

Law for a Creative and Thriving Future

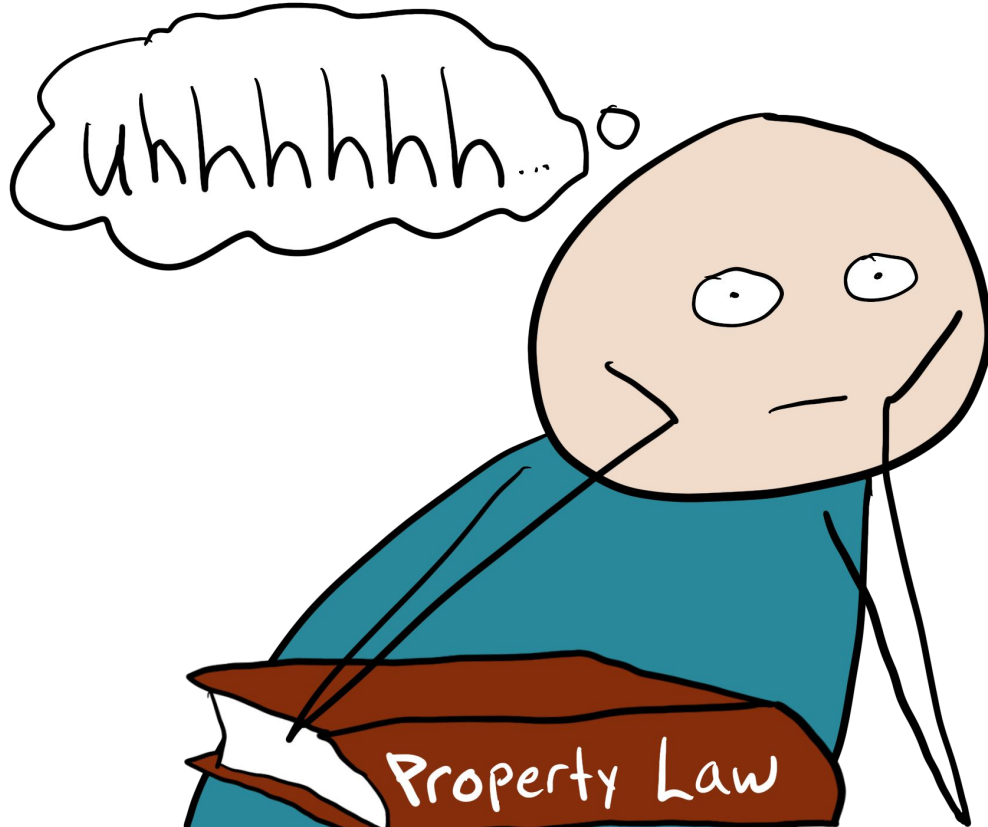
Janelle Orsi, from Sustainable Economies Law Center, Oakland, California

www.theselc.org

Access these slides: <https://bit.ly/lawforcommoning>



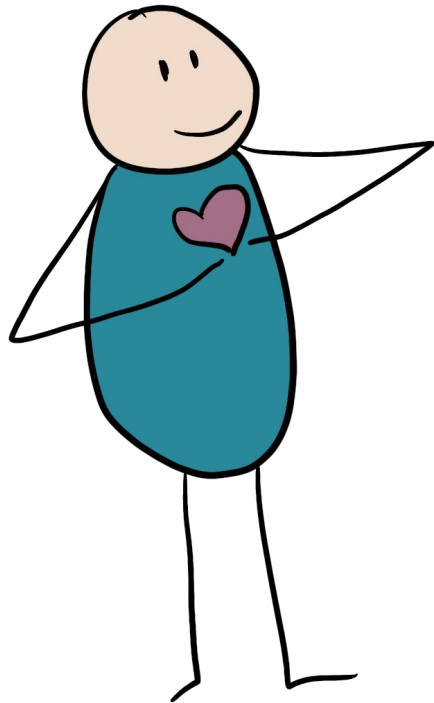
Me in law school:



Me after law school:



I'm a lawyer and lover
of commoning



Community gardens
farmland trusts
Cohousing
land return
etc.



Commoning:

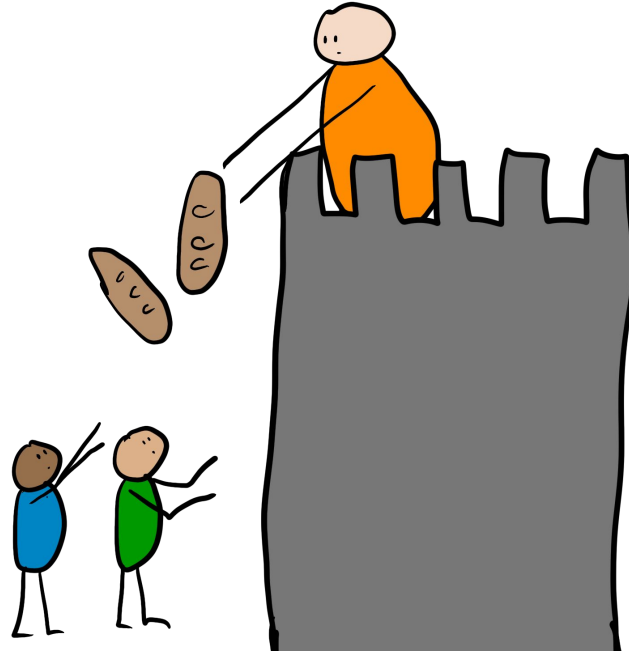
People, together, figuring out how to take care of each other.



Commoning:



**Charity or
government
support:**



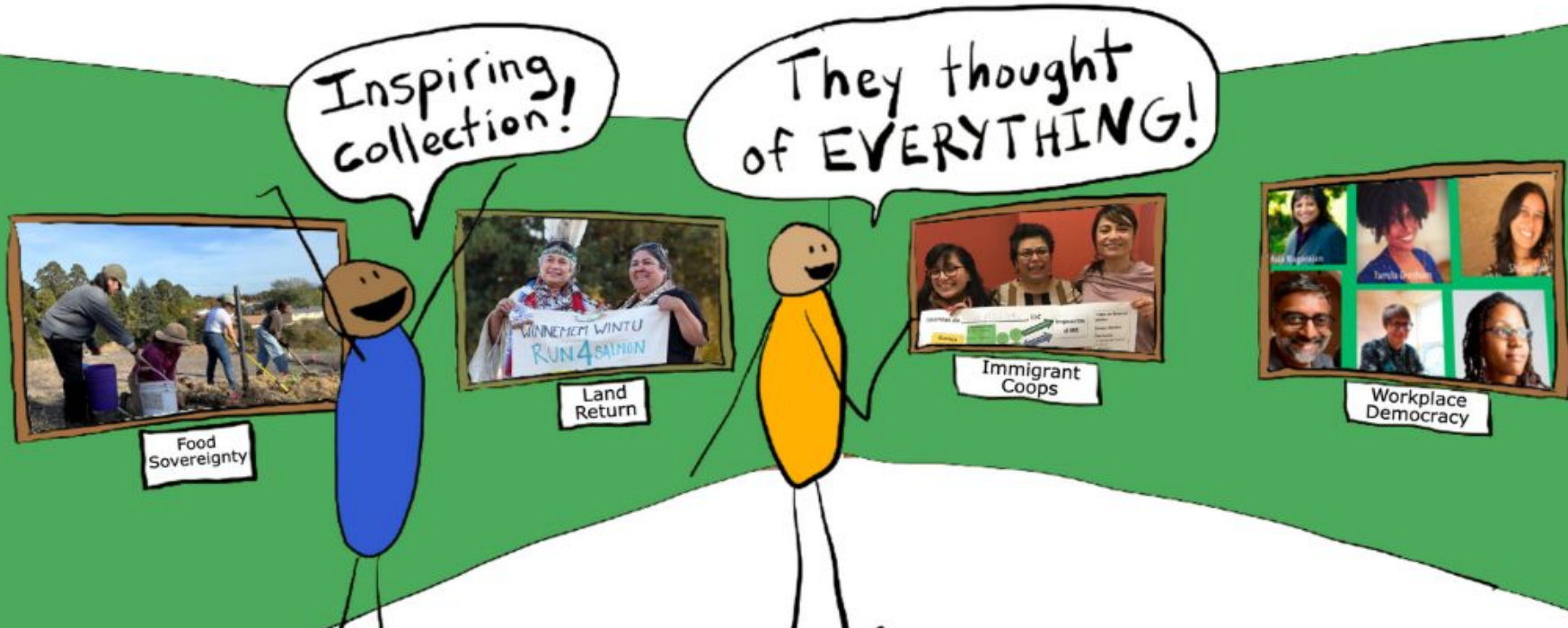
Hoarding:





Sustainable Economies Law Center:

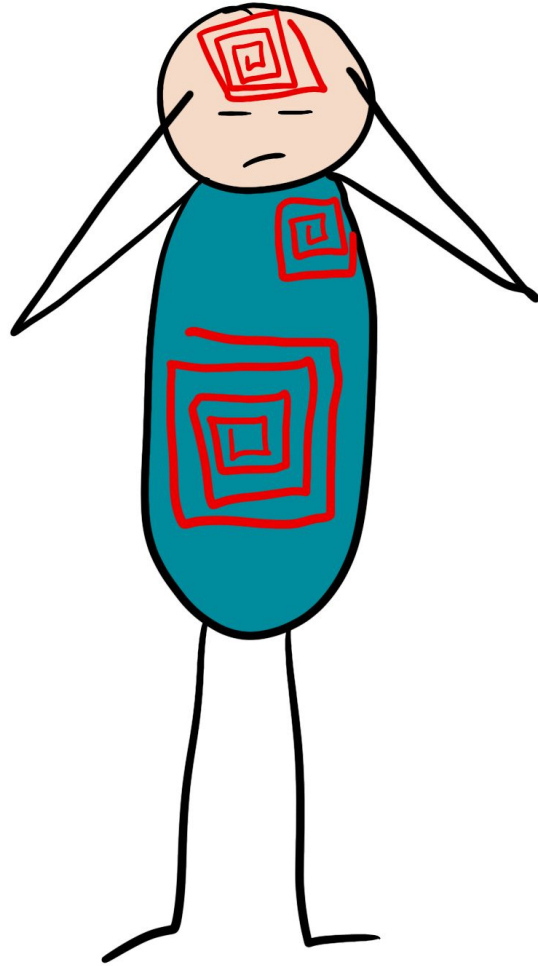
See our [gallery of current projects](#)



