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Megan Binder

Indiana University Maurer School of Law, mebinder@indiana.edu

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Taking to the Sea: The Modern Seasteading Movement in the Context of Other Historical Intentional Communities

MEGAN BINDER*

ABSTRACT

Though its mission may seem to belong to the realm of science fiction—establishing self-sufficient, floating cities on the high seas—the modern seasteading movement is simply the next iteration of mankind’s long quest to establish more perfect societies. If they wish to accomplish their goals, seasteaders must be prepared to confront and overcome serious obstacles on technological, social, and legal fronts. Reviewing other historical examples of intentional communities offers a glimpse of the potential challenges that are common across all such movements and suggests that, to ensure long-term success, seasteaders may benefit long-term from pursuing international recognition of sovereignty for their eventual communities.

INTRODUCTION

In Plato’s telling of the myth of Atlantis, the fantastic island empire exists as a model of Plato’s idealized notion of the perfect city-state, a vivid extension of his philosophical musings in the Republic.¹ When the city is swallowed by floods and earthquakes, lost with it is Plato’s ideal vision of the perfect republic, the classical utopia that he envisioned as

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the ideal residence for the best parts of mankind.² But though Atlantis was lost, even now, more than two millennia later, the pursuit and vision of an ideal state has endured.

The popular conception of what, precisely, defines an ideal community has certainly changed significantly throughout the ages.³ It has taken diverse forms for diverse communities,⁴ but throughout human history, individuals have come together and pursued the development of what may be termed “intentional communities” as realizations of ideals. The pursuit of the ideal makes some sense to us; humans are naturally curious creatures who trend towards a conception of a better world—somewhere out there—a better world that we might be able to realize if we only try.⁵ In creating an intentional community (that is, a community built explicitly around a central ideology or aim), the community-builders believe that their individual lives are bettered by being with other like-minded individuals in a place where their ideals can be freely explored.

The history of intentional communities suggests that they may develop in one of two ways: by self-imposed cultural and ideological isolation from the broader society (e.g., the development of fundamentalist Christian communities in the United States);⁶ or by total political separation, state-building, and claiming membership in the international community as a sovereign (e.g., the establishment of Liberia as a home for freed slaves).⁷

From the perspective of some prospective world-builders, only through geographic isolation can a truly successful, independent intentional community succeed, untainted by the majority society.⁸ But in the modern world, as frontiers recede and an increasingly globalized world means there are fewer and fewer places where ideological entrepreneurs can stake their claims, some argue that the only place where a successful intentional community can exist is where Plato’s Atlantis did: at sea. The so-called “seasteading” movement envisions manmade structures on the sea that are wholly or largely independent

⁴. See, e.g., Frances Fitzgerald, Cities on a Hill (1986) (chronicling four diverse examples of intentional communities throughout the United States in the middle of the twentieth century).
⁵. See Berlin, supra note 3, at 3.
⁶. See Fitzgerald, supra note 4, at 121-201.
⁸. See Fitzgerald, supra note 4, at 9.
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of established, continental nation-states. These seasteaders see in the open ocean an opportunity to create their own space to experiment with economic and political philosophies in ways that are difficult or impossible to carry out in existing societies. The contemporary seasteading movement comprises tech-focused dreamers of the new millennium who follow a tradition established by sea-based idealists who are convinced that the open ocean—or the less closed parts and underutilized islands of it—promise a new and better societal option for those brave enough to take advantage of it.

These modern seasteaders are led by the well-funded Seasteading Institute (TSI) (cofounded by its financial backer, PayPal creator Peter Thiel, and Patri Friedman, ideological heir and biological grandson of free-market champion Milton Friedman) and followed by other lower-profile but equally passionate supporters of the proliferation of manmade structures at sea. These most vocal activists generally argue that the creation of permanent, manmade, largely self-sufficient floating cities on the ocean (“seasteads”) would allow greater individual freedom for its citizens, encourage experimentation in governments, and create better economic opportunities for businesses.

The appeal of the open ocean is its apparent “lawlessness”; international law has far fewer rules and far less reach on the high seas, and for seasteaders who dream of limited or experimental governments, the promise of a tabula rasa is enough to want to brave the stormiest of seas.

Indeed, the considerable technological challenges of the seasteader dream are many, and the movement itself has been criticized as

10. See Philip Hayward, Islands and Micronationality: An Introduction, 8 SHiMA: INT’L J. RES. ISLAND CULTURES 1, 5 (2014) (“While much of the rhetoric of seasteading is entwined with technological futurism, at its core is a similar vision of anarcho-syndicalism to that attributed to maritime pirate societies in the 18th Century by Hakim Bey in his influential essay ‘The Temporary Autonomous Zone’; that of island-based ‘intentional communities’

fledgling. Yet their case is provocative: to seasteaders, developing a good or perfect government may be possible, but it requires the kind of experimentation that can only take place in a vacuum, as afforded by a wholly new community at sea. In their own way, seasteaders are attempting to revive a vision of Plato's Atlantis: a community that expressly tries to avoid the pitfalls of existing governments and attempts to achieve an ideal community of choice for its members.

Today, the most vocal prospective seasteaders are generally dismissed by the majority of the steadfastly mainlander human population as not "completely crazy" at best, but more often simply as "nutty." The radical ideology of abandoning the land altogether in favor of an experimental project in the middle of the sea may be somewhat surprising, and it may prompt more questions and critiques than the movement is ready to answer. Yet the idea of a new frontier has always excited mankind, and the idea of conquering the sea is worth contemplating.

Thus, this Note aims to address and predict the unique social and legal challenges that would confront the seasteading movement should it ever overcome the technological challenges and take sail. In doing so, this Note looks to the long history of intentional communities in an attempt to contextualize the seasteader ideology, while also using those examples as parables to examine the unique challenges (and possible solutions to those challenges) faced by the seasteading movement.

Part I serves as an introduction to intentional communities, observing their commonalities, prevalence, and the distinct challenges confronted in their development and ongoing existence. In Part I, four distinct examples of intentional communities are examined. Two of these examples (Liberia and Israel) represent intentional communities that "broke free" of their majority societies and developed into distinct, sovereign states; two other examples (the Castro neighborhood in San Francisco and the evangelical Christian community headed by Jerry Falwell) represent communities that existed within a majority society as nonindependent subcultures of it. Part II turns to the seasteading movement itself, distinguishing the modern movement and its ideology from isolated attempts at individual sea-based settlements and finding useful parallels between the modern seasteaders and other intentional communities. This section explores the core ideology of the most vocal

17. See Harkinson, supra note 11.
seasteaders, parsing the public speeches and writings made by Friedman himself and looking to polls conducted by the Seasteading Institute of its own members. Part III outlines the legal realities and challenges for the seasteading movement in particular, noting the unique international scheme that sparsely regulates the seas and acknowledging that it is precisely this challenge that appeals greatly to the movement and seems the answer to their core dream. Finally, Part IV considers the history of other intentional community movements in tandem with the ideology and realities of the seasteading movement, and draws conclusions about what challenges seasteaders may encounter and how they can use the lessons of other communities before them to anticipate and overcome those challenges.

