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# In Pursuit of a Black Farmer Commons: a CPAR Approach to Black Food Sovereignty

## AUTHORS

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# Acknowledgments

*What are the gifts that we can give, to strengthen the ecosystem that we belong to? That's the value that we really hold dear. It carries out into the ways we think about how we share this land, the wisdom that this land [teaches] us and then also, the knowledge that we want to equip our movement with. —Interviewee #5*

“Yale University acknowledges that Indigenous peoples and nations, including Mohegan, Mashantucket Pequot, Eastern Pequot, Schaghticoke, Golden Hill Paugussett, Niantic, and the Quinnipiac and other Algonquian speaking peoples, have stewarded through generations the lands and waterways of what is now the state of Connecticut. We honor and respect the enduring relationship that exists between these peoples and nations and this land.”<sup>i</sup>

We acknowledge the Haudenosaunee Confederacy, meaning People of the Long House. We recognize the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas who form part of the Haudenosaunee Confederacy.<sup>ii</sup> We also acknowledge that Schoharie Valley—an area that is central to our work for this report—is founded upon exclusions and erasures of many Indigenous peoples, including those on whose land this project is based. We pay our respect to the Haudenosaunee Confederacy tribal members past and present.

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*Cover image: Class visit to Black Yard Farm Collective, October 2021. Photo: Kristin Reynolds*

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# Executive Summary

For centuries, Black farmers have drawn upon ancestral Afro-Indigenous wisdom toward reclaiming self-determinative power, reciprocity with the land, and food sovereignty, and to develop resistance strategies to combat discrimination, oppression, and land dispossession. The goals of Black agrarian resistance extend beyond survival to sovereignty, which includes spiritual and cultural resiliency. While Black-led agrarian movements seek to feed people, secure land for Black farmers, and build intergenerational wealth in Black communities, they also create networks of knowledge-sharing, community empowerment, and cultural celebration. The purpose of our research is to further the goals of the SARE-funded project “Creating a Black Farmer Commons in Transferring Land Ownership” developed by our partner organizations—Corbin Hill Food Project and Farm School NYC—in pursuit of establishing a Black Farmer Commons in the Northeast United States. Our partners are committed to Black agrarian resistance in the form of “a community-controlled food system that creates wealth for communities of color and low-income people”<sup>iii</sup> and focuses on building self-reliant communities. Our research examines how “commons” as an ideological structure and approach to food sovereignty and collective governance functions as an ongoing resistance strategy for Black communities. Within the scope of the graduate course “Social Justice in the Global Food System,” our research seeks to center these goals and to fill knowledge gaps in order to support equitable land transfers for the collective good of Black communities.

Our research draws on the Critical Participatory Action Research (CPAR) approach, which involves critical thinking and participation through collective inquiry and diverse forms of knowledge. CPAR is rooted in redistributing uneven power dynamics through participatory landscapes and a “deep appreciation of knowledge, created in conditions of oppression and mobilized for social action.”<sup>iv</sup>

Our class organized into three research groups: (1) secondary analysis, (2) legal analysis, and (3) interview. The secondary analysis team examined literature on the history of Black land dispossession and agrarian resistance, conceptualizations of commons, and existing commons and commons-esque organizations, in order to identify governance structures, land ownership approaches, wealth-building and financial models, and knowledge-sharing practices. The legal analysis team researched the legal history of Black land ownership and land loss, present-day land ownership structures and business entities that may work for a commons, and innovative forms of ownership and governance grounded in legal theory. The interview team conducted virtual informational interviews with project staff and members of ecosystem organizations, asking questions about how their organizations define and serve their communities, understand food sovereignty, build wealth, share knowledge, support Black farmers, and conceptualize commoning and related practices.

