

Wild Property Law:

Designing ecological legal relationships at TLC Farm

Version 0.3

1. Introduction

TLC Farm is a sustainability education center in SW Portland.¹ More than that, it represents an organizational form through which the passions and actions of thousands of people converged in a direct challenge to the established wisdom about the inevitability of environmentally destructive development. So TLC Farm since its inception has been dealing with the law, and a transformation of our assumptions about the confluence of economics and property: in fighting eviction and retaining possession by those closest to the land²; in forming a non-profit for the purposes of education, conservation, and community development and acquiring 501(c)3 recognition from the IRS; in persuading the developers holding an option contract that it was in their best interests to sell it; in working with Equity Trust Inc. to structure a ground lease with OSALT that pioneered a new application of the model to protecting sustainable uses beyond agriculture and conservation; in developing the easements which three state entities acquired over a portion of the land, leveraging the additional protections afforded by the ground lease; and in structuring the legal relationships among various interest-holders in the land after acquisition and appraising their relative values.

This history of engagement has been rooted in deeply shared beliefs and attitudes among proponents of the Farm about the value of the earth in itself and the importance of respecting it. However, these beliefs and attitudes and how they are being applied have not yet been explicitly delineated and described. This white paper takes the occasion of the formalization of the contractual relationship between TLC Farm and Try on Sustainability, LLC to explore and systematize the evolving ethical and legal assumptions on which TLC Farm's history is based.

We will begin with an outline of a legal philosophy, *wild law*, that fits TLC Farm's experiences well, and explore the application of wild law to real property rights and indigeneity; then we consider recent trends in economic approaches to the commons and how they might be transformed based on an ecological understanding of value; and finally discuss how the specifics of the land tenure structure envisioned by TLC Farm and Try on Sustainability, LLC implement this understanding of wild property law. This process illustrates some important opportunities for radical legal work, which are briefly sketched in conclusion.

2. Wild Law and Property Rights

Humans and our relations with each other are embedded within, and ultimately dependent on, the relations among all life on this planet: what can be called the earth community. The emerging field of *Earth jurisprudence* applies this understanding to the administration of justice by relativizing short-term human interests to the long-term health of the earth community as a whole³; *wild law*

1 See <http://tryonfarm.org> for more information.

2 Residents of the land fought eviction on procedural grounds in state court, lost and appealed, and then won retention of possession during the pendency of appeal by filing a *supersedeas* bond, which right is rooted in the common law's recognition of the special character of the relationship of those in direct possession of land.

describes the incremental transformation of specific legal statutes, precedents, and practices to better embody this framework.⁴

This is a gradual process, but it is not reform-minded. It's rooted in an understanding of the existing legal system as rooted in colonization and enclosure of the commons by what can be understood as Empire – an interconnected system of exploitation and domination. Wild law, from our perspective, is not intended to correct this system of law, but to create spaces for fundamentally new political economies (and thus new modes of exchange and dispute resolution) to grow and establish themselves. Thus we use existing legal concepts (such as property, rights, contracts, corporate entities, and the like) to create and defend new and better interfaces between the Empire and the wild.

2.1 wild regulation

The best-known practical implementation of this approach is a small Pennsylvania town's statutory transfer of standing (ie. the right to sue) upon non-human ecologies⁵. This is a statutory solution to a challenge originally raised by Christopher Stone in the seminal “Should Trees Have Standing?”⁶, which has generally been denied through constitutional argument in the United States⁷.

As in this example, wild law has usually been applied as an approach to justifying and deepening the effectiveness of environmental regulation – as many environmental litigators know, standing is frequently the greatest obstacle to success. Environmental regulation is generally conceived as a constraint on real property rights by the state in the interest of the public good, and it is often assumed that these are necessarily at loggerheads, pitting individual rights (libertarians and conservatives) against state power (“big government” liberals).

2.2 wild property

However, this is not the only approach. Property rights themselves are complex and evolving, and contain ample room for change. One common contemporary approach to understanding real property is as a “bundle of sticks” comprising various rights and duties. These can be held all by the same entity, or divided and held by different entities through various forms of property transfer and title. This provides a variety of avenues for including the interests of the ecosystem in legal considerations.