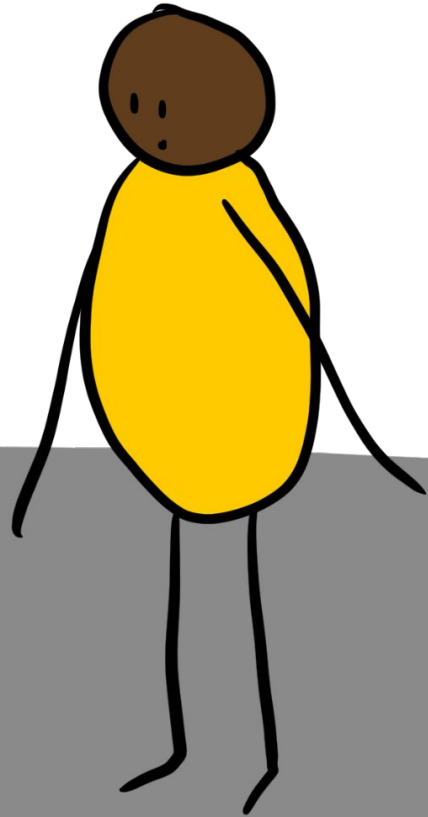
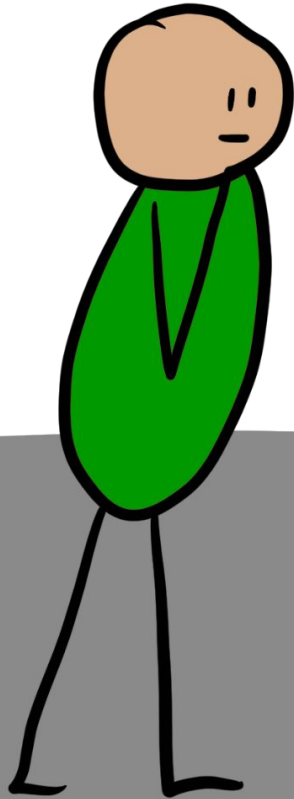
Commoning in Oakland, California:

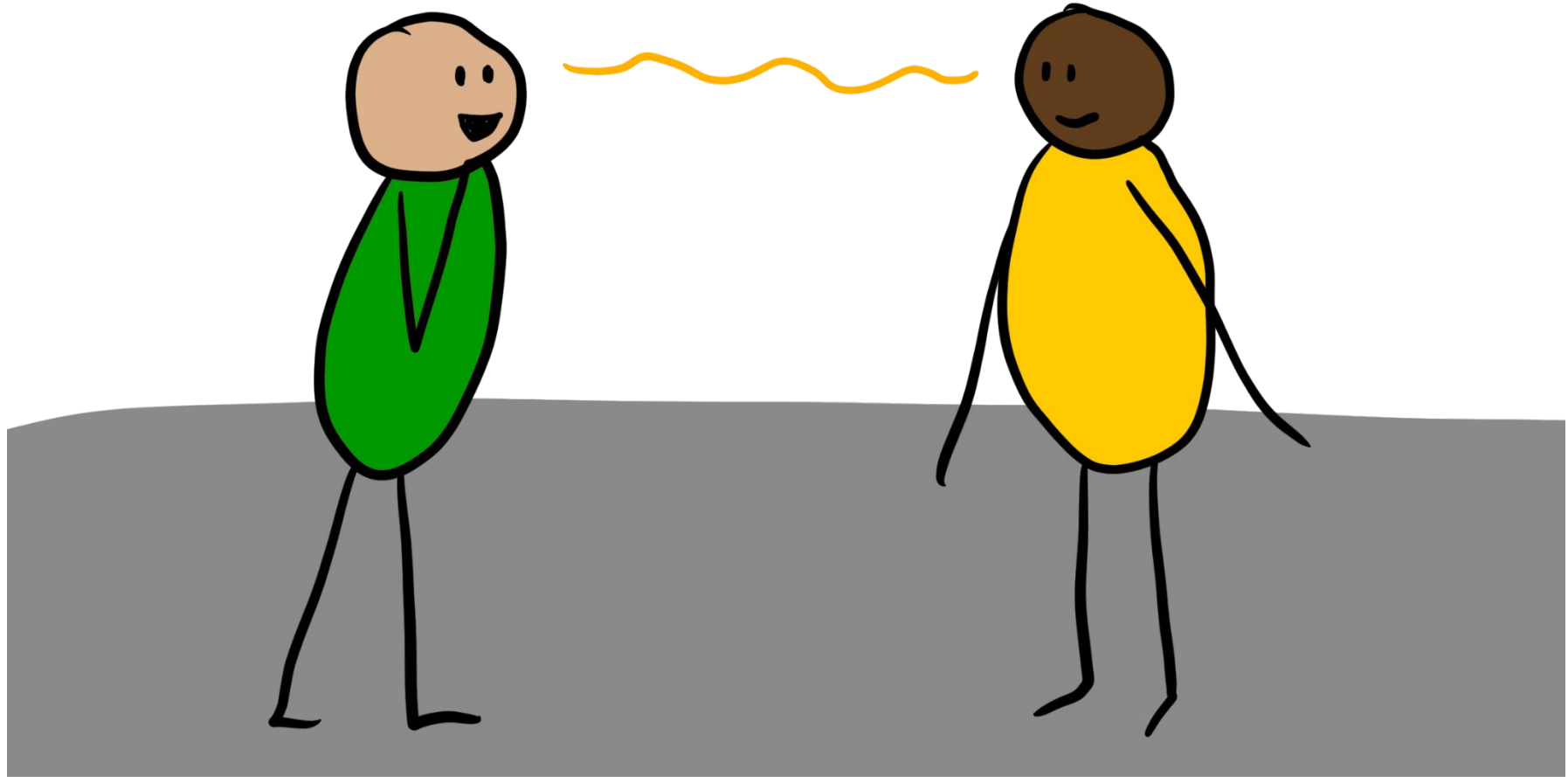
- [East Bay Permanent Real Estate Cooperative](#) (EB PREC): A multi-stakeholder BIPOC-centered cooperative organizing communities to vision, finance, acquire and permanently steward housing, land and commercial space.
- [Homefulness](#): A multi-unit permanent cohousing, education, arts, and social change project on two parcels in East Oakland for landless/houseless and formerly houseless people.
- [Sogorea Te' Land Trust](#): An urban Indigenous women-led land trust based in the San Francisco Bay Area that facilitates the return of Indigenous land to Indigenous people.
- [People Power Solar Cooperative](#): enables community members to self-organize, build community, learn, pool resources, and apply their ingenuity to diverse projects that give communities access to electrical, political, social, and economic power.



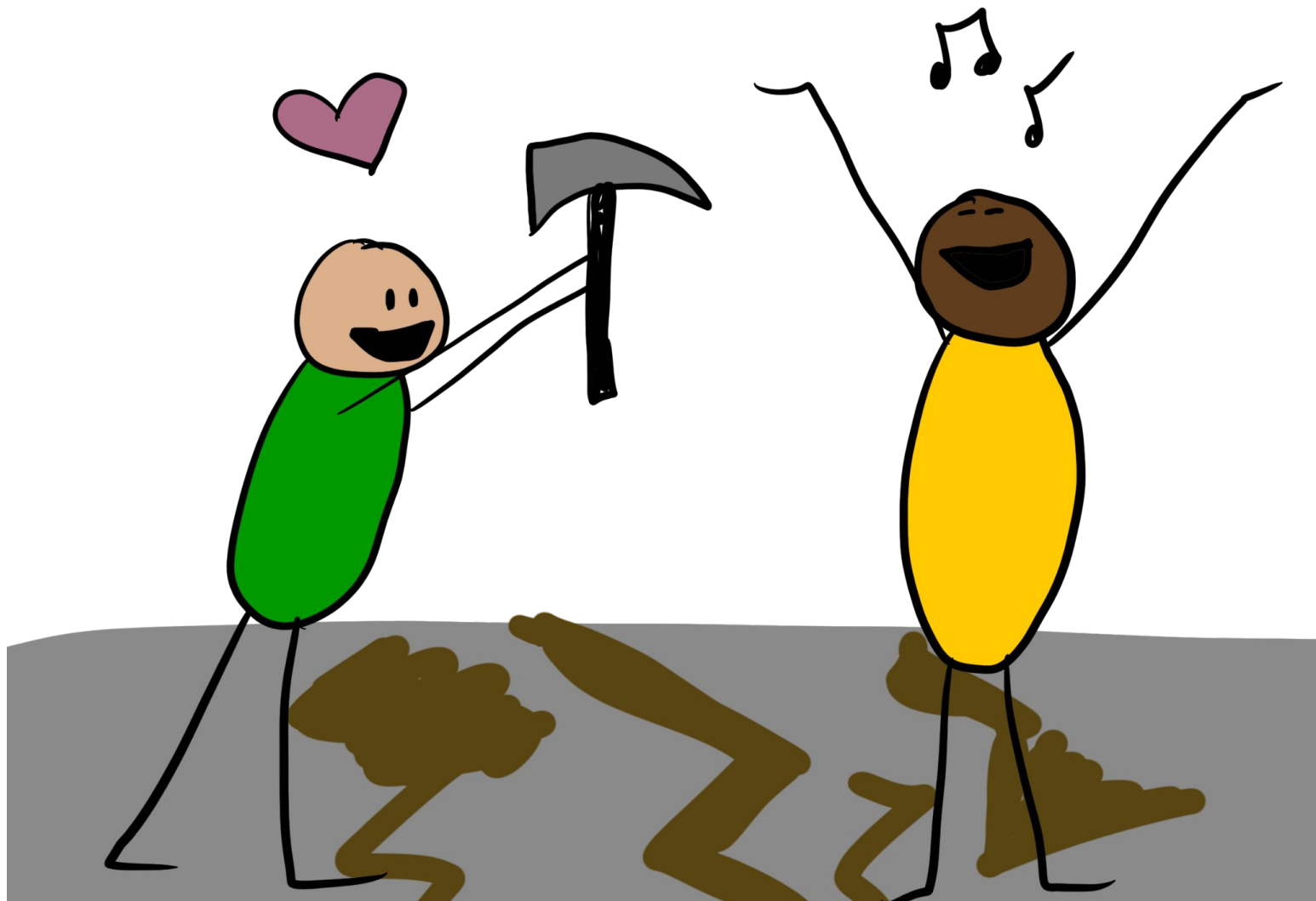















FREE THE LAND/HEAL MAMA EARTH

ASPHALT LIFTING DAY FOR
HOMEFULNESS#2

SUN, NOV. 6TH

START AT 10 AM - BREAKFAST PROVIDED

Where: Homefulness #2 -7600 BlackArthur Blvd
(MacArthur) -Occupied Deep East Huchuin (Oakland)

@poormagazine
poormagazine.org






WHAT SHOULD WE GROW AT THE PACHAMAMA (MAMAEARTH) GARDEN AT HOMEFULNESS #2?