We found that commons are as diverse as the communities that define them, and crucially, that forms of commoning are actualized in relation to their modes of governance, legal structures, and internal wealth distribution. Wealth is understood beyond land and financial capital, to include knowledge-sharing, cultural continuance, housing, and more. With this holistic understanding of wealth, it becomes crucial when considering how food sovereignty is cultivated to prioritize access to and training in mixed economic models for Black farmers that create markets for foods they understand as culturally significant. Land justice, therefore, is a necessary precursor for achieving food sovereignty, especially for Black farmers. Undergirding all commoning efforts are the legal structures that support them, which are determined by several key dimensions: rules of governance, strong limitations on alienability, barriers to entry and right to exit, distribution of liability, sharing of control/ownership of profits and resources, and creation and intergenerational transfer of wealth. Four existing legal entities harness these critical dimensions and enable the legal system to facilitate commoning—land trusts, cooperatives, corporations, and LLCs—and they can work separately or in combination.

From our analysis, we propose the following recommendations in creating a Black Farmer Commons:

1. **Build the commons to be a flexible, multi-faceted structure that allows for many different conceptions of community, commons, wealth, relationships to land, governance, and food sovereignty.** The process of “commoning” is incredibly dynamic, iterative, diverse, and self-defined.
2. **Strategize the design, pace of action, and priorities of the commons to reflect the incremental development that links short-term needs to the long-term vision of partner organizations as well as different participants' understandings of “commons.”** The livelihoods and wellbeing of farmers must be protected first and foremost—with time, this will contribute to land justice, which is a part of food sovereignty.
3. **Engage with the Key Legal Dimensions for Commoning (described in the full report) to identify land ownership and governance models that best fit the objectives of commoning.** The precise choice of legal organization has large ramifications for the key characteristics of commoning that may or may not be achieved; each legal entity comes with significant tradeoffs relative to others.
4. **Explore a multistrategy approach to building wealth by and for Black farmers and the communities in which they are embedded across the food supply chain.** This requires thinking about how financial models can address the goals of the commons across different scales.

Black agrarianism is a form of resistance to—and recovery from—land dispossession. A Black Farmer Commons is one such effort that may connect land ownership and the pursuit of food sovereignty for Black, Indigenous, People of Color (BIPOC), and low-income communities. We hope that our recommendations contribute to a body of knowledge that will inform the creation of a Black Farmer Commons in the Northeast US.

## Introduction

Black communities in the United States carry a rich cultural legacy of agrarian practices that connect land, food, community, sovereignty, and liberation. Millions of fugitive Africans displaced from their land survived enslavement by drawing on their heritage of growing food, adopting agricultural practices of Indigenous Americans, utilizing their knowledge of microclimates and crop varieties, and saving seeds to prepare for an uncertain future.<sup>v</sup> This Black agrarian heritage led to the growth of a lucrative plantation economy, fueled by the back-breaking labor of cultivating cotton, rice, and other cash crops. American wealth and industrial agriculture were created from stolen land and labor, and this machine of racial capitalism continues to drive a wedge between Black growers and the land.<sup>vi</sup>

The US government dispossessed Black farmers of their lands via racist laws, policies, and practices, including United States Department of Agriculture (USDA) discrimination, heirs property law, unjust lending strategies, the crop lien system, and partition sales.<sup>vii</sup> Such actions dramatically reduced the Black farmer population in the US. During the 1920s, Black farmers owned 15 million acres of land and composed 14 percent of farmers; recent figures reveal that they now own 4 million acres and make up just 1.3 percent of farmers.<sup>viii</sup> Beginning in the 1930s, the benefits of Farm Bill-related subsidies favored white farmers and large landowners.<sup>ix</sup> For instance, between 1985 and 1994, Black farmers received less than a third of the subsidies that white farmers received.<sup>x</sup> These alarming statistics highlight the historical injustices that Black farmers have experienced.