I. DEFINING AND EXAMINING HISTORICAL EXAMPLES OF INTENTIONAL COMMUNITIES

Though the professed goal of seasteaders may seem incredibly modern or even futuristic (the images of a floating city on the high seas feel as though they ought to belong firmly to the realms of science fiction authors), the concept of ideological individuals uniting behind a common cause which demands relocation and community-building is quite ancient. For religious, ethnic, ideological, or even cultural reasons, humans have long built communities with the express intent of not just subsistence living, but rather a realization of specific ideals. Section A explores commonalities found across these communities in an attempt to understand the needs of modern-day seasteaders better, as well as conducts in-depth consideration of multiple individual examples. Because of the unique nature of seasteads, Section B discusses and surveys the examples of both sovereign intentional communities and subcommunities within existing majority societies.

A. Defining and Understanding Intentional Communities

Intentional communities are discrete groups consciously formed for a specific purpose or aim. In most cases, these communities exist as discrete subcommunities within an existing society; however, in rare cases, intentional communities result in the establishment of their own sovereign territories (e.g., the nineteenth century founding of Liberia and the twentieth century founding of Israel, discussed below).

The reasons such communities are founded are disparate (religious, spiritual, ideological, etc.), yet anthropologists see among these diverse communities commonalities in their founding reasons. First, its prospective members feel at odds with, or a need to withdraw from, their native society; second, the intentional-community ideal allows these self-identified outsiders an opportunity to “vote with the feet.” Brown writes that intentional communities represent a “call to action that is personal and communal, bringing together the needs of the individual with those of other individuals.” These communities are indeed often seen (at least by their members) as trending to utopian ideals, and the rhetoric and emotional involvement of prospective members is nothing less than that of utopian pioneers.

Rosabeth Moss Kanter writes that the pursuit of the utopian ideal is a recurring theme in human history. Throughout disparate cultures and civilizations, the idea that a “better” world and society is possible has been a powerful force driving both mainstream social movements and smaller intentional community movements that see breaking away and developing their own idealized communities as the best way to achieve utopia. As Kanter writes,

Underlying the vision of utopia is the assumption that harmony, cooperation, and mutuality of interests are natural to human existence, rather than conflict, competition, and exploitation, which arise only in imperfect societies . . . . Utopian plans are partly an escape, as critics maintain, and partly a new creation, partly a flight from and partly a seeking for; they criticize, challenge, and reject the established order, then depart from it to seek the perfect human existence.

To achieve their utopian ideals, Kanter notes that intentional communities seek self-determination in one or more forms. Intentional communities may make their own laws, ignore or abrogate the laws or

19. Id. at 5-6.
20. Id. at 5.
21. Id.
22. See id. at 8 (arguing that an objective examination of such communities shows “unequivocally” that they are “anything but” idealized utopias).
23. See Rosabeth Moss Kanter, Commitment and Community: Communes and Utopias in Sociological Perspective 3 (1972) (describing the origin and history of possibly thousands of Utopias in the United States in particular).
24. Id. at 1-2.
25. See id. at 2.
norms of the larger society, establish geographical boundaries, have a way of distinguishing between members and nonmembers, and, above all, implement the guiding set of values that first initiated the founding of the community. Any operating decisions are made in terms of those foundational values; as Kanter notes of any intentional community, “[i]ts primary end is an existence that matches the ideals.”

These commonalities of purpose and generalized utopian ideology have manifested diversely in real-world examples of these intentional communities. Reviewing specific examples in Section B offers greater insight into how these communities manifest, and the challenges that have confronted them.

B. Surveying Intentional Communities: Examples and Challenges

It is worth looking closely at individual examples in the history of intentional communities to understand the patchwork of communities that modern seasteaders would find themselves a part of. Though Brown and Kanter’s characterizations of individual intentional community-makers trend true across many of the intentional communities studied, there are key differences in how these intentional communities are perceived in mainstream society. The most crucial factor determining how mainstream societies perceive intentional community movements is whether an intentional community seeks and is able to establish itself as a sovereign entity, one on equal footing with other nation-states and widely accepted communities. Sovereign intentional communities are rare, but not impossible. Two of the most prominent examples modern history are the nineteenth century founding of the West African nation of Liberia and the twentieth century founding of the Jewish state of Israel in Mandatory Palestine.

1. Sovereign Intentional Communities

a. Liberia

The modern nation of Liberia, situated on the west coast of Africa, had its roots an ocean away in the United States. In the early nineteenth century, both U.S. slave owners and Quaker abolitionists were of the mind that free blacks (both those who had been born free

26. Id.
27. Id.
28. See Liberia, supra note 7, at 958-63.
and former slaves) should be repatriated to Africa. Unsurprisingly, the groups’ motivations were diverse: Quakers believed that free blacks would have a better chance for freedom and opportunity in Africa than the antebellum United States, while slaveholders more pragmatically saw that repatriating free blacks would minimize the danger of slave rebellions like those that had taken place in the Caribbean. Despite initial and vocal opposition by many white abolitionists and free blacks themselves, in 1816 a group of mostly Quakers and like-minded slaveholders formed the American Colonization Society (ACS), with the aim of founding a home in West Africa for the colonization of free black Americans. In 1822, eighty-six black emigrants, sponsored by the ACS, landed on Cape Montserrat in modern-day Liberia and succeeded in establishing the first settlement on the West African coast. In 1824, the settlement was named Monrovia after President (and ACS member) James Monroe and the colony was first named the Republic of Liberia. Over the next forty years, 19,000 African-American expatriates settled in Liberia, along with 5,000 Africans recaptured from slave ships bound for the Americas and a number of West Indian immigrants. Though financially first driven by the support of whites, over the next several decades the success and growth of the colony was driven by the desire of free blacks to create and run their own society. Still, the foundation of Liberia presents a unique example of an intentional community movement as it included diverse cohorts (white slaveholders, white abolitionists, and black prospective expatriate colonists) all working to the same goal: resettlement in a new community of and for African Americans.

Liberia’s early challenges are instructive for other would-be intentional community movements. Settlers faced obstacles common to many pioneers, including disease (malaria and yellow fever were rampant among early settlements) and resistance from the native population. Liberia’s early challenges are instructive for other would-be intentional community movements. Settlers faced obstacles common to many pioneers, including disease (malaria and yellow fever were rampant among early settlements) and resistance from the native population.