ComeUnity planning and Growing ceremony

WHEN: 1:30PM TUESDAY, JANUARY 31ST

WHERE: HOMEFULNESS #2
7600 BLACKARTHUR BL (MACARTHUR)
DEEP EAST HUCHUIN (OAKLAND)

All welcome - Prayer, food and love provided - the Pachamama garden is everyone's garden -please help us plan what food we grow -Homefulness is a homeless, landless Indigenous peoples solution to homelessness. Homefulness #2 is a Project of POORMAGAZINE/Homefulness #1 in collaboration with Wood Street Commons.








#Homefulness

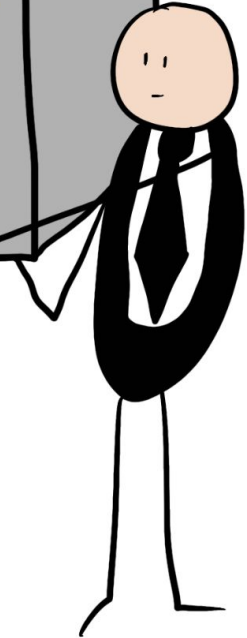
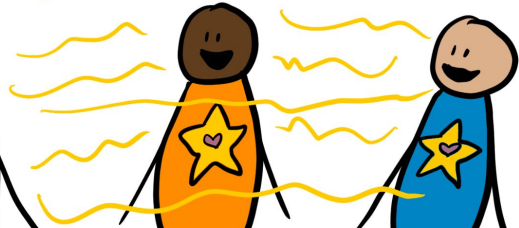
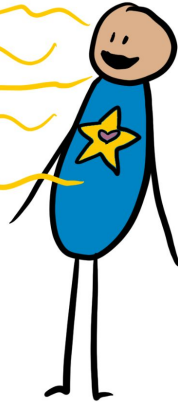
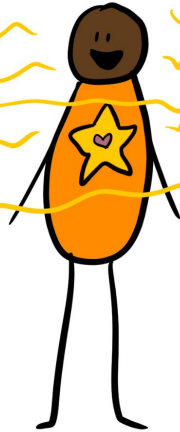
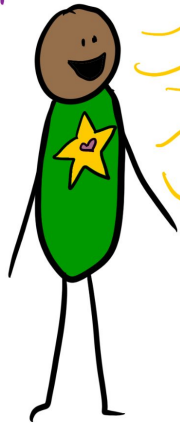
Homefulness



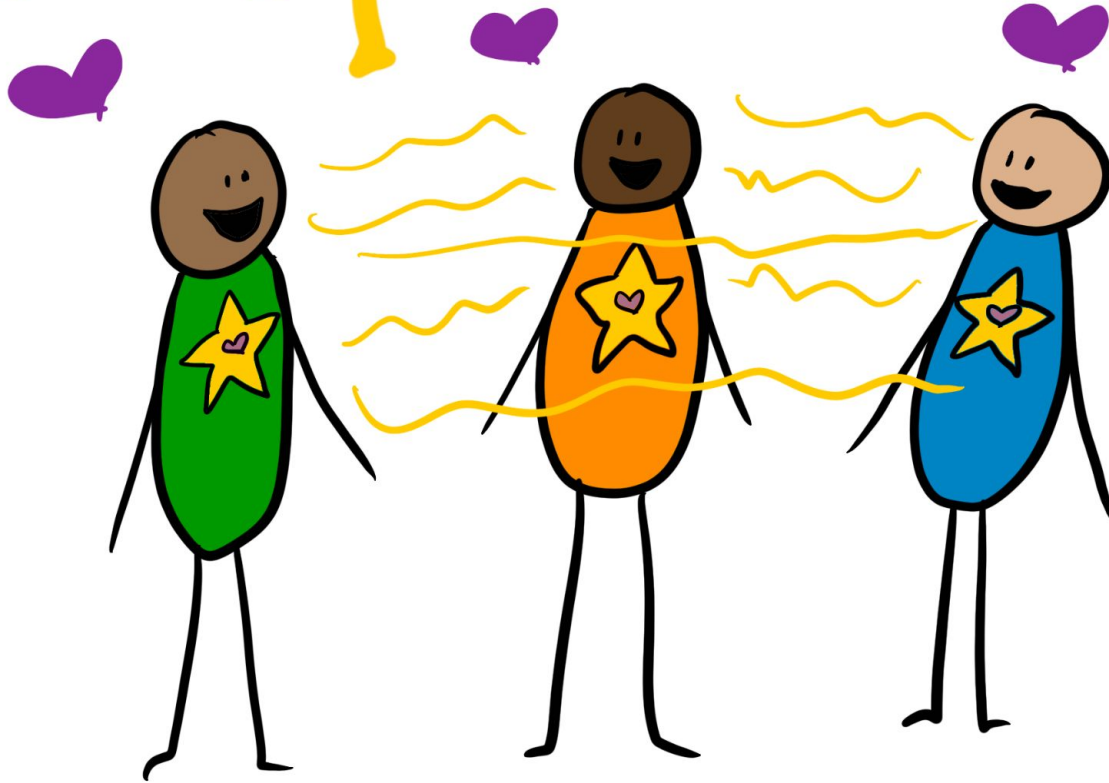
CRIME SCENE DO NOT CROSS



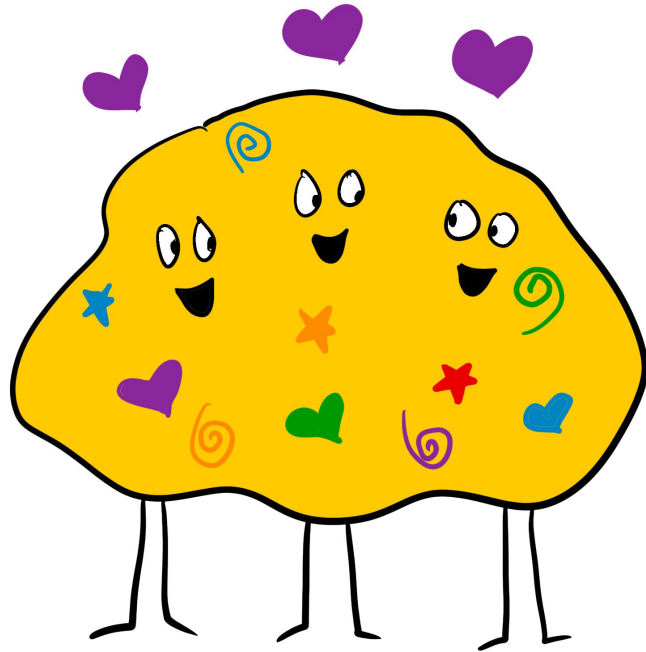
cooperative



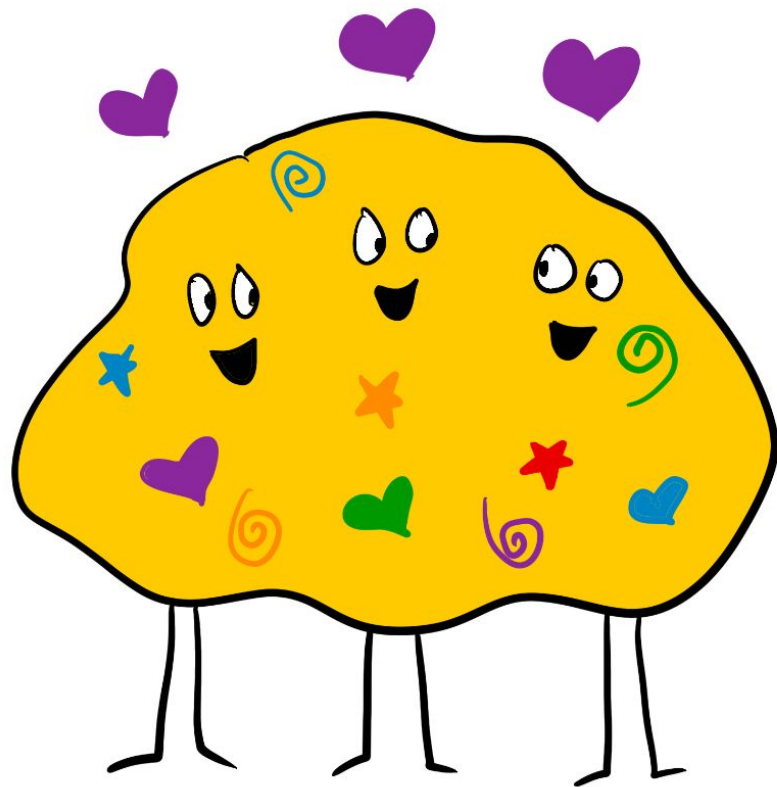
cooperative



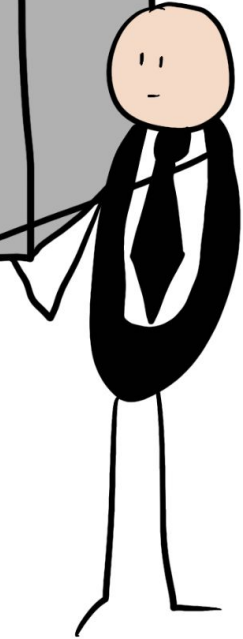
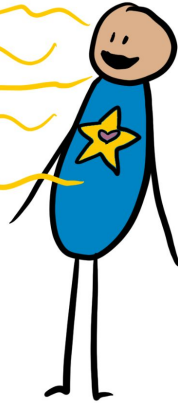
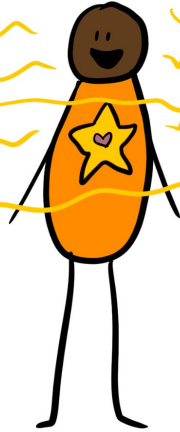
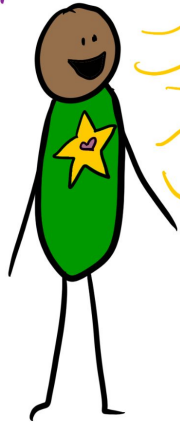
cooperative