For example, servitudes historically granted various property rights to third parties: rights to hunt or farm or mine (profits), rights to use or travel across (easements), rights to receive money for shared

3 For more information, see the Center for the Earth Jurisprudence, <http://www.earthjuris.org>. Also see the first article on Earth jurisprudence published in a law journal, which makes both practical and transcendental arguments for the adoption of the framework. Judith E. Koons, *Earth Jurisprudence: The Moral Value of Nature*, Pace Environmental Law Review, 2008, cited on April 16, 2008 at <http://www.earthjuris.org/viewpointdocuments/Koons%20Earth%20Juris%201-4-08.pdf>

4 Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice*, Green Books, London, 2003.

5 Tamaqua Borough gave standing to wetlands and related persons for the purpose of contesting polluting sludge release by industrial factories. See Silver Donald Cameron, “When Does a Tree Have Rights?”, The Chronicle Herald (Halifax, Nova Scotia), January 8, 2007, cited on April 16, 2008 at http://www.precaution.org/lib/07/when_do_trees_have_standing.070108.htm

6 Christopher D. Stone, *Should Trees Have Standing? — Toward Legal Rights for Natural Objects*, 45 S. Cal. L. Rev. 450 (1972).

7 See *Cetacean Community v. Bush*, 386 F.3d 1169 (9th Cir. 2004), ruling that previous *dicta* notwithstanding, animals in the singular or collective do not have constitutional standing to sue under assorted environmental laws.

services or enforce use restrictions (covenants).⁸ Conservation easements (considered hybrid covenants by the Restatement Third) have emerged in the last several decades, granting the right to enforce use restrictions to conserve the wild values of the land. This allows willing sellers and buyers to protect land in perpetuity, often in exchange for tax deductions based on the appraised property value lost in the transaction. This approach avoids privileging the state over the individual, and TLC Farm includes a powerful example of this technique. However, conservation easements implicitly assume that human (economic) interests and protecting wild places are at odds. For this reason conservation easements generally exclude all but the most minimal human interaction with the land. This limits their use to those people willing and able to voluntarily sacrifice their personal financial gain for the benefit of the ecosystem, without similar sacrifice on the part of others.

Another, more recent (and yet-to-be-implemented) approach is that of recognizing a new duty of stewardship to be added to the bundle of sticks. This would make long-term protection of ecological function a direct characteristic of real property ownership, and Robert Jay Goldstein's historical analysis demonstrates how well such an approach comports both with ancient precedent and modern trends.⁹ Of course, it still faces significant cultural and political obstacles in being implemented either by courts or legislatures. However, there's ample room for such an approach to be implemented within private mechanisms for adjudicating property disputes.

To consider property law from the perspective of Earth jurisprudence and wild law, we have to recognize that under existing precedent the land itself (ie. interests of members of the ecosystem other than humans, and the whole as such) has essentially been excluded from consideration. If we're intending to change this pattern, how could it be accomplished? To use contemporary language, what jurisdiction enforces the "green wood"? How are the rights of the wild represented – what party or parties speak for them? If conservation values are to be considered in more-than-human terms, how do we translate them into a human system?

These are not unprecedented questions: for generations, and continuing now, people have maintained systems of rights and duties that wove them with the earth. To explore what a wild meaning of property could be in this post-postmodern world, it is imperative to explore the relationship indigenous (or native) people hold with the land.

3. Indigenous property

Land held by most inhabitants of the Americas, Australia, etc. is held by (fairly recent) conquest of indigenous peoples, primarily hunter-gatherers, horticulturists, pastoralists, and farmers. This has led to a variety of tortured explanations for the unilateral establishment of legal title to land despite it being held previously by others. Recently, native land claims which had been inadequately extinguished during the period of explicit race war have been increasingly successful in achieving contemporary recognition (especially in Australia and Canada). However, these claims to title are criticized as lacking sufficient legal or moral basis, on the argument that most land has been conquered and reconquered multiple times, and ancient wrongs cannot be righted by present expropriation.¹⁰

⁸ Restatement (Third) of Property: Servitudes. (2000)

⁹ Goldstein, Robert Jay, Ecology and Environmental Ethics: Green Wood in the Bundle of Sticks, Ashgate, 2004. This book is based on a previous, shorter publication: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1276&context=ealr>. I strongly recommend Goldstein's approach to understanding the foundations of the property structure we have today, which is quite different from the assumptions many property rights advocates often make.