Although land has been used by the state (i.e. the United States) to enact displacement, violence, enslavement, and environmental racism, food and land are undeniably essential to the survival and liberation of Black Americans.<sup>xi</sup> In the face of oppression and discrimination, Black farmers developed survival and resistance strategies such as Black agricultural cooperatives, Black land trusts, and Black educational institutions.<sup>xii</sup> Prominent examples of Black resistance strategies include the Freedom Farm Cooperative (FFC), the

Federation of Southern Cooperatives (FSC), and North Bolivar County Farmers Cooperative (NBCFC)—all agricultural cooperatives; the New Communities Farm, a land trust; Detroit Black Community Food Security Network (DBCFSN); and the Tuskegee Institute. Additionally, Black Power organizations like the Black Panther Party, founded in the 1960s, sought to liberate Black communities by using food as an organizing strategy. They provided free breakfast for up to 20,000 children, as well as liberation schools, medical clinics, childcare, and clothing programs.<sup>xiii</sup> Such survival and resistance strategies by and for Black farmers continue to this day.

Mainstream environmentalism—referring to the conservation movement that emerged in the 1890s and excluded Black, Indigenous, and People of Color (BIPOC) populations—marginalizes and erases the fundamental role that Black farmers and scientists have had on the agricultural sector in the US.<sup>xiv</sup> This lack of recognition for Black leadership in the sustainable agriculture movement further informs the need for redressing Black land loss. Accordingly, there are organizations like the Northeast Farmers of Color Land Trust, the Black Farmer Fund, and Soul Fire Farm that support Black farmers and advance environmental and food justice movements. Through collective agency and community resilience,<sup>xv</sup> organizations like D-Town Farm in Detroit are empowering people to take control of their food systems, reclaim their city, and achieve economic self-sufficiency.<sup>xvi</sup> These organizations are critical for resisting the dehumanizing effects of the industrial food system, fostering self-empowerment among Black communities, and celebrating Black food culture and agricultural achievements.

This report reflects our work over a three month period, in the fall of 2021, with two contemporary organizations that continue these legacies: Corbin Hill and Farm School NYC. These organizations work towards community-controlled food systems to promote food security and sovereignty for Black communities. Corbin Hill and Farm School NYC embody an African philosophy of *sankofa*—meaning “go back and get”—in their historical approach that critically engages with Black dispossession and resistance in the US. We hope to work as allies with these organizations to consider an additional intervention that resists the dominant US food system: a Black Farmer Commons. A Black Farmer Commons would be both a tangible space by which Black farmers in the Northeast can share land, and an intangible framework enabling Black farmers to build generational wealth, own land, and design succession plans to ultimately create “a racially just, regenerative, and equitable food system.”<sup>xvii</sup>

The initiative to create a Black Farmer Commons in Schoharie County, New York, is led by Dr. Dennis Derryck, founder and director of Corbin Hill Food Project, and Onika Abraham, director of Farm School NYC, and funded by a Sustainable Agriculture Research and Education (SARE) grant.<sup>xviii</sup> In this report, we explore how “supportive facilitation and a sovereignty framework based on historic and current collective land ownership as well as business and governance models impact Black farm tenure and viability” to ultimately inform and create the first Black Farmer Commons in the Northeast.<sup>xix</sup> This project was carried out within the graduate course entitled “Social Justice in the Global Food System Capstone,” under the guidance of Dr. Kristin Reynolds and Teaching Fellow Forest Abbott-Lum at the Yale School of the Environment. The authors of this report were all students in this course, and Dr. Reynolds is on the advisory committee for the SARE proposal referenced throughout this work. This project is intended to fill knowledge gaps in supporting equitable land transfers for the collective good of Black communities. To do so, we have conducted research to address the following three questions regarding food sovereignty, conceptualizations of the “commons,” land ownership, and community wealth-building:

1. How are Corbin Hill Food Project’s vision of “a community-controlled food system that creates wealth for communities of color and low-income people,” (as detailed in its 2019-21 “Theory of Change”), and Farm School NYC’s focus on building self-reliant communities (as described in its mission statement) articulated in the context of the groups’ SARE-funded project “Creating a Black Farmer Commons in Transferring Land Ownership”? How does the concept of food sovereignty intersect with or diverge from these articulations?