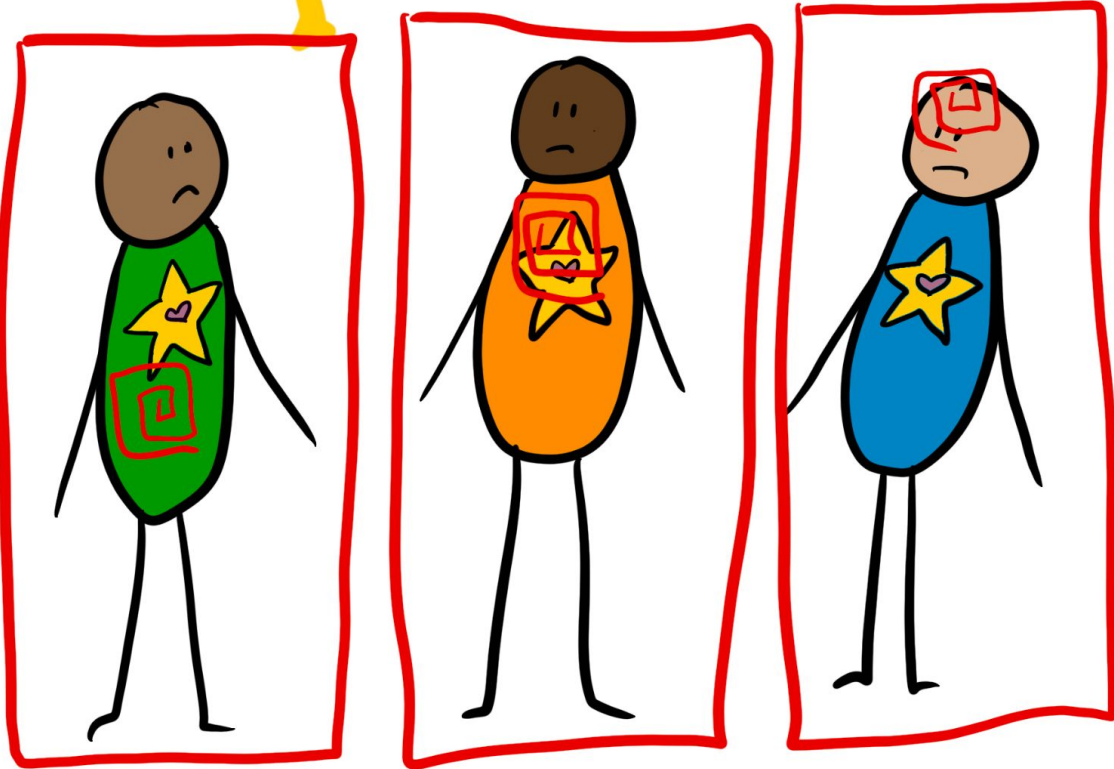
Huh?



cooperative

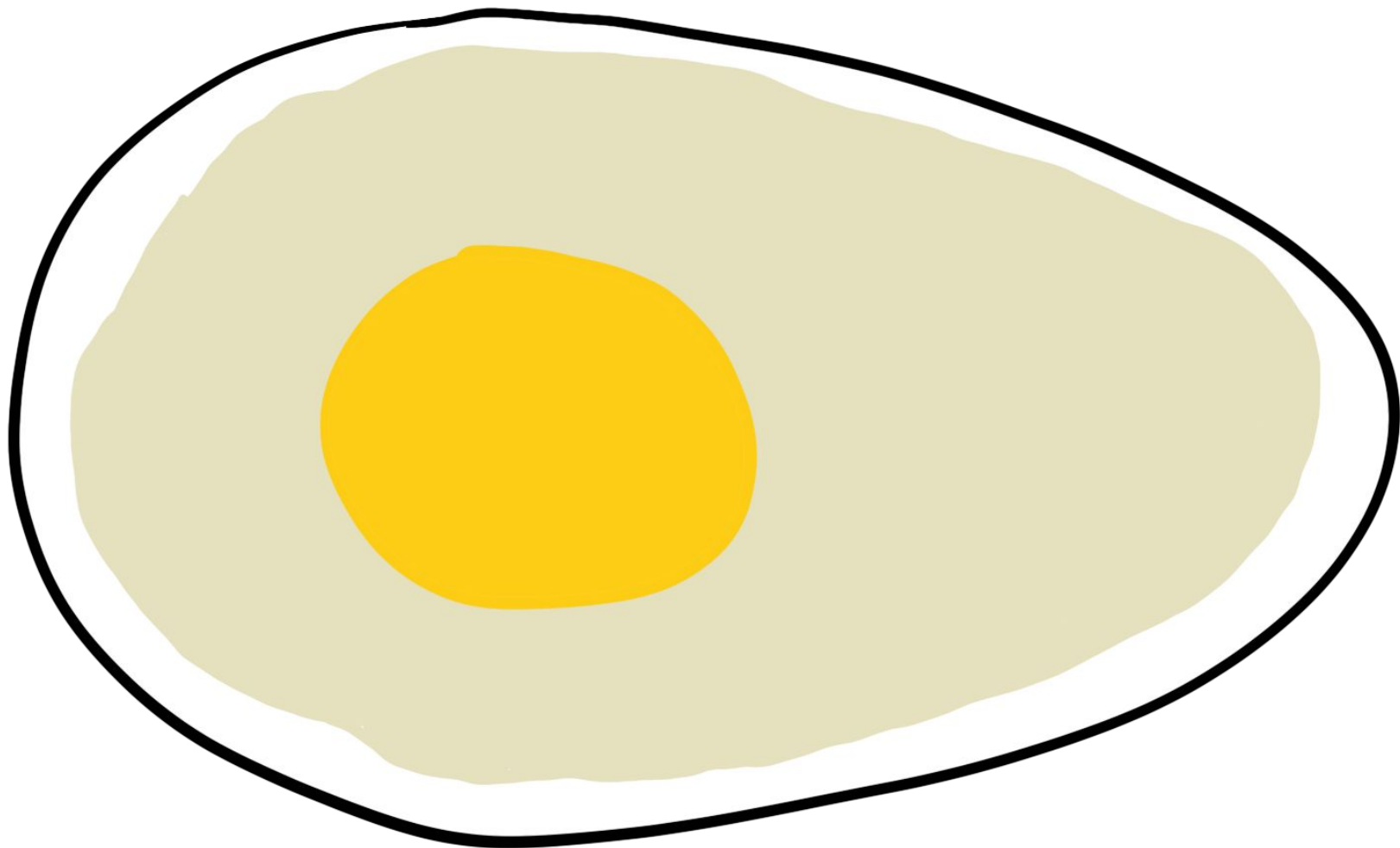


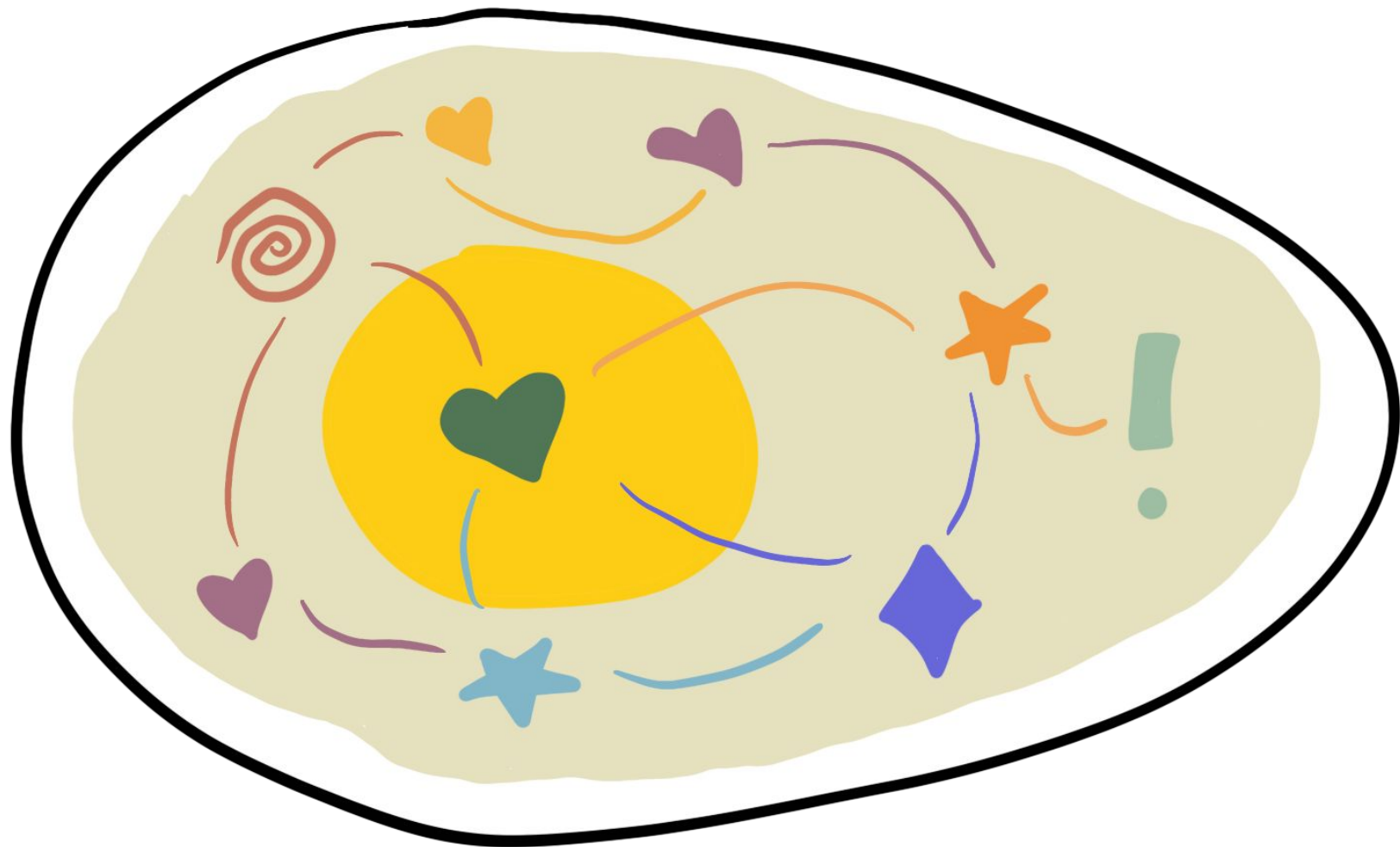
cooperative?

