a few NGOs¹ get involved in such enterprises, they normally seek governmental partnerships and approval while they eschew the profit motive. What is glaringly missing in such endeavors is regard for the expenses or resources required to create an enclosure, a concern for nature unsullied by extraneous political objectives, and a clear, articulable goal. They tend to fall prey to a cabal of competing interest groups each hoping to gain a value for themselves at the expense of the ever-suffering ratepayer.

According to the theories of 17th century philosopher, John Locke (1948, Ch. 5), ownership is based on mixing one's labor with the land and thus making it an extension of himself:

“[E]very man has a property in his own person. This nobody has any right to but himself. The labour of his body and the work of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property.”

The basic principle works admirably when making alterations to virgin territory like establishing a farm. Clearly, a farmer who has cleared the land, built a house and a barn, and tilled and

¹ NGO = Non-Governmental Organizations. For example, the Sierra Club.

planted a crop has made what was of little or no value into a precious resource capable of providing sustenance to himself and others thereby making it uniquely his own. The overwhelming majority, if not all, of the value that he places on the farm is an extension of his very person and cannot be legitimately taken from him. The same applies to other potential uses. Should this entrepreneur, let us call him a homesteader, build a mill or a road or a factory, the same principle applies. While not explicit in the forgoing Lockean extract, two other factors influence whether such activities amount to making a personal asset according to Locke's principle.

(1) Homesteading must create value or have purpose because if after mixing his labor with what he removed from the state of nature² the pioneer finds that the altered state has no value, he will abandon it. Profit drives creative endeavors. The entrepreneur will calculate the effort expended on the enterprise as well as the income he expects to derive.³ If the initiative turns out to be unimportant for him, he will search for someone for whom it is. Upon failing to find a buyer, he will then walk away. His work will deteriorate, and the supposed asset will return towards a more natural state. Eventually, it will be as though he were never there.

(2) The work must be real. If a wilderness hiker should light a campfire and then lose control so that it burns down the forest, he does not thereby establish a homestead. Instead he has created a disaster area with no value.⁴ In a similar vein consider the answer of Friedman (1983) to Nozick's question:

"Robert Nozick, in *Anarchy, State and Utopia*, asks whether, when he dumps a can of tomato soup in the pacific ocean [sic], he acquires ownership over the ocean

² Note that even the commonly used terms suggest the difficulty of the task at hand. Taking possession requires *not* leaving land in a state of nature but removing it therefrom.

³ For more on calculation for preservation see Brätland (2006, pp. 13-45)

⁴ This thought abstracts from the idea that he might intentionally burn the forest in order to clear land as for a purpose like farming.

(having mixed his tomato soup with it) or merely loses the soup. My answer is that he has merely lost his soup. My justification is the assertion that my swimming somewhere off Bali, while it may move molecules of his soup around, does not injure him; the molecules are no more use to him before I move them than afterward. This answer depends on some, in principle objective, measure of injury; Nozick could claim that he attaches enormous subjective value to having the molecules exactly where they were before I went swimming, and that I therefor owe him compensation of a million dollars. My reply would be that I do not believe it.”

The aforementioned uses to which a homesteader might put land involve toil. A question arises for Libertarians about what to do should a young enterpriser wish to establish a nature preserve. The kind of footprint essential to those uses would be incompatible with the proposal. Nothing natural attains to a farm or a factory; they are inimical to the concept of unsullied ground. Is it therefore impossible for freedom loving people to protect an untarnished plot?

The following discussion demonstrates that answer to be NO! A pioneer *can* create and own a nature preserve. Others have attempted to show methods for doing just that, but they involve intentional alterations to the land (Block and Edelstein, 2012). Herein, no deliberate *alterations* to the land are proposed; though, restoration is allowed, indeed mandated.