2. What are some of the ways that “commons” have been/are being defined or conceptualized by the legal system, various thinkers, and groups with respect to land and land ownership, in general, and Black land ownership in the US in particular?
3. From the SARE proposal: “How do [Corbin Hill Food Project and Farm School NYC, both Black-led organizations] help foster a new economy that supports collective farm ownership and other models designed for community wealth-building? What new financial structures or models exist for Black farmers accessing financing beyond the limited underwriting laws or loan programs that currently do not serve them well?”

# Project Approach and Methods

## Discussion of Project Approach

Given the nuance inherent in these questions—imbued with historical inequities and generational land loss—we drew on a Critical Participatory Action Research (CPAR) approach, as termed by the Public Science Project at CUNY’s Graduate Center, to guide our work.<sup>xx</sup> CPAR is an approach rooted “in politics, power, participation, and a deep appreciation of knowledge, created in the conditions of oppression and mobilized for social change.”<sup>xxi</sup> Aligned with CPAR, we sought to collect diverse forms of knowledge about creative commons-esque models, aiming to center Black Farmers and the networks supporting them. To contextualize and ground our research, we traveled to Schoharie County to learn from farmers at Black Yard Farm Collective, who are presently farming a portion of the land tied to the SARE-funded project “Creating a Black Farmer Commons in Transferring Land Ownership.” Throughout our project, we strove to critically evaluate our research questions and findings, in order to ensure thoughtfulness regarding who we framed as experts and what we counted as knowledge.

## Methods

In order to pursue multiple methodologies in research, our class organized into three teams: (1) secondary analysis, (2) legal analysis, and (3) interview.

The secondary analysis team examined both peer-reviewed and gray literature to explore the history of Black land dispossession, Black agrarianism as a resistance strategy, and key principles and diverging conceptualizations of commons. We looked at the websites of commons-esque organizations to identify their governance structures, land ownership approaches, and wealth-building and financial models. We also reviewed examples of successes and failures to inform our recommendations and provide insight into both the opportunities and challenges that may be present as our project partners continue their work to create a Black Farmer Commons.

The legal analysis team pursued three paths of research: studying the legal history of Black land ownership and land loss; analyzing present-day land ownership structures and business entities that may be in line with the key characteristics of a commons; and exploring innovative forms of ownership and community governance, grounded in both domestic legal theory and international legal examples.

The interview team conducted virtual informational interviews with ten contacts, including project staff and members of ecosystem organizations with expertise and experience working on issues of Black land loss, land access for BIPOC farmers, and additional social justice or policy topics pertinent to the food system in

the Northeast US or nationally. During each 30-minute conversation, the team asked questions of interviewees regarding how their organizations define and serve their communities, engage in alternative wealth-building models, provide educational or knowledge-sharing activities, support Black farmers, and conceptualize structures like commons, cooperatives, or intentional communities. The interview questions can be found in the appendix of this report. After completing interviews, the team transcribed and coded each interview using the Atlas.ti software for qualitative data analysis.

The SARE proposal for a Black Farmer Commons, the mission and vision statements of our partner organizations, and Corbin Hill’s “Theory of Change and Strategic Plan” helped the three research groups contextualize our findings so that our analysis aligned with the goals of the project. The SARE proposal details how Corbin Hill Food Project and Farm School NYC hope to conduct research for a Black Farmer Commons, why they see it as necessary, and what they hope to accomplish through this research. Corbin Hill’s “Theory of Change and Strategic Plan” names their mission and vision for a community-controlled food system and the path to get there. They break down their long-term, systems-change vision into necessary smaller outcomes. We used these documents as key starting points for our research and to understand where Corbin Hill and Farm School NYC wanted us to contribute.