30. See Duva, supra note 29.
31. See Duva, supra note 29.
32. Id.
33. Id.
34. Id. The antebellum U.S. Congress passed several statutes restricting the slave trade, and when would-be slave trading vessels were captured, questions were initially raised as to the proper fate of the would-be slaves on board. Liberia, supra note 7, at 960. The Liberian colony offered an easy outlet for resettlement. See id.
35. Id.
population (native communities resisted both the expansion of the burgeoning settlements and the attempts of some settlers to evangelize Christianity and Christian ideals in the greater region). As a self-determining intentional community, however, one that had separated from its prior society (the United States) to form its own, Liberia faced additional challenges. In its infancy, the Republic of Liberia had no defined status in the international community. The United States did not consider Liberia to be a U.S. colony and did not claim responsibility for any acts by the colonists. Because the Liberian governor was appointed by the ACS, an organization of private citizens, and because the settlements simply occupied territory purchased or expropriated from native owners, the community had no sovereign government. 

This lack of sovereign government presented significant challenges: as the community grew, the need for regulations and rules within the Liberian settlements became increasingly important. When the Liberian leaders attempted to develop new regulations to govern foreign trade within the territory and to collect customs revenues, however, the heretofore “untrammelled [sic]” businessmen objected to and largely ignored Liberian regulations. When Liberia attempted to enforce its regulations through the use of force, the home governments of these businessmen supported their nationals, arguing that Liberia did not have the right to exercise such use of force, as it was not a sovereign government. 

The intention of the Liberian colony was to provide a permanent home for black expatriates to survive, build, and flourish; the inability to institute and enforce regulations and rules threatened that goal. To overcome this challenge to its core ideological driver, then, Liberia needed to assert its own sovereignty and assume a definite international status. On the advice of the ACS, in July 1847, the settlers declared themselves an independent nation and adopted a constitution modeled on that of the United States. Formal recognition of Liberian sovereignty progressed incrementally over the next several decades (European nations recognized Liberia early, but the United States did not formally recognize it until 1862), but the assertion of

36. See Duva, supra note 29.
37. Liberia, supra note 7, at 960.
38. Id.
39. Id.
40. Id.
41. Id.
42. Id. at 961.
sovereignty allowed the intentional community to continue its attempts to work toward and achieve its idealized goals.43

Despite these early successes, the epilogue to the pioneering efforts of the Liberian intentional community movement is instructive, particularly for any modern movement that seeks to avoid the dangers that arise in building any new society. In the early twentieth century, financial difficulties and the withdrawal of the ACS from the colony began to severely strain Liberia.44 By the latter part of the century, authoritarian rulers and civil war had taken the lives of hundreds of thousands of Liberians.45 Though Liberia has an unwavering identity recognized by the international community, internally the nation still faces significant challenges.

b. Israel

The modern Israeli state is arguably the most enduring and successful of all intentional communities. By any measure, Israel has become a significant member of the international order. The country is one of the planet’s few nuclear powers46 and ranks among the top twenty-five nations in GDP per capita.47 Yet the modern Jewish state of Israel finds its roots in the proto-Zionist movements of the mid-to-late nineteenth century, and like many other intentional communities throughout human history, Israel remains bound to its highly specific ideology and its members’ deeply-held belief that their lives and their home must be inextricably linked.

The return to the Jewish homeland was a dream before it was reality. Sachar writes of two early Eastern European rabbis, Judah Alkalai and Zvi Hirsch Kalischer, who began proselytizing among their flocks a vision of a new Zion, first in vague terms of messianic mission (Alkalai wrote that in order to fulfill the prophecy of a coming savior, it was necessary for Jews to establish colonies in the Holy Land), and later in terms Sachar describes as “practical messianism” (Kalischer called for the collaboration of rich Jews first to undertake first steps to colonize the Holy Land, followed by immigration of believers of all

43. See Duva, supra note 29.
44. Id.
45. Id.
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backgrounds, development of a program of self-defense for the new immigrants, and even plans for an agricultural school in the Holy Land). By the late 1800s, as Eastern European governments began changing their policies and relationships with their native Jewish populations, the desire for the Holy Land and a home for the Jews became more urgent. Jewish Enlightenment writers wrote of an idyllic Zion “where each flower is a Psalm, each cedar a song divine, each stone a book and each rock a tablet.”

Though they were preceded by some measure of village-building throughout Palestine in the late 1800s and early 1900s, the earliest prominent, permanent manifestations of the Jewish intentional communities in modern-day Israel were the kibbutzim. The classical kibbutz exemplified the intentional community: a group of people moved to the kibbutz community, which occupied “nationalized” land (land purchased and owned by the Jewish National Fund, which held the land in trust for the Jewish people), was culturally homogenous, and was governed by a democratic process of “weekly meeting.” The framework of the Jewish calendar structured kibbutz life, although Levinson argues that the religious significance of events such as ancient agricultural holidays were downplayed and the cultural elements of such events was emphasized.

The kibbutzim endured in the midst of the greater, growing Jewish society that developed outside of these specific communities throughout Israel. Both within and without the kibbutzim, however, the unique Jewish identity of immigrants to the Holy Land was near-universal. The Zionist movement to establish a Jewish state in Israel centered on Jewish identity, and the persecution that Jews faced throughout much of Eastern Europe and swaths of the West solidified an identifiable “other” that the immigrant Jews were pushing against in their exodus. Yet despite their strength of identity, these intentional communities, which planted themselves in the midst of an existing society with a markedly different religious identity, were at substantial risk, particularly during their earliest years. By the turn of the twentieth century, Palestinian Arabs appealed to the ruling Ottoman Empire to

49. See id. at 13-14.
50. Id. at 9.
52. Id.
53. Id.
pay greater attention to the growing population of Jewish immigrants and Zionist colonists.\(^{54}\)

It was the Ottoman Empire’s defeat in World War I and the cession of the Palestinian territory to the British Empire that secured a long-term future of a Jewish community.\(^{55}\) The international-law heir to the old colonial system, the victors developed the post-WWI mandate system to combat the problem of how to manage the territorial holdings of the defeated Central Powers.\(^{56}\) Underlying the mandate system was a fundamental shift in international norms concerning such territories, regarding them as quasisovereign entities with an eye toward eventual self-government.\(^{57}\) Article 22 of the Covenant of the League of Nations formed the basis of the idea that the best way to help less-developed nations make their way to sovereign status was by entrusting the “tutelage” of those nations to “advanced nations who, by reason of their resources, their experience or their geographical position” would be good mandates that would serve as trustees for the benefit of the territory.\(^{58}\) Under this “system of international tutelage,” there was an implicit understanding that, in the future, once these territories “civilized” themselves enough to rule themselves, the mandate system would end and the territories could join the greater international community as full and equal sovereigns.\(^{59}\)