What is a nature preserve? Presumably, it is an area of earth that remains in a pristine unaltered state. However, the earth is constantly mutable. Wind and water erode the earth; tectonics raise mountains; beavers build dams. Well, maybe it would be “unaltered by man”. Then it cannot be so minimal a footprint as to say a man cannot have entered because there is nowhere on earth that is guaranteed to have never been trod upon by *Homo sapiens*. From the earliest of recorded history, ancient legends tell of long

journeys, sea voyages, and mountain top ascents. Man is driven to explore the mysterious, and he inevitably bequeaths his mark wherever he does. Whatever environment is contemplated, the homesteader must assume that some erstwhile adventurer, possibly during a long bygone era but more likely, recently, has impacted the countryside. If conserving creation consists not of simply eschewing anthropologic meddling, maybe it would be to preserve the status quo of a relatively natural looking setting. Perhaps, it would be enough to never *again* allow a human to enter an apparently pristine reservation. As this article will demonstrate, that too will not work; but for now, let us assume that this last definition is what is meant by establishing a nature preserve.

Then mixing one's labor with the land to formalize unsullied land appears impossible. If that is so, there could be no homestead. For as soon as one created a farmstead, or other land use, by mixing his labor with the land, the status quo would be upset. Block and Edelstein (2012) suggest several low impact alternatives including the launching of Popsicle sticks, or pasturing cattle. We do not need to go into those here as they already reject those solutions for the obvious anthropologic intrusions that they are. This author agrees that such solutions would fail the no-impact test. Those actions are indeed both intrusive and finally negative in the same sense that a can of tomato soup dumped in the ocean is merely pollution. Rather they propose an inventive solution: taking control of a native species of small creatures such as frogs or insects that are natural to the area and then releasing them into the property to be homesteaded.

Unfortunately, that does not work either. This supposed resolution is still an impact. Human controlled creepy critters truly bear on the earth. That the footprint is small in no way changes the reality of human intrusion. But one might point out that they suggest subtle control techniques. They propose the use of a lure or possibly of sound like how a hunter might use a duck call to attract birds. Once having captured, and thus homesteaded them, they train these animals and put them to work by releasing

them to the proposed wilderness to do the homesteading at their behest. Not only do these actions constitute a perturbation, they in no way further the goal of the developer. They are to no purpose.

The problem is that Block and Edelstein try too hard to satisfy “radical environmentalists” (even “ultra-Greens”) while failing to establish a genuine nature preserve, their goal. They refer to their activities as “herculean efforts”. Such efforts are not such; rather they are a skiver’s pseudo-effort which avoids the truly hard work of establishing and maintaining an immaculate reservation. Perfect, after all, is the enemy of the good. Furthermore, one must ask what exactly the purpose of this arrangement is. The formula sounds more like a measly claim⁵ than a bona fide homestead.

There is no need to be as puritanical as radical environmentalists. To understand why, let us return to the above proposed definition: to establish a nature preserve is “to preserve the status quo... it would be enough to never *again* allow a human to enter an apparently pristine reservation.” The first act, “labor” if you will, would establish a screen or its equivalent together with “keep out” signs. That would constitute a major mutilation of the surrounding lot if not the lot itself. However, simply fencing and signing is inadequate. For one there is no mixing of the homesteader’s labor with the asset itself. But more to the point, such an act would be insufficient to preserve the unaltered milieu.

Consider the flora in the status quo preserve. The pioneer cannot legitimately force nearby property owners to create similar plots. That combined with the fact that the winds will blow⁶ means that the vegetation will change over time.⁷ Those

⁵ The proposal is not much different than a Francisco Vazquez de Coronado sticking a flag on a seashore and claiming a continent.

⁶ The winds are necessary for the viability of the preserve because they provide an essential means to effect pollination.