We aim to center this recognition of Black farmers’ collective agency throughout our report, in conceptualizing and understanding the possibilities of a Black Farmer Commons. We recognize our positioning as graduate students and acknowledge how academic institutions often disregard the expertise of the people leading movements toward food sovereignty and the commons. Our interviews offered invaluable insight into our conceptualization of a Black Farmer Commons. By uplifting the voices of our interviewees, our project aims to center the perspectives, knowledge, and experiences of communities who are directly impacted by this history of Black land dispossession and/or serving as critical allies to redress these harms through communal governance and wealth-building. Black and Indigenous peoples are critical sources of knowledge for food sovereignty, since they come from ancestral legacies of intimate connections with land, and revolutionary acts of self-sufficiency during enslavement and displacement. As Dr. White notes in *Freedom Farmers*, this educational free-space is necessary to the collective agency of Black farmers as creators and owners in the decision-making process.<sup>xxii</sup>

## Key Findings

### Conceptualizing the Commons

*This land does not belong to us, we belong to it.* —Interviewee #5

*“[The] rub comes between: The historical and ancestral legacy of commons, yearning for collective action, and the reality of living in this capitalistic society and how much we’ve lost and the deep desire to pass something on, something that our own children can build from.”* — Interviewee #1

Broadly, a commons is defined as a shared resource<sup>xxiii</sup> that benefits all or most members of a community<sup>xxiv</sup> and is collectively managed by equal partners.<sup>xxv</sup> Challenging the dominant economic paradigm, a commons is based on the premise of shared wealth, where wealth cannot be measured solely in monetary value.<sup>xxvi</sup> Moreover, the unidimensional concept of the commons as a material resource (such as land) is given layered meaning through the act of “commoning,”<sup>xxvii</sup> which highlights the significance of human agency in managing shared resources and benefits.<sup>xxviii</sup> Communities participate in commoning uniquely, depending on their particular definitions of community, urban or rural contexts, and concentric circles of relation. In this section,

we explore these different conceptualizations, including legal considerations and perspectives shared during interviews.

The principles that guide commoning have been integral to Black agrarian resistance. Examining the nexus of agrarianism and the Black freedom movement, White (2018) demonstrates that collective agency and community resilience (CACR) are tied to inclusive and democratic politics, economic autonomy, and *commons as praxis*—which calls for collective ownership and management for communal well-being.<sup>xxix</sup> Each of these dimensions contribute to the pursuit of self-reliance, self-determination, and independence from oppressive structures. Throughout history, CACR has been at the core of Black agrarian resistance efforts. Examples such as Freedom Farm Cooperative and the North Bolivar County Farmers Cooperative demonstrate the role that Black-led cooperatives have had in generating collective action at both the local and regional levels, respectively.<sup>xxx</sup> While these efforts did not self-identify as commoning, they championed the values of collective decision-making and shared goals.

*Commons as praxis* is not just about pooling resources and labor, but also about elevating shared ideas and knowledge.<sup>xxxi</sup> Agrarian education is especially important to share with Black communities who have been distanced from the land, and are healing from racial trauma attached to farming. One of our interviewees noted, “The Black community says that farming is like slavery. That’s the narrative that a lot of Black folks might be feeling, even if it’s not talked about” (Interviewee #6). In fact, knowledge generation and dissemination have long been important in Black agrarianism, notably as approaches to economic self-sufficiency.<sup>xxxii</sup> Knowledge-sharing happens through many activities such as in farm workdays, farmers’ markets, agricultural trainings, courses in financial literacy, or culturally relevant cooking classes. While offering education to the community is necessary, it is important to understand the community as a source of knowledge rather than at a deficit. Moreover, public education on food sovereignty is not only important for communities facing food insecurity, but also public policymakers, legislators, politicians, non-profits, and donors who can impact food equity reform. Having spaces for the exchange of Black agrarian wisdom is a form of agency, and crucial to pursuing a Black Farmer Commons movement (see Appendix: Section 2 for examples of knowledge-sharing activities by organizations).

