

# The Right of Nonuse

Jan G. Laitos

# Contents

## PART ONE | INTRODUCTION

1. *The Nature of Nature* 3

## PART TWO | A SOCIAL – ECONOMIC HISTORY OF RESOURCE USE AND NONUSE

2. *Defining Natural Resource Use and Nonuse* 9

3. *Era I—The Age of Human Survival* 17

4. *Era II—The Age of the Market* 20

5. *Era III—The Age of Property* 35

6. *Era IV—The Anthropocene Age* 48

7. *Era V—The Age of Ecocentrism* 63

## PART THREE | A LEGAL HISTORY OF RESOURCE USE AND NONUSE

8. *An Introduction to the History of Law and Natural Resources* 77

9. *First-Generation Laws: Creating Use Interests in Natural Resources* 85

10. *Second-Generation Laws: Protecting Human Nonuse Interests* 94

11. *Proposed Second-Generation Laws: Protecting Human Nonuse Interests  
by Acknowledging the Public Interest in Natural Resources* 113

12. *Toward a Third Generation of Nonanthropocentric Resource Nonuse Laws* 118

PART FOUR | REVEALING THE NONUSE COMPONENT OF NATURAL RESOURCES

13. *The Biology of Resource Nonuse* 133

14. *The Science of Resource Nonuse* 148

15. *The Economics of Resource Nonuse* 163

PART FIVE | TOWARD A LEGALLY ACKNOWLEDGED RIGHT OF NONUSE

16. *The Problem of Government Regulation: The Emerging Shift  
from Anthropocentric to Ecocentric Nonuse Laws* 185

17. *The Problem of Rights Creation: Can Natural Resources Have Legal Rights?* 201

18. *The Problem of Standing: May Natural Resources Raise  
Their Own Right of Nonuse?* 213

TABLE OF CASES 229

INDEX 235