A wild law approach offers another way of thinking about the character of indigenous property relations that may help address this and other challenges. In this understanding, indigenous property describes not simply prior occupancy, but a mutuality of rights and responsibilities between human and more-than-human inhabitants of the land in which the interests of the ecosystem as a whole and its many parts are sought, respected, and enhanced. This approach refers not simply to formal processes, but to the many ceremonial, sensual, technological, and economic modes of direct relation with the earth as a living home. In a sense, the earth owns itself, and humans have secondary rights and responsibilities to use and engage to the degree that we participate positively in the deepening of the complexity and vitality of the whole -- that is, to the degree that we're part of the earth.

With this approach, colonial or imperial property is not simply an unfair seizure of other humans' possessions; it is a fundamentally flawed diminishment of the property relation itself. Restoring indigenous property is not simply granting fee simple to the contemporary descendants of prior inhabitants, but the incremental emergence of a more ecological structure to the relation between people and the earth.

An example: if one person displaces another, long-resident, from prime root-gathering grounds, this is likely to be unfair and inefficient because the new gatherer has much less connection with and experience for the balances at play in this specific ecosystem.¹¹ After long enough, however, the reverse is true and returning the (heirs of) the original gatherer would be more disruptive than beneficial. This could be considered the equivalent of the English common law principle of adverse possession. However, if a colonial settler enters the area, displaces the gatherer, and establishes a commercial factory farm, this is far more disruptive in the long-term and as the new relation becomes more and more abstracted and commodified the harm to the wild property becomes increased rather than diminished. Balance can only be achieved by returning to more respectful and direct relation with the land.

Moreover, many people will have rights to use the same places in different ways (multiple gatherers, hunters, fishers, farmers, ceremonial users, summer inhabitants, etc.). Thus any breakdown of the commitment to ecological integrity will be quickly witnessed by others, who can act to correct the problem. This moves the responsibility for responsible action from the whims of the individual to the wisdom of the whole. But how does this comport with (post-)postmodern economics?

4. The Comedy of the Commons

At its most fundamental, Earth jurisprudence demands that we recognize multiple relationships, interests, and responsibilities towards the land, both among humans and the more-than-human. How does this relate to the existing notions of property and ownership in an economic context? We'll begin by exploring contemporary thinking, and then explore how a wild law approach could operate.

4.1 tragedies of economics

Many modern economic analyses of property law operate on an assumption that unified ownership is generally most efficient for the achievement of socially desirable ends.¹² The most traditional example

10 Waldron, Jeremy, "Indigeneity? First Peoples and Last Occupancy," New Zealand Journal of Public Law, Vol 1, 2002. http://www2.law.columbia.edu/faculty_franke/Thursday%20Lunch/Waldron.facultylunch.indigeneity.pdf

11 If the original gatherer was abusing the resources, however, the change may actually be for the better, and thus rightful.

12 "If too many people gain rights to use or exclude, then bargaining among owners may break down. With too many owners of property fragments, resources become prone to waste either through overuse in a commons or underuse in an

is the famous “tragedy of the commons”, in which multiple parties have rights to use commonly held resources¹³: a typical example is overgrazing a pasture. The standard economic argument is that it's in each individual's rational self-interest to use more of the resources than the next, because each user enjoys full benefit of the additional use while only realizing a fraction of the cost of resource over-exploitation. A more recent dilemma has been popularized as the “tragedy of the anticommons”.¹⁴ In this situation, multiple parties have exclusion rights over a resource: the original example is restaurants in post-Soviet Moscow, in which a variety of legal and shadowy entities have veto power over the use of storefronts. Again, the argument is that each excluder realizes the full benefit of increasing their price of use, while seeing only a fraction of the cost in fewer overall uses.

Of course, if users in a commons or excluders in an anticommons are able to fully communicate and coordinate their actions, they will rationally be able to choose and enforce a total amount of use or exclusion that will achieve the highest net gain. However, the argument goes, the transaction costs and human challenges of coordinating all those voices and enforcing fulfillment of agreements makes this approach significantly less efficient than having a single decision-maker. (Nuanced understandings recognize that for certain specific purposes multiple ownerships may be valuable, but these are considered relatively marginal.¹⁵)

The tragedy of the anticommons is related to a more general economic question regarding the relative efficiency of competition and monopoly. In this context, there's a critical distinction between substitutable and complementary commodities – between goods or assets that can easily replace each other, and those which must all be acquired in order to be useful.¹⁶ Standard theory of course is that competition between multiple sellers of substitutable goods achieves market efficiency by equilibrating towards the lowest price at which goods can be produced. On the other hand, recent economic studies¹⁷ explore the tragedy of the anticommons as a specific case of a more general inefficiency when you have multiple sellers of complementary goods; the conclusion is that in such cases a monopoly receives full cost of both increases and decreases in price, and will operate better.