In the Israeli context, the British Empire, which took control of Palestine as well as other former Ottoman territories, was bound by treaty to implement the provisions of the so-called “Balfour Declaration” of 1917, which called for the establishment of a Jewish national home.\(^{60}\) This new order did not go unchallenged, but with British patronage and international recognition by the newly-organized League of Nations that there existed a right for a Jewish state to exist in Palestine, the once-fledgling intentional community of Jewish immigrants first secured the legitimacy it needed.\(^{61}\)

As in Liberia, this formal international recognition of the sovereignty of the new Jewish state granted the community legitimacy and allowed the community to grow and flourish. Modern Israel is now

55. See id.
57. See id. at 515.
58. Id. at 524-25.
59. Id. at 515.
60. OWEN, supra note 54, at 6.
61. See id. at 6-7.
the home of more than eight million people, 75 percent of whom identify as Jewish.\textsuperscript{62} It is a testament to the power of legal recognition and the power of identifying as a cogent, ideological community that Israel's strongest international detractors have long refused to use the phrase "Jewish state" in referring to Israel.\textsuperscript{63} Maintaining Israel's original cultural and ideological identity is integral to the very soul of the state, and the international recognition of the Israeli territory would be meaningless without an adherence to that tradition.

2. Nonindependent Intentional Subcommunities Within a Majority Society

Still, despite these two widely known examples of communities that achieved full sovereignty, the vast majority of intentional communities exist or have existed as subparts within a larger society. In her classic Cities on a Hill, Frances FitzGerald details several such intentional communities that arose in the post-WWII United States. For their diversity in ideology and composition, yet commonality in challenges and devotion to the ideals of the community, FitzGerald's ethnographic research into two of these communities is worth recounting: first, the Castro, the vibrant gay quarter of San Francisco, which rose to prominence in the 1960s and 1970s; second, Liberty Baptist, the conservative Protestant church founded by preacher Jerry Falwell in Lynchburg, Virginia.\textsuperscript{64}

a. The Castro

By the early 1970s in San Francisco, waves of gay migration had made the Castro neighborhood an overwhelming community of choice for "outed" homosexuals in the country.\textsuperscript{65} The community was unique


\textsuperscript{64} See FITZGERALD, supra note 4, at 25-202. The title of FitzGerald's work—Cities on a Hill—derives from words attributed to John Winthrop, the leader of the Puritan group that would come to found the Massachusetts Bay Colony. See id. at 24. In a sermon to his Puritan company (the Puritans themselves one of the earliest intentional community builders in the Americas, who sought to establish a home where they were free to establish and practice their particular brand of religious community), Winthrop is credited with saying, "We must consider that we shall be a City Upon a Hill, the eyes of all people are upon us." Id.

\textsuperscript{65} Id. at 29.
not because it had a high proportion of homosexual residents—demographic studies tend to show that the percentage of male homosexuals in particular has remained a fairly stable percentage of the population since James Kinsey's first studies on the subject in 194866—but rather because the Castro had a high proportion of gays and lesbians who made the decision to live openly in a highly tolerant community dominated by similar individuals.67 Virtually all immigrants to the Castro throughout the 1960s and 1970s came for one reason: to be a part of a community that accepted and even glorified homosexuals.68 To that end, though the Castro existed as a community within greater San Francisco, it became in many ways a distinct society within the greater whole. FitzGerald write that gay men (and to a certain extent lesbians, although the Castro was dominated demographically and culturally by men)69 could spend days "going to their offices, to the cleaner, the bank, and the health club, dining in restaurants, attending political meetings, and going to church without coming into contact with anyone who was not gay.”70 The community developed its own political leaders and even celebrated its own holidays: Gay Freedom Day (dated from the Stonewall Riots in 1969), a particularized celebration of Halloween, and the popular Castro Street Fair.71 The population of this community was substantial: in 1977, Harvey Milk, a prominent activist who was the first openly gay man elected to the San Francisco Board of Supervisors,72 estimated that between 25,000 and 30,000 gay people had moved into the Castro.73

The biggest challenge the Castro gay community faced was an external threat that infiltrated the community: the AIDS epidemic. The public health crisis, whose early epicenter was gay communities like the Castro, prompted serious debate in the community.74 Divisions among leaders and members of the Castro on how and what type of information should be distributed on this new threat, and the priorities and responsibilities for individuals, began to slowly erode the previously homogenous community.75 Some were concerned with the impact the AIDS crisis and emerging research that the virus was passed during

66. Id.
67. Id.
68. Id. at 33.
69. Id. at 34.
70. Id. at 54.
71. Id.
73. See FITZGERALD, supra note 4, at 46.
74. Id. at 85, 90
75. See id. at 90-92.
sexual contact would have on the image of the gay community, while others were keen on preventing its spread through publicized warnings. Though the community remained a haven for gays and lesbians, the AIDS crisis and the divisions of ideology within it facilitated the "opening up" of the Castro to others. In the years following the initial outbreak in the early 1980s, the Castro's formerly insular community began to diversify. FitzGerald observed that in April 1985, the Castro's main street now played host to older people and women with children. Though the gay bars remained, in many ways the neighborhood became much like the other white, middle-class neighborhoods in downtown San Francisco.

b. Liberty Baptist Church

At the opposite end of the country and opposite end of the liberal-conservative social spectrum from the Castro—but existing nearly contemporaneously—was another vibrant example of an intentional community: the Liberty Baptist Church headed by evangelical preacher Jerry Falwell in Lynchburg, Virginia. Of course, religion has long provided a sense of community in disparate forms. But as FitzGerald notes, unlike most traditional institutionalized religions, Liberty Baptist represented a "separatist church," with members intentionally separating themselves from the greater society in pursuit of an ideal:

[Liberty Baptist] provided its members with a way of living in American society (or, what its pastors called "the world") without being a part of it: it educated their children, gave them an entire social life, and occupied most of their nonworking hours. Its pastors taught people how to conduct their family lives and instructed them not just in theology but in a comprehensive worldview. They involved them in an entire culture quite different from the one just outside.