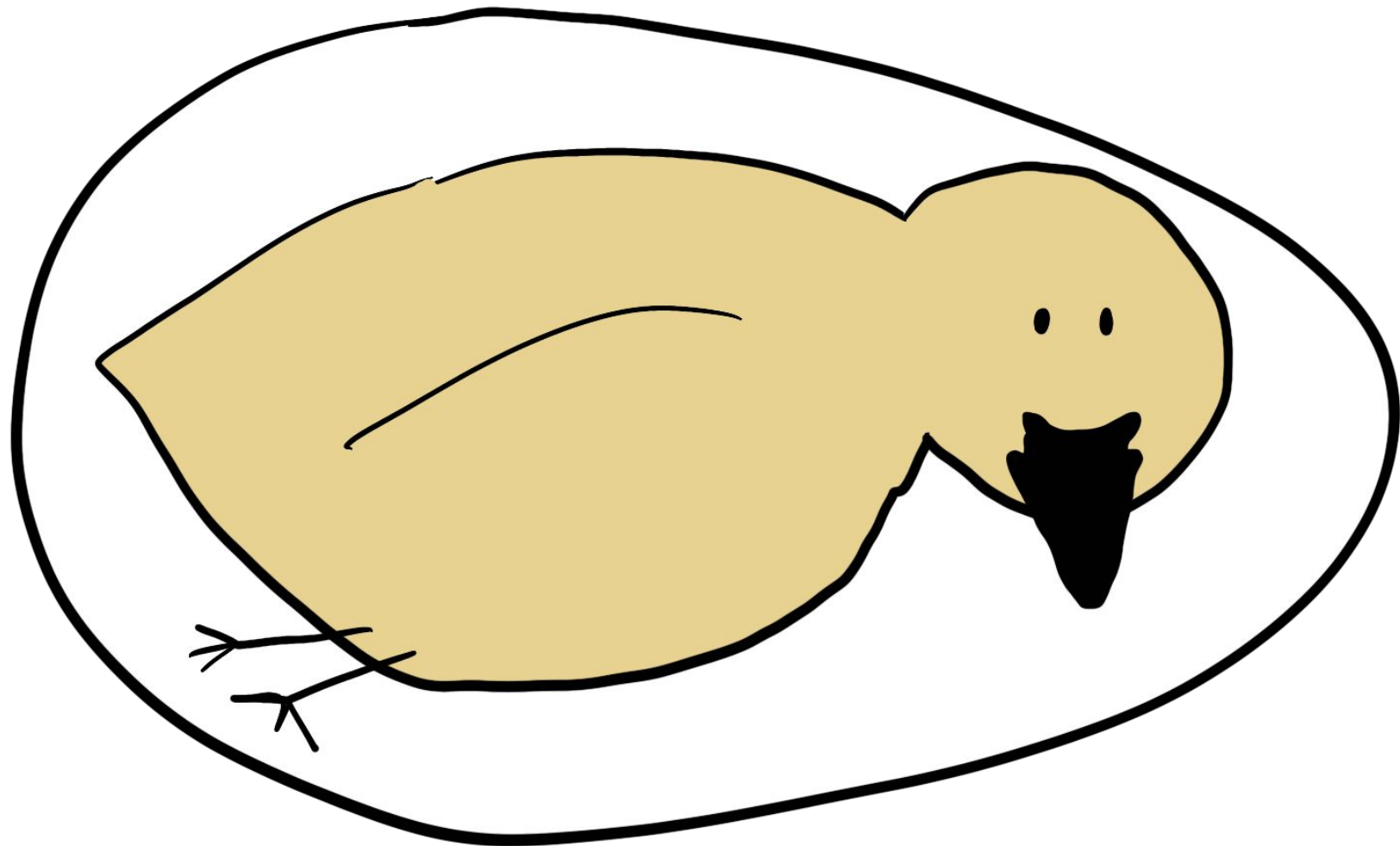


I sought some **goose advice:
How can we nurture the
commons?**









1. Be gentle with the eggs
2. Protect them from disruption
3. Give them warmth and energy

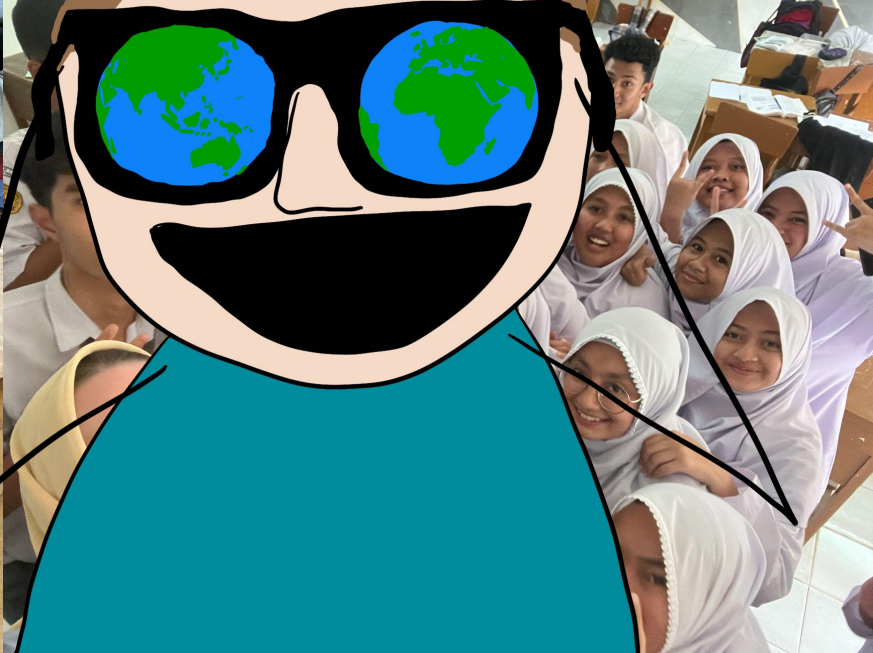




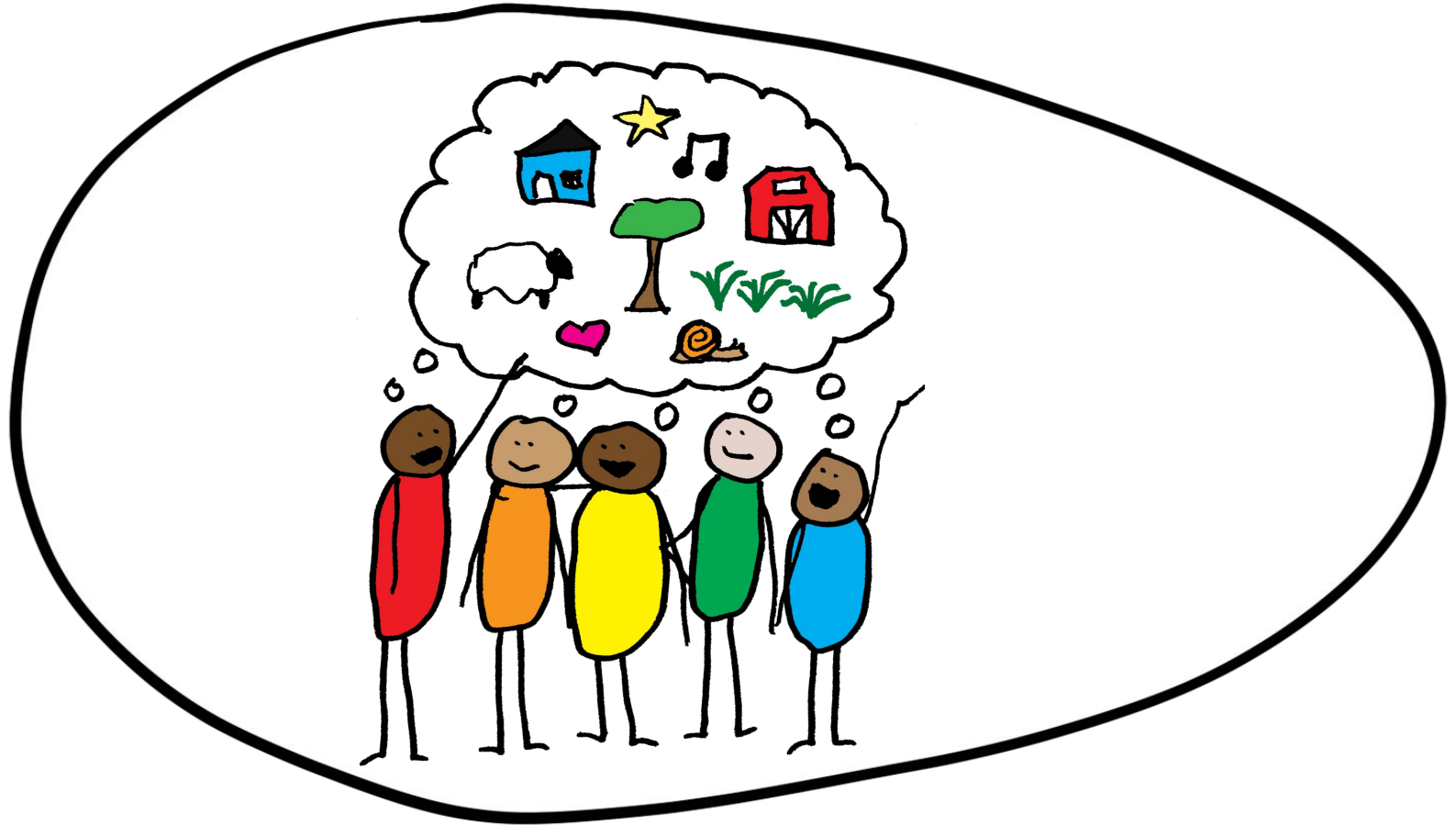


Oakland, California





Commoning is our irrepressible human instinct



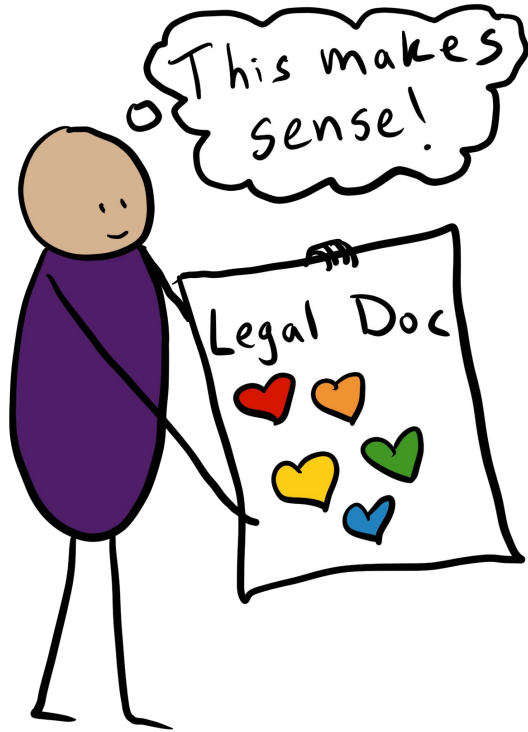


1. Be gentle with the commons
2. Protect it from disruption
3. Give it warmth and energy



**1. Be gentle with
the eggs**

Gentle and less-intrusive legal tools



[Seeds of Land Return](#) is a library of **simple legal documents** to help liberate land from the exploitative market and return it to communities of loving stewards.

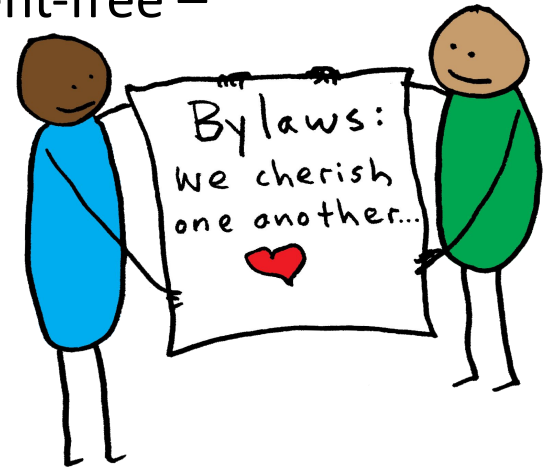
Also using more:

- Unincorporated associations
- Or [much simpler Bylaws](#) for corporations

Rejecting legal tools, where possible

This [Sample Statement of Care-Based \(not Contract-Based\) Land Relations](#) is a statement that a tribe, nonprofit, land trust, radical real estate organization, or even radical individual property owner might adopt as an alternative to using contractual lease agreements for residents living rent-free – living how our ancestors did!