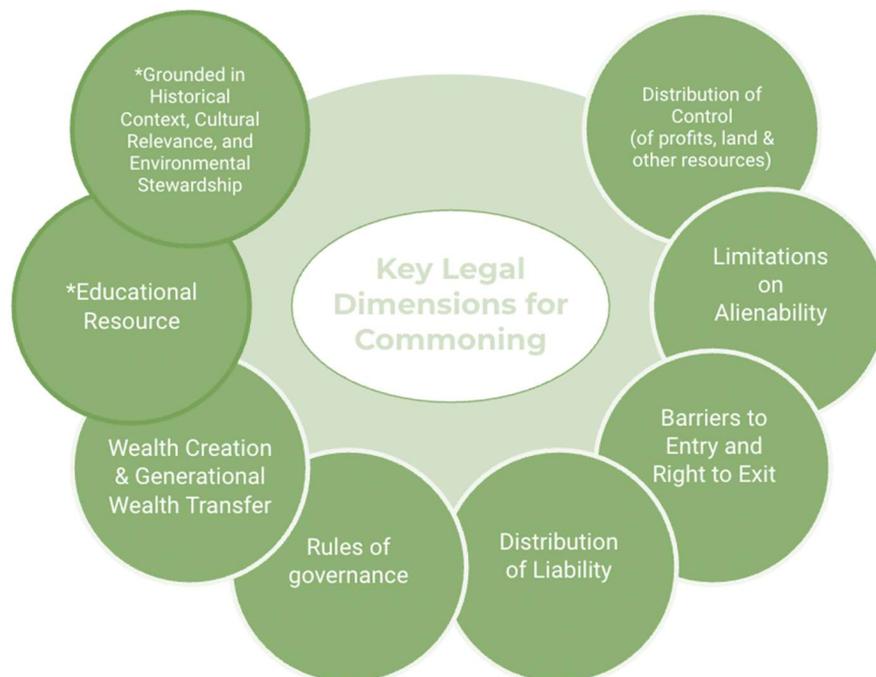
To understand how commoning has been foundational to Black agrarianism and can inform the creation of a Black Farmer Commons, it is helpful to examine different conceptualizations of the commons. Indigenous conceptualizations of collective resource management and collective rights to land embrace principles of commoning<sup>xxxiii</sup> through self-governance and self-determination.<sup>xxxiv</sup> For Indigenous peoples, food systems are integral to increasing adaptability because they foster reciprocal relationships that promote responsibilities and cultivate trust, mutual giving, and intergenerational education.<sup>xxxv</sup> Indigenous peoples therefore invoke the concept of commons both in an effort to protect their collective access to and use of natural resources, and in their recognition of interdependence. The importance of mutual giving was echoed by Dr. Gail Myers in a visit to our class in fall 2021. Dr. Myers highlighted that the family structure creates a support system for the Black community, instilling values of land stewardship, interdependence, and intergenerational care between family members. Commons may be seen as a supportive space for some in the Black community looking to honor their ancestors and reject the oppressive forces of isolation.<sup>xxxvi</sup>

Western perspectives also recognize that commons cannot be detached from social processes: “common goods don’t simply exist—they are created.”<sup>xxxvii</sup> Helfrich et al. (2010) describe three basic building blocks that constitute the commons architecture: (1) the material (e.g., land, the Internet, libraries, etc.), (2) the community that collectively manages and benefits from the material, and (3) the regulatory framework that sets the rules and norms to self-govern the use of the material.<sup>xxxviii</sup> One interviewee noted that establishing a commons, “...will be more of an iterative process and there’s a lot of different ways it could shape up. I think it’s most important that the people who would be involved and impacted by the commons be the ones to shape what the commons looks like” (Interviewee #3). This perspective affirms how building commons is a collectively creative act, which requires a dynamic architecture responsive to the multiple expressions and approaches to commoning.