76. Id.
77. Id. at 116.
78. Id.
80. FITZGERALD, supra note 4, at 14.
Like the gay community in the Castro, the Liberty Baptist community existed within a larger society, the city of Lynchburg. In the midst of the rise of the Moral Majority (when evangelical preachers took to televisions and political soapboxes to preach the literal word of the Bible and advocate for political causes in line with biblical ideology), Jerry Falwell's Liberty Baptist church was notable for its identifiable community. A significant number of the church's members lived in newly built developer communities on the edge of town; the congregation was highly homogenous, comprised of almost entirely white, nuclear families who dressed carefully and associated mostly with each other. Beyond their demographic homogeneity, the Liberty Baptist community was united by ideology, both in terms of religion and values. In addition to evangelical Christian beliefs, the Liberty Baptist community espoused and practiced what Falwell preached: traditional gender roles in marriage, for example, and absolute authority of parents over their children. The community was incredibly insular, believing that the "worldly" values and diversions (running the gamut from "Hollywood movies" to drugs) distracted from their idealized devotion to their religious values. Outsiders, particularly when they criticized the church or the community writ large, were quickly dismissed. FitzGerald notes that Lynchburg natives who questioned church policies were threatened with "God's vengeance." Yet despite these deeply held, publically espoused beliefs of the community, what allowed the Liberty Baptist community to survive and thrive in the greater Lynchburg community was a direct, apparently conscious effort on the part of the community's leaders not to attack the status quo of the majority society too aggressively. FitzGerald notes that, though Falwell would attack broadly the "liberal churches" in the area, he never called out any local church or minister by name. Despite the sermons warning against worldly pleasures, Falwell never campaigned against area dance clubs, the sale of wine or beer in supermarkets, nor even the Lynchburg-based company that printed Penthouse magazine. By carefully keeping the insular community insular without directly threatening the majority society's own culture

81. See id. at 124-25, 130.
82. Id. at 135-36.
83. See id. at 140.
84. See id. at 138.
85. See id. at 167.
86. Id.
87. Id. at 175.
88. Id. at 176.
and values, the Liberty Baptist community avoided its own demise from external threats.

II. THE SEA STEADING MOVEMENT

Against this backdrop of other intentional communities and the commonalities and challenges for these groups, this Note now turns to the seasteading movement itself. First, Section A notes that, while humans have attempted to live at sea at various points in history, the modern seasteading movement may be distinguished as it has a specified, identifiable ideology. Section B then examines that ideology and looks to what, precisely, would drive mankind to the sea.

A. Early Attempts at Living on the High Seas

Despite its futuristic-seeming aims of self-sufficient, manmade islands in the sea, the seasteading movement is not the first documented attempt of humans to tame the open ocean and establish new civilizations on the seas. Indeed, there have been previous, albeit scattered attempts at creating independent or semi-independent seagoing civilizations; technological limitations of the past mean that these attempts have rarely come in the form of attempting life on a wholly manmade platform (although that is not without precedent), but in attempts at ocean-based “micronations” on largely underutilized islands.

These historical attempts have never proved successful. Arguably the most famous case of an attempt at a permanent human civilization at sea involves the case of the so-called “Duchy of Sealand,” which suffered significant legal challenges. The former British antiaircraft platform eight nautical miles off the eastern coast of Great Britain declared itself a sovereign state in 1975. Despite the Duchy’s arguments that its permanent residents, grants of citizenship, and “territory” of the 1,300 square meter platform, in the courts of existing

89. See Alexander A. Bolonkin, *Floating Cities*, in *ENGINEERING EARTH* 967, 973 (Stanley D. Brunn, ed. 2011).
90. While relevant examples of failed seasteading attempts are discussed in Sections II and III of this paper, for a more comprehensive review of modern “new country projects” undertaken in the last half-century by individuals and groups, see Erwin S. Strauss, *How To START YOUR OWN COUNTRY* 51-155 (1979). Strauss reviews dozens of what he calls “new country” movements by groups, many of which were attempted at sea. See id.
continental powers, those assumed rights were not upheld. Since its founder moved to the mainland in his old age, the principality has not attempted to reassert its sovereignty. In other cases where people have attempted to create their own lawless structures on the high seas, legal structures have come in to fill that vacuum, often resulting in the complete dissolution of the seastead or attempted micronation (as in the case of the short-lived Republic of Minerva off the coast of Tonga) or a lack of a coherent legal structure to guide development has exacerbated already tenuous financial and administrative arrangements.

These early attempts were almost universally "lone wolf" pioneers seeking to remove themselves entirely from existing society. The modern seasteading movement is distinct from these early attempts in that there is, indeed, an entire movement: TSI has nearly two dozen staffers, advisors, and trustees dedicated to the cause. TSI and its leaders espouse a distinct, comprehensive ideology (explored below) that aligns the group far more closely with the types of intentional communities discussed in Part I than any of the loners who have attempted to build separatist homes for themselves. Yet these lone wolves' central ideal—that the sea promises the last lawless frontier—is what calls the broader movement led by TSI out to sea.

B. The Modern Seasteading Movement: Ideology and Aims

As Part I indicated, intentional communities universally have a singular underlying ideology driving their creation, and often arise in response to their constituents' perceived inability to live in accordance with that ideology in the existing majority society. Seasteaders are no different. In reviewing the writings, speeches, and opinions of both the most prominent seasteading activists and of the rank and file, a clear ideological perspective is seen to drive seasteaders to tackle the enormous financial, technological, and legal challenges to their cause.
To seasteaders, building on the high seas is the best (and perhaps only) way to achieve more perfect civilizations. In general terms, the most vocal activists often cite beliefs that the creation of permanent, manmade, floating cities on the ocean would allow greater individual freedom for its citizens, opportunities to experiment with governments, and greater economic opportunities for businesses. Yet these talking points—individual, political, and corporate freedoms—are a simplification of the underlying ideologies that make seasteaders believe that their goals cannot be achieved on land in existing societies.

Through its own publications, writings, and members, TSI offers the greatest repository for understanding the overall movement. TSI explains its raison d'être and emphasis on seasteading as its ultimate goal:

Our goal is to enable experimentation...Since there is no land unclaimed by existing governments, seasteading is the only realistic method for creating new nations. Even unoccupied islands are the territory of various countries' Exclusive Economic Zones, in which countries exercise valuable rights over fishing and mineral resources.

The underlying ideology of TSI and its commitment to "startup governments" is best espoused in the personal essays and writings of its founders and leaders. TSI cofounder Patri Friedman (ideological heir and biological grandson of free-market champion Milton Friedman) has written essays and made public appearances discussing TSI's mission. Friedman's essential belief is that the only way to develop a good or perfect government is through experimentation. He describes the need for a system which allows for the "easy creation, testing, and comparison" of alternate government structures, which would have multiple advantages over traditional, wholly theoretical conceptions of alternate governments. Notably, experimentation encourages societies to change over time; creates real-world data to aid debate on the merits of various systems; and enables prospective "customers" of

97. See SEASTEADING INST., supra note 13, at 8-9.
99. See Harkinson, supra note 11.
100. See Friedman, supra note 15.
101. Id.
new governments to effectively try before they buy (that is, experience the experimental government in reality rather than as mere "mental abstraction").