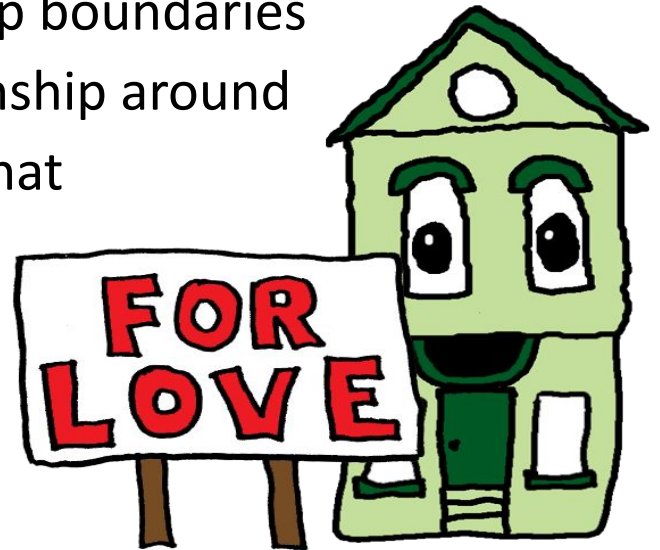
It names 6 practices the group uses to navigate needs and changes, without leaning on legal enforcement.



2. Protect the eggs from disruption

Legal tools to keep land off the speculative market

This [Kinship Conservation Easement](#) (43-slide cartoon legal document) is meant to ease the sharp boundaries of private property and restore webs of kinship around land. It's a legally-enforceable document that simultaneously works to subvert the rational logic and infuse love into our legal enforcement systems.



Policies that recognize and protect commoning

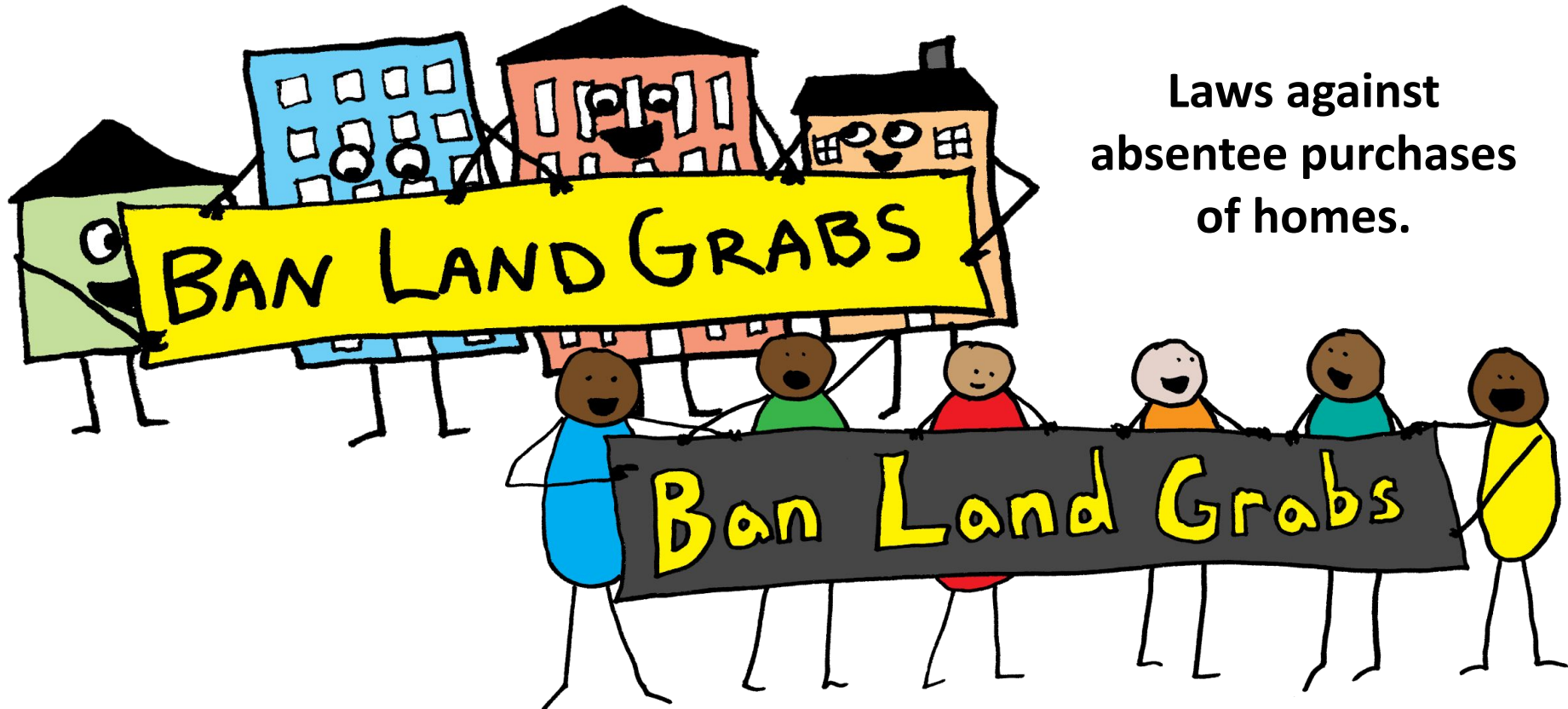
- [Draft Oakland Land Liberation Act](#): Bans land grabs, puts a cap on housing prices, creates a self-governing Department of Community Stewardship for commons-based organizations.
- [Draft Care-Based Communities Act](#): Giving commoning organizations the ability to self-declare to be exempt from burdensome regulation.



Different regulatory and enforcement standards for commoning



Banning land grabs / capping home prices



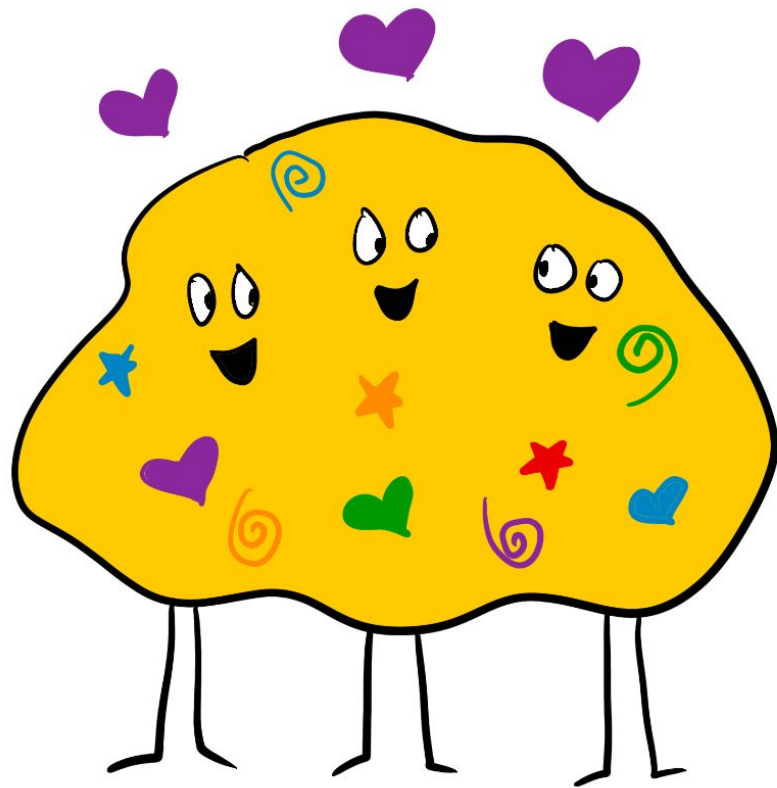
Laws against
absentee purchases
of homes.