All of these explorations lead to a rather deep question: what should be the character of entities that make decisions and exert influence as rights-holders with regard to property? Natural persons (ie. living breathing humans) may seem fairly obvious as unitary decision-makers, but complex persons (corporations, associations, family partnerships, etc.) are also considered unitary. The distinction between a set of humans acting as separate interest-holders in competition, or alternatively as a corporate body making decisions as a unitary entity, is critical to these discussions.

Communitarian property theorists assert the value of establishing privately held property in which a community structure holds the rights and maintains internal processes for deciding upon best uses. This can be recognized as a hybrid structure allowing a wide spectrum of combinations of unity and

anticommons.” Heller, M.A. (1999), “The boundaries of private property,” *Yale Law Review* 108: 1166. Quoted in Stephen R. Munzer, “The Commons and the Anticommons in the Law and Theory of Property,” The Blackwell Guide to the Philosophy of Law and Legal Theory, (Oxford, Blackwell Publishing, 2005) p. 153.

13 Hardin, G. 1968. “The Tragedy of the Commons”. *Science* 162: 1243-1248 (1968).
<http://www.sciencemag.org/cgi/content/full/162/3859/1243>

14 Heller, 1999.

15 Munzer, 2005.

16 For example, multiple alternative traintrack routes are substitutable, while two segments of a single traintrack are complementary.

17 Dari-Mattiacci, G., & Parisi, F. (2006 September) SUBSTITUTING COMPLEMENTS. 2 (3), 333-347.
doi:10.1093/joclec/nhl018.

plurality, and mediations between them. However, such structures often have onerous exit clauses, because of the danger of individuals using resources and then leaving the commons without adequate means for enforcing responsibilities. An alternative, the so-called “liberal commons”, describes a voluntary, bounded group with defined legal structures mediating use of resources while maintaining relatively accessible entry and exit processes.¹⁸

All of these approaches refer to humans only. What can wild law offer the discussion?

4.2 wild commons

Ecosystems create living wealth. In other words, resources (water, nutrients, light, etc.) are cycled in more and more complex ways that grow a greater density of relationships. Ecology describes the patterns that make a monoculture – a single species grown (usually commercially) over an expanse of land – much more inefficient than a polyculture in creating biomass. In other words, a richer and denser ecosystem embodies more life, more use, more interconnection, with the same basic resources.

In an evolving ecology, therefore, there are not simply substitutable and complementary uses of resources. Adding new species or patterns to the mix can, under the right circumstances, increase the overall network of uses so that greater “value” emerges: it's not a zero-sum game. This deeply transforms the image of the commons: rather than an area of land with well-defined, limited uses (2 cows per acre, that's it), we understand multiple uses, each less dense but to which new uses can be added that make it overall much more valuable (4 goats per acre, 100 fruit trees per acre, 3 habitat corridors per acre, to which a house could be added with residents that are skilled at sharing the land).

Applying an ecological understanding to human interactions with the land, we recognize two opportunities: 1) humans and human values and needs can be woven in the ecology of the land in ways that are mutually beneficial for the more-than-human inhabitants, and 2) multiple human entities can use the land in overlapping but not mutually exclusive (ie. more or less disjoint, rather than substitutable or complementary) ways that increase the overall value of the uses higher than any single human entity could.

The latter point is somewhat subtle. Clearly, based on this argument, an ecologically structured complex of multiple human (and more-than-human) uses could increase in density, interconnection, and thus value over time almost without bound. But does this require multiple entities? After all, couldn't a single human entity be complex enough to accomplish any set of activities that multiple entities could? Complex entities like partnerships, associations, and the like can bring together widely divergent skills and resources in a single decision-making structure. Indeed, this is a valuable model, one that TLC Farm's legal structures encourages. However, there are both theoretically and practically a number of benefits that require multiple decision-making entities.

Firstly, multiple entities ensure more efficient use when the internal decision-making structure of an entity breaks down. Whether this is an individual human incapacitated by depression or age, or a corporate body stymied by conflict or organizational paralysis, the existence of alternative entities that have the direct right to take up the slack (rather than waiting for the disuse to become so extreme that sale is forced) significantly enhances efficiency.