Friedman believes that existing governments and societies are wholly incompatible with this need for experimentation:

When working within existing institutions, structural change and policy change are the same, because you can only change structure by implementing a policy. Only by starting with a blank slate can you make a better structure without having to overcome entrenched interests, which tend to resist innovation because it reduces their power. Historically, the frontier has functioned as this canvas for experimentation.

The "frontier" is the sea. To Friedman, seasteads are the next, logical step in human evolution and development. At a public appearance in 2012, Friedman discussed the evolution of human societies and noted that there is a need for "new places to try new rules." He suggested that the United States' ability to develop as a new nation came only after "bloody revolution" and was only successful because it had a new frontier in which to develop. In noting that all land on the globe is now claimed and that revolutions have become "increasingly superficial" ("We're changing individual leaders; we're no longer creating new societies"), Friedman argues that, in a world that has advanced rapidly technologically, the last frontier where a truly new society can develop is the sea. For Friedman, the sea represents the only opportunity to develop modern societies.

These ideas are reflected not just by the founders and leaders of TSI, but also the average TSI supporter and member. The TSI website hosts a user forum, where members who have signed up as interested parties in the seasteading cause can discuss their concerns, excitement,

102. Id.
103. See id. (citing Bryan Caplan, an economist and adjunct scholar at the Cato Institute, whose book The Myth of the Rational Voter suggests individuals, and particularly American voters, are irrational—a break from neoclassical economics which assumes that individuals will act rationally).
105. See id.
106. Id.; see also Chris Baker, Live Free or Drown: Floating Utopias on the Cheap, WIRED (Jan. 19, 2009, 12:00 PM), http://www.wired.com/2009/01/nf-seasteading/ (describing Friedman’s attitude towards seasteading as a “Linux approach” to civilization: providing basic building parts that then can be experimented with by governmental innovators).
TAKING TO THE SEA

and vision for a floating future. In one thread entitled, “What Form of Society Would You Pioneer Through Seasteading?” registered users of the forums discussed for 227 comments the value of experimenting with societies based on anarchy, liquid democracy, secularism, and everything in between. One user by the name of Jonas Smith echoed the sentiments expressed by Friedman, writing in his comment, “One of the reasons it is so important to create new sovereign nations so as to experiment with new forms of government is that it is incredibly hard...impossible, really...to change existing systems.” In reading through these forums, it is clear that, in their own way, seasteaders are attempting to revive a vision of Plato’s Atlantis: a community that expressly tries to avoid the pitfalls of many modern existing governments and attempts to achieve an ideal community of choice for its members.

Indeed, Friedman’s writings, as well as those of his ideological colleagues, are not new. In their proposals for how to better develop the world are clear echoes of decades of libertarian and even anarchist philosophers and economists. Understanding that penumbra which informs and guides TSI is worthwhile before attempting to create a legal framework within that ideology.

In his writings, Friedman references modern libertarian authors like Bruce Benson and the late Mancur Olson. Benson is a self-described libertarian anarchist. Benson writes critically of traditional government structures—particularly democracies—and suggests that, from an economic perspective, private-sector institutions more efficiently make and enforce law than traditional public-sector institutions. Benson argues that public-sector resources are often inefficiently used because of a “common pool” problem arising because those resources are not privately owned. Benson does not envision a new frontier to experiment, but he does speak highly of the trend towards privatization of institutions and encourages the trend. Olson, another economist, is also critical of democracies, noting that, for long-

109. See, e.g., Friedman, supra note 15.
112. Id. at 131.
113. Id. at 371-73.
established governments, special interest groups may have a crippling effect on economic innovation.\textsuperscript{114}

TSI's ideals have even older roots. Another (perhaps obvious) inspiration for these ideals is Patri Friedman's own grandfather, the Nobel-Prize-winning economist Milton Friedman. Milton Friedman, well-known for his criticism of central banking and call for the abolition of the Federal Reserve of the United States, was a \textit{laissez-faire} economist who advocated for the abolition of most regulations; privatization of schools, highways, and federal parks; and the complete dissolution of social welfare programs.\textsuperscript{115}

Tempering these big ideas and ideological commitments, however, is a relatively recent appreciation for pragmatism by the movement. In spring of 2013, TSI announced it was considering an early-stage seastead termed the “Floating City Project.” The Floating City Project departs from the idea of the complete “clean slate” in a notable way: TSI aims for the Project to float in the territorial waters of an amenable host nation, which would give the seastead substantial political autonomy but also “provide a place for a floating city within the existing international legal framework, with associated protections and responsibilities.”\textsuperscript{116} TSI is clear that the Floating City Project is not their end game or their idea; rather, it is the first stage in their strategy of “incrementalism.”\textsuperscript{117} TSI notes that it considers the Floating City Project to be a “proof-of-concept . . . [that] will hopefully spawn many more experiments with floating cities around the world, including those further offshore . . . .”\textsuperscript{118}

Thus, in reviewing the writings of the movements' founders and flag bearers, as well as tracing their ideological ancestors, it appears that the core values that seasteaders wish to see realized in their floating communities are flexibility, experimentation, and nonrigidity, as well as substantial protections for individuals and minimal governmental oversight.\textsuperscript{119} Similarly important are free-market principles and sovereign autonomy, beyond the reach of existing societal interests and international norms or law that infringe on the other core values of seasteaders.

\begin{itemize}
  \item \textsuperscript{114} Mancur Olson, \textit{The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities} 86-87 (1982).
  \item \textsuperscript{115} Brian Doherty, \textit{Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement} 455-56 (2007).
  \item \textsuperscript{116} Floating City Project, Seasteading Inst., http://www.seasteading.org/floating-city-project/ (last visited Apr. 14, 2016).
  \item \textsuperscript{117} Vision/Strategy, Seasteading Inst., http://www.seasteading.org/about/vision-strategy/ (last visited Apr. 14, 2016).
  \item \textsuperscript{118} Id.
  \item \textsuperscript{119} See supra text accompanying notes 98-102.
\end{itemize}
III. UNDERSTANDING THE DRAW OF THE SEA: WHY BUILDING ON THE HIGH SEAS PROMISES SEASTEADERS THE REALIZATION OF THEIR IDEALS

Given these core values (flexibility in political systems, minimal government oversight, freedoms for individuals), it might seem that the average seasteader would be ripe for revolution. It is a time-honored human tradition to overthrow our governments and remake them in our own image, and even the most intractable authoritarian ruler in many ways is an easier match than the Earth's oceans. Yet, as I explore here, for seasteaders, the appeal in eschewing all terrestrial governments and instead seeking to make their permanent residence at points on the high seas, is that there is little established law that would regulate their existence or modulate their responsibilities. As Section A demonstrates, the law of the sea presents unique opportunities for these seasteaders. However, as Section B emphasizes, it is not anarchy that seasteaders seek; other international norms would be well in line with seasteaders' ideals and needs.