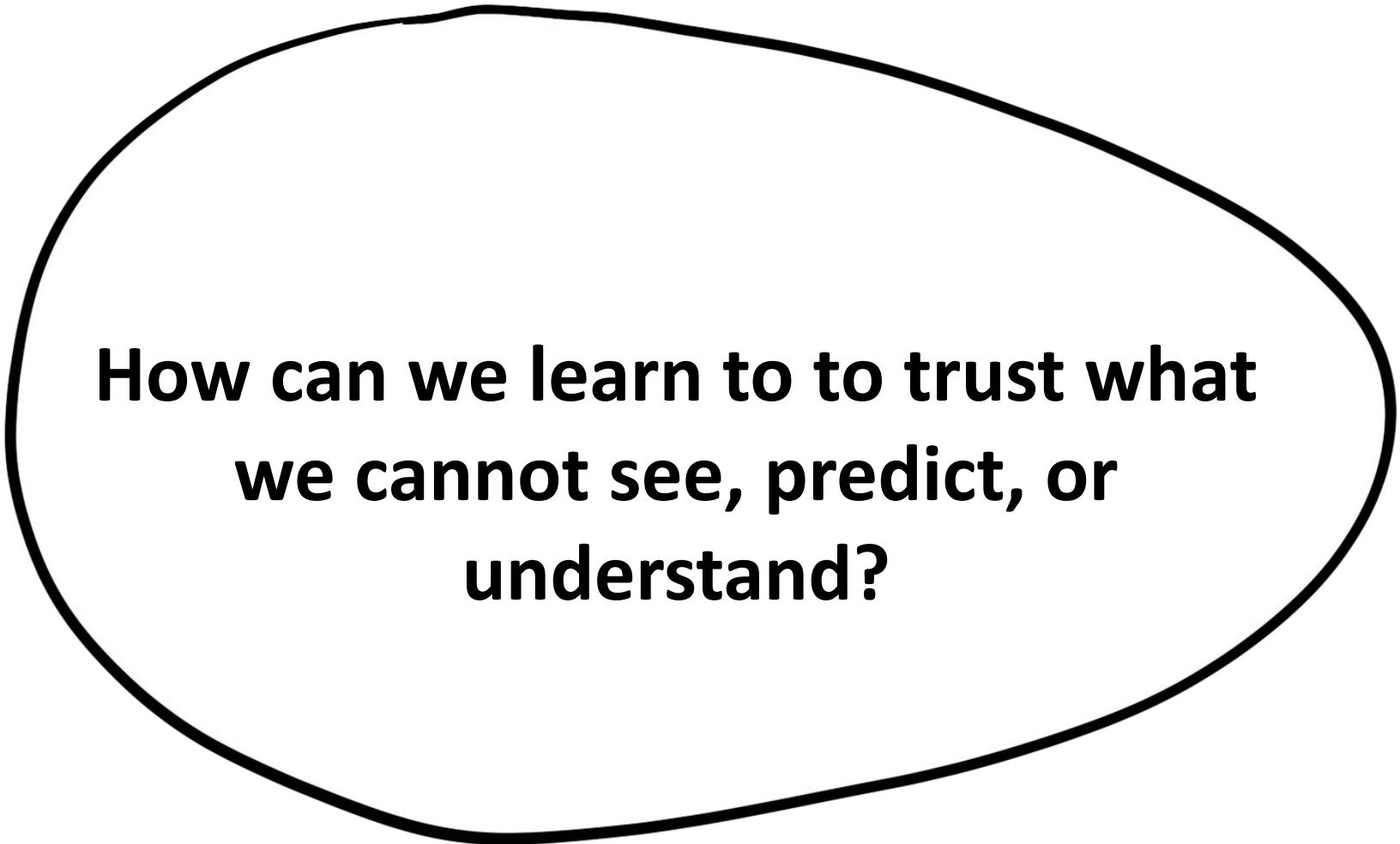
**3. Give the eggs
warmth and energy**

Shower the commons with public and private resources



Huh?





**How can we learn to trust what
we cannot see, predict, or
understand?**

Groups I work with embody a different worldview:

1. **Acting from mutual interest**, not from “rational” self-interest. Taking care of each other is taking care of ourselves. Often, concepts of self and other blur.
2. **Trusting people’s intrinsic nurturing instincts and centering healing**, not punishing those who cause harm and rejecting them as bad or broken.
3. **Actively and compassionately dismantling systems of oppression and repairing harms**, not passively expecting that harmful systems will resolve themselves.
4. **Self-organizing into non-hierarchical collectives that constantly adapt**, not trying to supervise and control each other, not using top-down and fixed structures and solutions devised by “experts.”
5. **Nested in and coordinating with broader networks, communities, and movements for social transformation**, not insular and highly bounded groups pretending they can become “self-sustaining.”

All combined, groups are behaving **more like living systems**, enabling a society and worldview quite different from the dominant system.



Dominant worldview:

View of reality is separation: The universe is made up of things that can be defined, separated, and sold.

Human nature: Selfish and violent.

What's "in charge:": The rational/conceptual mind. Cutting ourselves off from our guts and hearts.

How society organizes: Hierarchically, using physical and emotional violence to dominate over people and living things, with wealth and power accumulating unequally.

Response to crisis: Build fortresses around ourselves and try to control things.

Predominant force: Domination and extraction.

Transformative worldview:

View of reality is interconnectedness: Things cannot be truly defined outside of their web of relationships.

Human nature: Caring and loving.

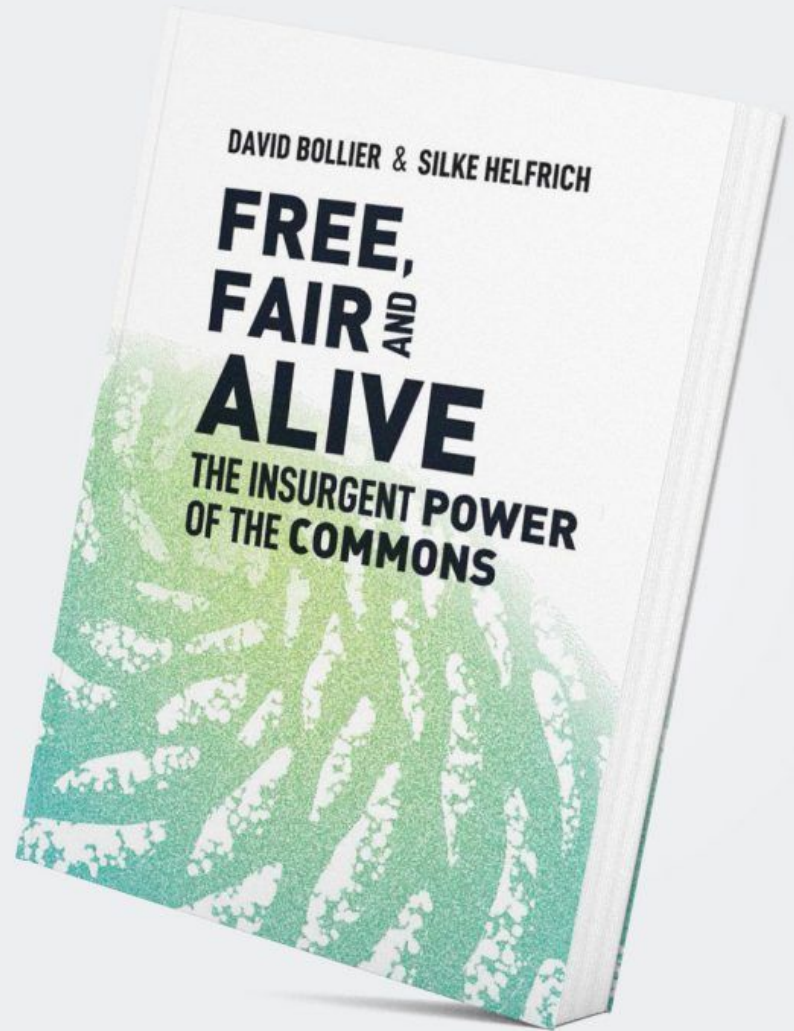
What's in charge: Our physical and emotional pull toward connection and nurturance.

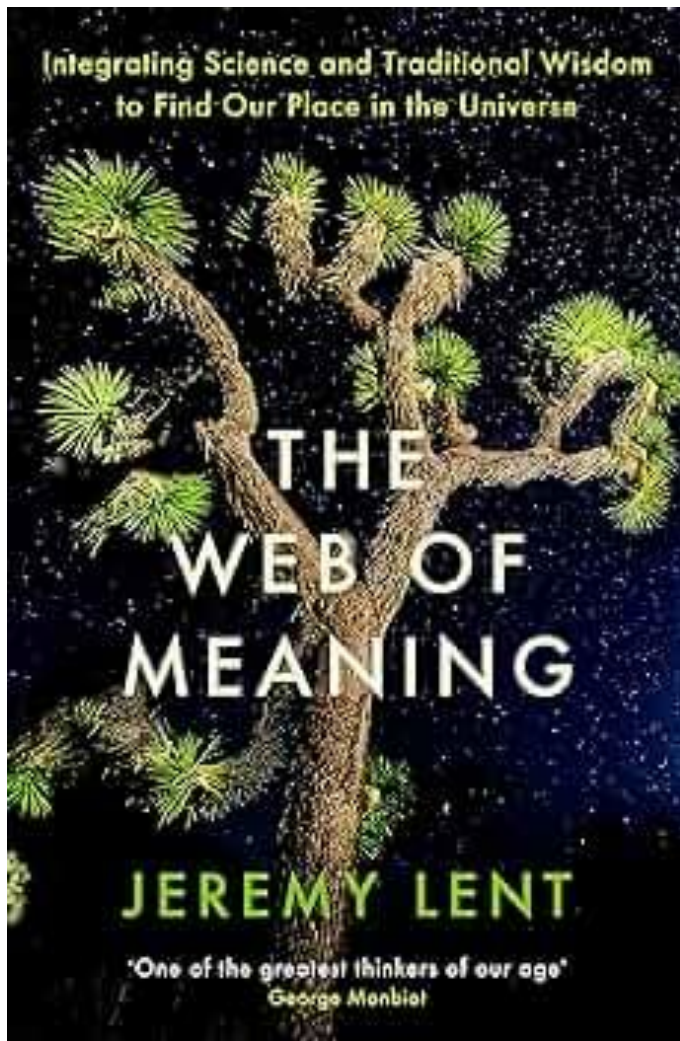
How things organize: We self-organize creatively, playfully, fractally. With a few guides and safeguards, wealth and power spread and root naturally and intuitively.