For many of our interviewees' organizations, a commons is a fundamental ideology. Our interviewees described agrarian land trusts, intentional communities, cooperatives, and mixed models as examples of commons-affirming legal structures that they have seen or participated in. "Starting here on the land, the ways that we've been able to exercise that [relational] value has been by figuring out a way, through 'white man's law' that we're operating in, to create a type of ownership structure that feels closely aligned for us" (Interviewee #5).

A commons transforms what would be an open-access regime into a manageable commons, because it constitutes private property from the outside and common good from the inside. In other words, the land stewarded by the commons still constitutes private property in the legal sense because individuals, or a group of individuals, own the property, as opposed to the government or society at large. From an outsider's perspective, it is private, not public, property. Legal boundaries, rather than open access, are necessary for collective governance and the preservation of land rights under a community-owned initiative. From the perspective of the members of the commons, however, the land is a common good because members cannot be excluded from their use of the commons. Legally, common goods are deemed as common-property regimes: the midpoint on a spectrum between public and private resources. In some sense, a commons can be defined in legal terms as "limited access and limited-purpose communities dedicated to the shared management of a shared resource."<sup>xxxix</sup> Common goods are excludable at a cost, and the resources themselves are renewable but scarce. This means, according to Ostrom, they include rights to access the property, extract certain units of a resource from the property, manage or regulate internal use patterns, determine who has access, and alienate the resource altogether.<sup>xl</sup>

According to our research, the following characteristics are key to the success of a participatory commons regime that fulfills the aspirations of a Black Farmer Commons. We recommend assessing each legal structure being considered for use in a commons against the following dimensions (hereinafter "Key Legal Dimensions for Commoning"). These Key Legal Dimensions for Commoning capture the most important ways by which choice of legal structure may meaningfully impact a commons' ability to succeed in its vision and goals.



- **Distribution of control:** How a given legal structure affects the balance of shared vs. individual control (including outright ownership) of profit, land, and other tangible assets, intangible assets,

and rights to other resources/services. Beyond the choice of a commons' legal *entity*, the use of various kinds of leasing by the entity(ies) is another legal tool that can help achieve sharing of land ownership/control—once the intended vision of sharing is clear.

- **Limitations on alienability:** Alienability refers to a property's ability to be sold or transferred. Strong limitations on the marketability of the land itself are vital—specifically, limits on the extent to which the land itself can be sold by the entity owning it, converted to purposes other than commoning, or repossessed by creditors.<sup>xli</sup> We find that, “these inalienabilities strengthen the bonds among co-owners and reinforce their rights in the commons, thus facilitating their cooperation”<sup>xlii</sup> as well as mitigate uncertainty and risk for the generational wealth-building goal of commoning.
- **Barriers to entry:** Barriers to entry help preserve the integrity and character of members.<sup>xliii</sup> Open access—without demonstrating alignment and commitment (in some form) to the commons vision—could destabilize members' motivations/incentives to invest their own efforts/resources on behalf of the commons. This is, however, in tension with the potential objective of making the commons *accessible* to prospective members who lack certain resources or characteristics (including, but not limited to, social and economic capital).
- **Right to exit:** Commons members should possess an unwaivable right to leave the commons at any moment, but how can they do so while moderating conflicts of interest with those remaining members who are committed for the long-term? What are a departing member's rights upon exit, particularly: can they leave with some nonzero amount of wealth/resources/ongoing privileges upon their departure, and what (if anything) does the commons owe departing/former members?
- **Distribution of liability:** The distribution of liability bears heavily on the sustainability of commons operations, the distribution of governance (managerial) authority, and the risk to the goal of generational wealth-building if individuals have some degree of financial liability within and external to the commons.
- **Rules of governance:** Governance describes by whom and how decisions are made. The balance between individual agency and autonomy within the commons should be considered.
- **Wealth creation and generational wealth transfer:** The ability to create and accumulate profits (i.e., create economic wealth) within a commons should be a key consideration. Choice of legal structure can affect the types of businesses allowed in the commons, the tax exposure (which can be a major effect on wealth creation potential), the potential for receipt of donations and other forms of financing, and much more. Legal structures' impact on generational transfer may manifest at two different levels: succession planning for the entire commons and inheritability of individual membership rights or control/ownership interests within the commons.
- **\*Grounded in historical context, cultural relevance, and environmental stewardship; and used as an educational resource.** While not “legal dimensions” per se, these factors are key to forming a successful Black Farmer Commons and should remain in the background of any legal decision-making.