A. The Law of the Sea and Legal Realities of Building on the High Seas

The legal realities and challenges of attempting a self-sufficient community on the high seas are many, but it is precisely in this grey area of the law of the sea that seasteaders may be able to realize their marketplace of ideas and governments. Second only to the remaining substantial technical challenges,120 seasteading must also seriously consider how to confront its many potential legal challenges. Though the Floating City Project espoused by TSI suggests that seasteaders are willing to compromise in the short term, the overarching ideology

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120. Technological strides are making the dream of a life on the sea increasingly practical (or, at the least, less impractical). See John Vidal, Artificial Island Could be Solution for Rising Pacific Sea Levels, GUARDIAN (Sept. 8, 2011, 11:47 AM), http://www.theguardian.com/environment/blog/2011/sep/08/artificial-island-pacific-sea-levels. The most obvious concern in creating a floating city is the sea itself; high seas, waves, and extreme events like hurricanes could threaten to destroy a city in moments. However, potential seasteaders can use lessons from cruise ships and oil rig platforms (indeed, in their own right, both are large maritime structures similar to the idealized seastead). See Cities on the Ocean, supra note 14 (modeling a floating city off of the increasingly popular free-floating platforms used by some oil companies with their offshore oil drilling platforms). Seastead projects even increasingly have the potential to provide the comforts of mainland life: satellite or fiber communications options would allow the seastead to stay in contact with other global partners, and advances in renewable energy capabilities make the potential wind and wave energy (both plentiful at sea) a viable reality for powering a relatively modern floating city. See How Do Offshore Communications Work?, RIGZONE, http://www.rigzone.com/training/insight.asp?i_id=337 (last visited Apr. 14, 2016).
emphasizing total geographic and ideological separation for its communities—and allowing these seasteads to experiment substantially with governments and political structures—would require full realization of the dream of a self-sufficient community that exists in the region of the earth known legally as "the high seas."

The law of the sea is one of the oldest, most storied branches of international law. The most clear-cut issue regarding seasteading movements applies to any protoseastead that would attempt to operate and exist within the territorial sea (as would the Floating City Project), contiguous zone, or Exclusive Economic Zone (EEZ) of a continental state. Under the 1958 United Nations (U.N.) Convention on the Law of the Sea (UNCLOS), each coastal state has the right to establish "the breadth of its territorial sea" up to twelve nautical miles from the nation's coast.

Beyond this territorial sea, a coastal state may also extend its control over the "contiguous zone": the area twenty-four nautical miles from the coastal baseline (i.e., an additional twelve nautical miles "contiguous" to the territorial sea). Within this twenty-four nautical miles of territorial sea and the contiguous zone, independent seasteads that do not fly the flag of any host nation are virtually impossible. The 1958 UNCLOS authorizes each coastal state to "prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations . . . [and] punish infringement of the above laws and regulations committed within its territory or territorial sea." The third and widest coastal latitude a nation may assert jurisdictional control over is its EEZ. The EEZ, which may extend two hundred nautical miles from the coastal baselines, delineates an additional area in which the coastal state has certain exclusive rights, primarily for purposes of natural resource exploitation and management, the establishment and use of manmade

124. UNCLOS, supra note 123, art. 33.
125. Id.
126. Id. art. 55.
islands and structures, and the pursuit of marine scientific research. Fateh suggests that, given these rules, seasteads attempting to operate in a coastal nation's asserted EEZ would face serious issues:

[EEZ-based] seasteads would be successful only under the following criteria: (1) if they are ships or freely floating platforms; (2) if they are not engaged in any type of resource extraction; and (3) if they are not harnessing energy from water, wind, or solar sources. Only if TSI satisfied these three qualifications would the United States be unable to interfere in its operations. However, to be self-sufficient, TSI seasteads envision precisely these uses of natural resources. Also, the seasteads would never be built or used in such a way that they will be considered ship-faring vessels. As such, although the communities could exist in this limited capacity, for practical purposes, they would not.

Thus, within these defined territorial waters, the legal status of an attempted independent seastead is likely already defined. It would fall under the jurisdiction of an existing coastal continental state. Yet the legal status of a seastead that operates on the high seas—the majority of the globe's oceanic resources, and the ultimate goal of many prospective seastead—ers—is more difficult and potentially offers greater possibilities that would allow the development of the type of idealized Atlantis of which seastead—ers dream.

For seasteads that could overcome the technological challenges of such an operation and settle beyond the territorial waters or EEZ of any terrestrial state, there are less clearly defined legal issues that may come into play. Fateh neatly sums the most important current relevant international law that may apply to prospective seasteads operating beyond territorial waters or the EEZ: the 1958 UNCLOS and the successor 1982 UNCLOS. Fateh focuses his analysis by considering TSI a nonstate actor and determines that, as the applicable U.N. treaties apply only to Member States of the United Nations, generally speaking they will not apply to TSI (nor, presumably, to other nonstate

127. Id. art. 56.
128. See Fateh, supra note 122, at 914.
129. However, it is useful to note that some states that do not enforce the EEZ might serve as de facto safe harbors for seasteads, at least until such time as the coastal nation might choose to exert its authority.
130. See Fateh, supra note 122, at 910-11.
seasteading groups that may arise in the future). At the least it is true that none of these bodies of existing law relate directly to seasteading. Fateh notes that the International Tribunal for the Law of the Sea, a judiciary body with the power to hear any dispute arising under the UNCLOS, has never taken a case regarding seasteading concerns.

Since the law regarding seasteads is not well defined at present, a reliance on traditional interpretations of sovereignty and statehood might suggest that floating cities on the high seas might well claim sovereignty and statehood. Keith writes that, particularly for seasteads that operate not as ships or vessels but as structures (which, given the oil-rig platform model that more likely satisfies the needs and desires of floating city residents, is a proper appellation for most seasteads as conceived of for the purposes of this Note), the only problems that may block a floating city on the high seas from properly claiming sovereign status are the two questions of fixed territory and recognition by other sovereigns. Keith answers his own first question, but the concern for recognition by other sovereigns is more pressing. Indeed, without a formal legal structure there may be potential, practical threats to free-floating seasteads by continental sovereigns that attempt to exert their influence beyond their established territorial waters. Indeed, though this area is not well trodden by legal academics, when authors do pick up the topic of seasteading movements, they are generally dismissed as being impractical in the face of exercise of jurisdiction by terrestrial states on the high seas (particularly likely in the absence of express international law supporting or condemning such exercises of