Response to crisis: Gently coordinate support and nourishment so they flow toward many and especially toward those who need them the most.

Predominant force: Love and nurturance. Life wants more life. It's the glue that holds everything together.

Recommended!
www.freefairandalive.org





Also recommended!
<https://www.jeremylent.com/the-web-of-meaning.html>

Recognizing the conditions for commoning:

From the [Care-Based Land Covenant](#) we might propose in Oakland, California.

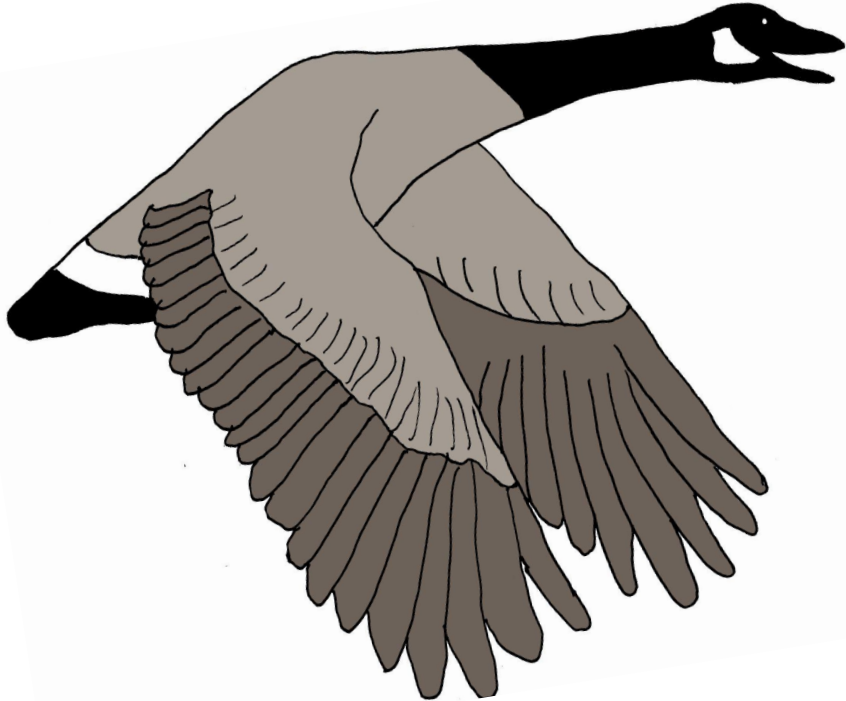
- We're **motivated primarily by values of care, compassion, and concern** for each other. We're not involved out of motivation for personal prestige, status, power over others, or private wealth accumulation.
- We work to **spread power** and agency to community members involved, and actively work to avoid concentration of power in the hands of one or a few leaders.
- We **lovingly solve problems** and address harm by coming together to listen to each other, make decisions together, support individual and collective healing, and mediate disputes.
- **We cap compensation.** When we compensate people for their labor in these activities, no one involved is earning more than two times the median per capita wage.

Seek goose advice!



Wild Geese

by Mary Oliver



You do not have to be good.

You do not have to walk on your knees
for a hundred miles through the desert repenting.

**You only have to let the soft animal of your body
love what it loves.**

Tell me about despair, yours, and I will tell you mine.
Meanwhile the world goes on.

Meanwhile the sun and the clear pebbles of the rain
are moving across the landscapes,
over the prairies and the deep trees,
the mountains and the rivers.

Meanwhile the wild geese, high in the clean blue air,
are heading home again.

Whoever you are, no matter how lonely,
the world offers itself to your imagination,
calls to you like the wild geese, harsh and exciting -
over and over **announcing your place
in the family of things.**

[A collection of my writings and videos](#)
reflecting on 17 years of work with the commons



Resources!

Resource collections:

- [Bite-Sized Legal Guides](#): A collection of 50 handouts on a range of legal topics from employment law to small business licensing
- [Radical Real Estate Resources](#)
- [Law Center teach-ins video playlist](#)

Structures for land holding:

- [Nonprofit or Cooperative for Radical Real Estate Projects?](#) (3 page handout) and a [video training](#) and accompany [slides](#)
- [Legal Structures for Radical Real Estate video](#) and [slides](#) (talks about legal structures for entities holding land, legal tools for creating land relationships, and legal constraints on land relationships)

Nonprofits:

- [Sample Cartoon Bylaws for groups seeking liberation from settler-colonial norms of corporate governance](#)
 - [15-minute video tour](#) of the document
- About [Unincorporated Associations](#) (10 page handout on how to form one)
- On [nonprofit audits](#) (why we want to support many groups to avoid them)
- [On rethinking the concept of “Conflict of Interest”](#) (3-page handout accompanied by a 4-min video)
- [Video on ways to democratically structure fiscally sponsored projects](#)
- [About 501c2s for title holding](#)
- [Resources on worker-directed nonprofits](#)

More resources!

Resources on buying, selling, leasing, and gifting land:

- [Seeds of Land Return](#): A library of simple legal documents we created to help return land to communities of loving stewards. It links to 9 different kinds of legal tools that you could use.
 - And a 30-minute [video tour of this resource](#)
- [Guide to transferring real estate without professionals](#)
- [How to Rematriate the Land: Practical Considerations for Practitioners, Property Owners, and Supporters](#) (video with several land return practitioners sharing legal and practical tips, information about cultural easements, ways of transferring title, ensuring clear title, property tax, and tax deductibility considerations)
- A [handout for homesellers](#) wishing to sell their home in greater alignment with their values
- [Sample statement for groups not wanting to use formal contracts for land relationships](#)

- [Sample Purchase Right](#) granting an organization an option or opportunity to purchase a property in the future.
- [Commercial Lease Toolkit and Template](#)
- [Permanently protecting land from sale](#) (short cartoon workshop)

Easements for land access and affordability

- [Sample Cultural Easement Easement](#) (cartoon legal document)
 - [30 minute video tour of the easement](#)
- [Sample Cultural Easement](#) (more extensive legal document based on common models)
- [Article on the law of cultural easements](#)
- [Sample Housing Justice Easement](#) (cartoon legal document that can be used to permanently cap the sale and rental prices for housing)
- [Article on Housing Justice Easements](#)

Even more resources!

Real estate cooperatives:

- [How to Start a Permanent Real Estate Cooperative](#) (13 page guide, based on our work with the [East Bay Permanent Real Estate Cooperative](#)).
- [Cartoon Bylaws of East Bay Permanent Real Estate Cooperative](#)

Community-owned solar:

- [About People Power Solar Cooperative \(short cartoon\)](#)
- [Video about People Power's first project](#)
- [Cartoon Bylaws of People Power Solar Cooperative](#), and one of their cartoon [site host agreements](#)
- [Community-Owned Renewable Energy Puzzle \(cartoon\)](#)
- [The Story of the Permanent Community Energy Cooperative \(short cartoon\)](#)
- [Energy is Like WHOA! \(short cartoon\)](#)
- [Building Grassroots-led Community-owned Energy Projects](#)

Miscellaneous:

- [Liability Love Letter](#) (a document you might use in place of one of those awfully tedious liability waiver documents)
- [Nurturance Lawyering: How to Bring Connection and Healing To Our Work in Challenging Times](#) (30 min cartoon)
- [Three Legal Principles for Rebuilding the Commons](#) (article)
- [Legal Structures for Economic Transformation](#) (video)
- [Visual Guide to Decommodifying the Law](#)
- [Legal structures for social transformation](#) (short article)
- [Practicing Law in the Sharing Economy](#) (book)

Food, farming, & compost law:

- [A Scary Carrot Story: Compost Law & the Future of Our Soil](#)
- [Compost Law Basics](#) (cartoon)
- Resource library: www.CompostLaw.org
- Guidebook: [Legal Eats: Legal Resources for Food Justice Enterprises](#)
- [6 Ways a Food Cooperative Can Change the Economy](#)
- [Playlist of videos on food justice enterprises](#)

And more!

Workplace democracy:

- Resource library: www.co-oplaw.org
- Transforming Local Enterprises into Community Assets (10 min cartoon)
- [Bylaws Toolkit for Worker Self-Directed Nonprofits](#)
- [Goofy video series on worker self-directed nonprofits](#)
- [Worker Cooperatives](#) (video playlist)
- [Another workers cooperatives video playlist](#)
- [CA Entity Formation Options for Worker Cooperatives](#) (webinar)
- Guidebook: [Think Outside the Boss: How to Create a Worker-Owned Business](#)
- Guidebook: [Legal Guide to Cooperative Conversions](#)
- A cartoon [cooperative operating agreement](#), along with cooperative governance and finance resources
- [Another cartoon cooperative operating agreement](#)
- [The Coopivore Diet: Food Justice in Every Bite](#) (short cartoon)

Resources on transforming money & finance:

- Guidebook: [Mutual Aid Legal Toolkit](#)
- [Mutual Aid and the Law](#) (video)
- [Legal Frontiers of Foundation Investments](#) (cartoon)
- [A cartoony video relentlessly – but also seriously – poking at the prudent man rule](#)
- [Tax categories explained by cake!](#) (short cartoon workshop)
- [Cartoons explaining financial regulation](#) (10 min cartoon)
- [How the Law Center distributes financial management](#)
- Short cartoon workshops about securities offering documents: [Part 1](#), [Part 2](#), [Part 3](#)
- [Black Capital Matters!](#) (interview series)
- [A cartoon on financial audits](#)
- [A cartoon on nonprofit 990 tax returns](#)
- [Short cartoon on self-directed retirement investments](#)
- Resource library: www.CommunityEnerpriseLaw.org
- Community and resource on retirement savings: www.TheNextEgg.org
- [Community Investment Funds](#) (webinar)
- [Securities law basics](#) (short cartoon)

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<https://bit.ly/lawforcommoning>