Secondly, in a context in which the rights of non-human communities are necessarily mediated by human rights-holders, a secondary rights-holder is likely to have the external perspective to see

¹⁸ Dagan, Hanoch and Heller, Michael A., The Liberal Commons (September 2000). Yale Law Journal, Vol. 110, 2001. <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=2468&context=articles>

blindspots, flaws, or oversights in a land-user's approach to ecosystem protection. Indeed, even in a completely “selfishly” competitive environment in which neither party was truly interested in protecting the rights of the ecosystem, invoking such rights would be a means by which the parties compete with each other, using the “tragedy of the anticommons” to positively benefit the more-than-human world.¹⁹

Finally, and perhaps most importantly, under the capitalist jurisprudential order different kinds of entities are by law capable of different things. For example: for-profit and not-for-profit entities.

This means that a more ecological approach to land tenure can result in increased rather than diminished land value – potentially even in the impoverished terms of a capitalist economy in which environmental externalities are not adequately monetized. This is a consideration that opens the space for a fundamental reorientation of the debate around human interaction with the land, and could allow us to mobilize a much fuller range of human motivations in the existing economy towards wild ends.²⁰ While an outcome that avoids the tragedies of the commons and achieves what the earth achieves – a breathtaking wealth and abundance of life – is by no means certain, it is deeply important for us to seek the skills and practices of coordination, communication, competition and cooperation that can lead us towards that divinely more-than-human comedy.

5. Wild property at TLC Farm

Now, we can use the foregoing overview to summarize an emergent perspective on TLC Farm's legal approach to land tenure.²¹

5.1 Goals

- Recognize the land's own right to life, weaving in human rights and responsibilities in an ecological fashion.
- Develop and demonstrate a diversity of approaches to conserving land.
- Minimize “transaction costs” involved in setting up and maintaining systems.
- Support a dense ecology of overlapping human and more-than-human uses of the land.
- Focus on approaches that can be applied in an urban context as broadly as possible, reducing dependence on government funding, “altruism”, and the like. Specifically, seek approaches that are economically self-sustaining.
- Ensure that external legal and financial frameworks (eg. the IRS, courts, banks, police) have minimal discretion to undermine the work being done. Do so in ways that recognize the need for most organizations and communities to engage substantially with such systems.

5.2 Strategies

- Facilitate the growth of indigenous property relations, as described above. Clearly, such relationships can't be contractually defined, abstracted, and enforced in a standard sense. But

¹⁹ A key issue here is whether imperial law, or a new structure internally developed, is to mediate conflicts over use.

²⁰ The question of how this interacts with property tax assessment is an interesting one!

²¹ This is not a claim that these ideas have explicitly underlaid TLC Farm's actions: rather, they are descriptions *post facto*.

our legal structures and organizational attitudes can create space for, and point in the direction of, such a transformation.

- Create an internal quasi-jurisdiction with low transaction costs in which property uses are negotiated and conflicts adjudicated based on wild law principles, such as adding green wood (ie. stewardship duties) to property's bundle of sticks. Formally, this happens both internal to legal entities according to governance structures, and between them through contracts and real property transactions – in addition to less formal practices and agreements.
- Include both non-profit and unrestricted entities as rights-holders to the land, because each has the capacity to create value in ways impractical for the other.
- Ensure that all legal relationships are robust and replicable and do not jeopardize tax status or other considerations.

5.3 Implementations

- The ground lease with OSALT (Oregon Sustainable Agriculture Land Trust, Inc.) is rooted in the community land trust model, which was originally designed to provide a home ownership model that supports low-income families by taking housing off the speculative market. It has been adapted by Equity Trust, Inc., to protect agricultural uses of lands, and further configured by TLC Farm to ensure sustainable uses that integrate agriculture into a variety of human and more-than-human needs.
 - Title between the land and the improvements is split: the former held by OSALT and the latter by the land lessee(s), originally TLC Farm, now also including Try on Sustainability LLC.
 - A 99-year renewable ground lease for the land stipulates precise conditions for the uses of the land and improvements. In our case, these ensure that unsustainable practices are not allowed, and many actions (such as cutting nonhazardous trees) can only be done with permission from OSALT, which has responsibility for ensuring the sustainability of the actions. In addition, residential construction on the land is limited to a 75% increase in footprint and height from original conditions.
 - This structure splits ownership interests in the land among multiple parties, including a party (OSALT) that has no economic benefits to use the land and so can be more greatly trusted to fulfill its duty to protect the long-term health of the land.
- Three government entities (the City of Portland, Metro, and the State of Oregon) purchased a conservation easement across the eastern 1.5 acres of the land, and the City owns another easement across the southern 0.5 acre. These were contingent on the protection of the rest of the land through the ground lease above, and demonstrated government interest in leveraging limited funds (appraised value of just those portions of the land) to achieve greater ends (protecting the entire land, as well as creating new stewardship and educational services).
 - These easements are based on standard versions which almost completely limit human interaction with the land to restoration (usually understood as returning the land to a putative state without human impact) and passive viewing.
 - However, our version explicitly includes openness to sustainable agricultural uses, with government permission, opening space for a more indigenous property relation in which