131. Id. at 912.
132. Id. at 911.
133. Id.
135. See id. at 198. "The ocean floating platform would itself be a physical domain, but it would rest on another domain—the ocean. Floating cities, which wandered about the world would be nomadic, and there is some thought to the effect that a band of nomads does not constitute a state. One difference between a band of nomads and an itinerant floating city is that a band of nomads may live on lands claimed by others, while a floating city may live on oceans claimed by no one. The solution to the question of territory may be to establish a horizontal property regime. The floating city could be granted territorial rights above the ocean surface, much as today's condominium owners own a piece of 'land' ten stories above the ground. Floating cities may thus become condominium countries." Id.
136. See Cities on the Ocean, supra note 14 ("Some countries (notably America) assert the right to extend their jurisdictions, in matters affecting their citizens, across the entire planet.").
jurisdiction). Balloun writes, "Given the United States' penchant for exercising jurisdiction thousands of miles from its coastlines, not even the territorial seas of other nations may be sufficient to protect a seastead from American jurisdiction." Without any express international law doctrine supporting the existence or promulgation of floating cities, the United States or other existing coastal states may readily "swoop in" to fill the legal vacuum.

B. Other International Considerations

It is important to note that, in seeking to take to the high seas, seasteaders are not seeking no legal or political system: the dream is not necessarily an anarchistic floating island free from absolutely any authority, internal or external. The true aim of seasteaders is better characterized as desires for freedom for experimentation and a commitment to individual rights. Neither goal is incompatible with the establishment of a domestic law structure for seasteads, nor with the imposition of certain international law tenets. Indeed, to achieve those aims, pure anarchy—absence of government or law—is impractical. To ensure long-term respect of individual rights and freedoms, an underlying framework that guides and roots seasteading development is absolutely essential, and much of international law aids, not detracts, from those goals.

Many elements of international law would be welcome by seasteaders. International law affects daily life for most of the planet in often unassuming but crucial, fundamental ways. The American Society of International Law has drafted "International Law: 100 Ways It Shapes Our Lives," outlining a round number of examples. Among dozens of other expected aspects of modern life, international law allows for a human anywhere on the planet to know what date and time it is (first established by the International Meridian Conference of 1884); ensures that mail can be reliably sent anywhere in the world (Constitution of the Universal Postal Union in 1964); facilitates obtaining up-to-date weather forecasting through compliance with international standards and rules for weather data (Convention of the World Meteorological Organization in 1947 and International


138. Id. at 453.

Telecommunication Convention of 1932); and permits individuals to travel across almost any border simply through possession of a standardized passport (International Conference on Passports, Customs Formalities and Through Tickets of 1920 and the more modern International Civil Aviation Organization established in 1947).

Most of these essential underpinnings are not at odds with the core seasteader ideals and aims in migrating to the high seas. While seasteaders may desire to be free from undue government interference, otherwise isolated citizens will almost assuredly want to take advantage of opportunities to receive mail from mainlander loved ones and travel to visit friends and family with ease (not to mention the practical desires of tapping in to worldwide weather data when one of your society's biggest threats is a hurricane). Availing itself of much of international law and agreements does not diminish the goal of the seastead. Indeed, TSI itself answers the question "Does international law pose a threat to the creation of permanent, autonomous ocean communities?" in the negative. TSI answers that it "has not found any examples or precedent that would lead us to believe that international law will pose a significant threat to permanent ocean-city states." Thus, it is clear that the main movers and shakers of seasteaders acknowledge the aforementioned baseline benefits of international law and membership in the international community. In identifying the challenges for seasteaders and the ways they may overcome them, then, it is important to note that acceptance within the international community and a defined presence within it are key elements that support—not detract from—the seasteader ideology.

IV. CONFRONTING AND OVERCOMING CHALLENGES COMMON TO INTENTIONAL COMMUNITIES AND UNIQUE TO THE SEASTEADING MOVEMENT

In considering the seasteading movement both in light of its commonalities with other intentional community movements and with respect to the unique circumstances of the movement's *modus operandi*, it is clear that there are numerous considerations and challenges that, should a seastead ever set sail, its pioneers could expect to have to overcome. The historical examples discussed in Part I offer some useful illustrations, and those, coupled with the legal realities of the high seas, suggest that, in order to succeed long-term, prospective seasteaders

140. *Id.* at 2-3, 14.
141. See *FAQ*, supra note 98.
142. *Id.*
should aim to pursue eventual sovereign state status, with a general approval and recognition of the international order.

There are several reasons for this. First, the fact that the legal question of how to deal with such seasteads remains largely open is a dangerous prospect for builders of intentional communities. As the technology for seasteads is still nascent and the oceans have not yet risen to such a level as to make floating cities a necessity, little legal analysis has been conducted to consider the implications and potential framework in which such cities might exist.\textsuperscript{143} Where such research has briefly considered seasteads, it is often dismissive\textsuperscript{144} and a survey of existing literature indicates that no apparent research has ever considered a workable framework for a floating city on the high seas. As Balloun notes, while the high seas are unclaimed by any existing sovereign, at present there is little affirmative law preventing sovereigns (particularly, in Balloun's view, the United States) from pursuing ex-nationals that seek to make a claim for themselves somewhere on the high seas. In light of this legal uncertainty, it is integral that a seastead aim to assert itself as an independent sovereign, with the commonly understood international rights and obligations of such status.

Historical examples discussed in this paper lend credence to the idea that assertion of sovereignty would be essential to the success of the seastead. Though there are numerous examples of successful nonindependent intentional communities that exist within a majority society without a defined legal status or protections, those communities are susceptible to outside influences and corruption. As FitzGerald noted in her ethnographic research into the Castro, for example, outside threats—both real (AIDS) and existential (influx of heterosexual individuals and families)—transformed the once-insular cabal of the Castro into simply another part of the city within a few decades. This type of outside influence is antithetical to the seasteader ideal, which is fiercely ideological. Seasteaders demand that their own community members have the ability to control all political and economic process in a way avoids the “increasingly superficial” types of governments of mainland sovereigns. Here too the examples of communities that did assert their own sovereignty are illustrative: the Liberian problem—whereby the community originated without a sovereign government and thus could not enforce regulations within the Liberian settlements to govern the activity of foreign traders—demonstrates why an assertion of


\textsuperscript{144} See Balloun, \textit{supra} note 137.
sovereignty (backed by the recognition thereof by strong existing sovereigns) is integral to the long-term success of the community.

CONCLUSION

If Plato's Atlantis is to rise again, she must sail on the winds of particularly strong-willed ideologues. The Seasteading Institute and the members of the seasteading movement confront many challenges, not only technologically but socially and politically as well. The unique legal opportunity embodied in taking to the sea promises certain elements of the freedoms that seasteaders desire, but if they wish to ensure their own long-term success, seasteaders ought to take valuable lessons from the intentional communities that have come before them.