⁷ Some might argue that the preserve is not large enough if the homesteader suffers such a problem. On the contrary, no matter how large the reservation, this issue will occur at all boundaries and spread into the interior given enough time. Further, too much extent creates other problems. Monitoring for changes will become more difficult if not impossible. Consider the plights of John Sutter

changes will start immediately as pollen from the neighbor's genetically modified vegetation hybridizes with compatible species within the compound.⁸ Birds unable to distinguish property lines will import the seeds of non-native plants. The manager of the paddock, if he wishes to maintain it as truly pristine and unaltered, must constantly undo such adulterations, for even though the processes are natural, the invading materials are not. Moreover, he must diligently survey the property and catalogue both the flora and fauna in order to understand exactly what is and is not native. Rather than launch some implausible low-footprint ruse for no purpose, the homesteader would necessarily apply concentrated toil to maintain a nature preserve as unsullied. In other words, his labor would be directed purposefully at his goal.

As extreme as the preceding would be, even that is not enough. Consider the fauna. In a natural environment some animals target others. If there are too many predators⁹ the prey would become extinct in the preserve. Likewise, if hunting species exist in inadequate numbers, the prey will multiply and destroy the park. This might occur even without animals crossing into or out of the enclave.¹⁰ To avoid that problem, the homesteader must keep it in balance. If the wolves are ascendant, maintenance of the status quo will *require* periodic culling and vice-versa if the deer are dominant.¹¹

and Mariano Vallejo (isolating from the fact that these were not homesteaders and that their land grants covered territory already occupied by native people (Sutter, 1857), (West, 2001)). Their land was so extensive that they could not inspect it and keep control. Both men were marginalized from "their" properties because they were never properly homesteaded. It was merely claimed and left mostly unattended; thus, they could not stop intrusion by other settlers.

⁸ This deterioration can be viewed as but one example of Newton's Second Law of Thermal Dynamics: "Entropy increases". Entropy is herein understood as disorder.

⁹ One could imagine that even a lone wolf in a small enclosure might be too much for the deer to survive.

¹⁰ The owner/creator of a preserve would need to prevent such migrations including the neighbors' pets.

¹¹ Culling is considered verboten in most governmentally controlled national parks and wilderness areas or at least the subject of unending political

Finally, there is the goal of the nature preserve; what is it for? That would be up to the entrepreneur, but it might include such activities as scientific study of the natural environment; or it could be maintenance of scenery for awed admiration or tourism. It might even include scientific one-off intentional alterations for the purpose of understanding how the environment works and what impressions a single defined modification would have. Such study, funded by persons interested in the research results, would involve the entry of people or at least manmade devices for data collection. Other purposes might include recreation: hunting, artistic sculpture, or just hiking. Once again, all of those involve human access plus profit potential. The bottom line is that without his entry into the enclosure, without an objective for the homestead, it would appear to be nothing other than a vicious exercise to stake a claim in an attempt to inhibit the freedom of would-be homesteaders.

Due to the natural tendency towards deterioration, a nature preserve would and never could be absolutely 100-percent untouched. The purposeful “monitoring” implies human entry to the reservation. Such admittance could certainly be remote, robotic, or areal observational in nature to reduce the footprint; but only the quixotic could believe that an enclosure could remain *totally* unscathed. Further, preservation itself is an intentional human act and hence a form of interference.

In conclusion, to create and take possession of a nature preserve is entirely within the Libertarian understanding of mixing one’s labor with the land. Suspicious, questionable, and false efforts that fail to attain their purpose are unnecessary as are violent and unethical governmental claims to oppress would be settlers. With the ability to define the goal and calculate the potential income, the sour politics of special interests and the

controversy. In Rocky Mountain National Park in Colorado, USA, the Elk have been protected from predators with the result that they are damaging the natural environment (Tibbles, 2013).

need for state funded loot are avoided. To build and maintain a paling, monitor the enclosure, preserve the natural flora and fauna, and keep out interlopers (human or otherwise) requires unending toil. It has purpose as determined by the proprietor. It is for his benefit and profit and stems from his blood, sweat, and tears. It would be a legitimate homestead and nature preserve.

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