humans are active givers and receivers in the ecology of the place (like the pre-colonial inhabitants of this land).

- TLC Farm is selling on contract both the houses on the land, and an easement to use the land and remaining improvements, to a for-profit entity, Try on Sustainability, LLC (“ToS”). There are several reasons for this: TLC Farm doesn't have the money to pay the \$6000/mo mortgage, and ToS has assumed liability for approximately 65% of the debt in exchange, which has been determined to be an equivalent value; TLC Farm agreed during its 501(c)3 recognition application process not to manage residents of the land; rental income would potentially open TLC Farm to UBIT and even jeopardize its status. However, there is a deeper and more important reason: ToS is able to motivate, structure, and demonstrate ecological uses of the land on a profit-making basis that TLC Farm as a charitable entity cannot.
 - Under this model, both TLC Farm and ToS have rights to use all of the land and improvements, but are required to negotiate those uses to find the most mutually beneficial arrangement (including the interests of the land itself). This invites the entities to experimentally and fluidly determine the most fruitful combinations of uses of the same place.
 - Moreover, any disputes are adjudicated through a special arbitration system which prioritizes stewardship considerations in its decisions and includes a tie-breaking vote by an agent specially chosen to represent the interests of the more-than-human inhabitants of the land, the ecosystem itself.
 - TLC Farm assesses its agreements with ToS in such a manner as to ensure 1) it has the best scope for the implementation of its charitable purposes and programs, and 2) it is receiving market-rate compensation for any uses made of its assets by ToS. For example, if TLC Farm lumber materials and ToS labor are used to construct an outbuilding to be shared between them, such building must be the best use of resources to achieve TLC Farm's ends and the proportion of valuable resources used must be at least equivalent.
- ToS is structured in order to provide scope for a variety of different entities to share use of the land with confidence about their long-term security. The agreements around use can remain informal, or can be written as contracts, or can be fully included in the operating agreement of the entity including economic arrangements.
 - The LLC structure is flexible enough to allow a wide variety of agreements and relationships. This allows us to create a liberal commons (as described above) which is relatively easy to enter or exit, allows both consensual agreements and autonomous action, and ensures that responsibility for uses and agreements are fulfilled.
 - The LLC structure includes the same arbitration structure as that above, as a mechanism for resolving disputes among members.
 - Currently Cedar Moon, LLC (comprising the residents of the houses) is the only member of ToS, but Sunroot CSA and Bizzy Bees mason bee propagation are potential members which have operated on the land.

6. Conclusion.

This application of Earth jurisprudence and various wild law techniques to the situation of TLC Farm's land tenure offers a window into the opportunities for radical legal work to support the emergence of new social relations that are more sustainable in both human and more-than-human terms. For example:

- New economic entities – such as the liberal commons here discussed – require robust interfaces with the existing legal and financial systems. Legal work focused on tax issues, contracts, property, and legal entities can develop a flexible, open set of tools that create semi-permeable membranes between external courts and markets and internal analogs.
- Such economic systems internally, and other economic actors between each other, may wish to protect the land's self-ownership in ways that recognize and support the value that humans can give and receive with the ecosystem. Such systems may involve parallel adjudication mechanisms that include “green wood” and other wild law approaches to facilitating a more indigenous property relation. Legal workers can support the development and maintenance of such systems with a minimum of “transaction costs”.
- Recognizing that multiple human and more-than-human uses of the same land can result in greater wealth and benefit than single uses, land use legal work and related policy and advocacy can create the conditions for a widespread shift in human occupancy patterns.