These Key Dimensions for Commoning can help to answer how “commons have/are being defined or conceptualized in the legal system” and identifies legal models “designed for community wealth-building” (our report research questions). Existing legal regimes under both property and business law (addressed in detail in the Addendum) can be structured to achieve the goals of a limited-access, sustainable, and community-managed commons. Commons-affirming organizations use combinations of legal entities to facilitate the management of common resources. These entities include cooperatives, non-profit corporations, limited liability companies (LLCs), and (land) trusts. These four legal entities do not work in isolation, but rather constitute intricate and deliberate combinations of legal structures that meet the needs

of the community, opening the door to highly innovative structures determined by any community that has clearly identified its goals.

## Governance of the Commons

*“If you don’t give people agency, they don’t have any rights, which I then call poverty governance.”* —Interviewee #4

A central space within which the conceptualizations of commons are explored and enacted is the governance of commons and commons-esque models. Social activists speak of commons governance as importantly relational and communal, involving “collective decisions, institutions, property and shared goals” to ensure the wellbeing of all.<sup>xliv</sup> In commons like the Agrarian Trust (AT), the emphasis is on *local* and *community-centered* governance. This relational governance is what holds the commons together, and what enables community wealth-building. The bylaws of such a commons state that decisions are generally and preferably reached by consensus.<sup>xlv</sup>

The Food Commons (TFC) model seeks to cultivate a democratic food system that includes equitable representation from farmers, workers and consumers.<sup>xlvi</sup> In 2012, TFC launched a prototype, Food Commons Fresno (FCF), in California. An early evaluation of the prototype reported that, despite the model’s objective to operate a “holacratic-like” governance structure, logistical barriers of starting a new business forced FCF to revert to a traditional hierarchical operating system.<sup>xlvii</sup> This result highlights the challenges of creating new governance structures.

As with the AT and TFC, Cooperation Jackson governs based on “democratic member control,”<sup>xlviii</sup> but locates this goal in a historical struggle for “Afrikan...self-determination” in Mississippi, inspired by leaders like Fannie Lou Hamer.<sup>xlix</sup> Democratic decision-making is premised upon *one member, one vote*, a system seen in other commons-esque models like the Obran Cooperative and Mondragon Corporation—corporations of cooperatives operating in Baltimore and Spain, respectively.<sup>l</sup> As these examples demonstrate, the governance of a commons is the space that makes realizations of commons principles possible.

Most legal structures available for creating a commons require formalized governance aspects: required meeting frequencies, record-keeping, contract requirements, voting procedures, prescribed governance objectives/duties (e.g., charitable or beneficiary obligation), and public sharing of certain information. While these formalized governance aspects can help mitigate problems frequently encountered by collaborative initiatives, they might—depending on legal structure choice—constrain the possible styles of governing and the possible sovereignty and authority of individuals within the commons. Perhaps most significant to particular legal structures’ governance requirements is the creation of different types of stakeholders. Examples of this are the differentiation of shareholders from boards of directors and their appointed officers, advisory committees from non-committee members, trustees from beneficiaries, and one legal entity within a multi-entity commons having (inescapably) an asymmetric relationship with another entity in the commons. An example of this latter differentiation is a group of several incorporated cooperatives; each cooperative may not necessarily have a symmetric relationship with the other cooperatives with which it is incorporated.

Questions of governance are inevitably questions of agency and power. Throughout the informational interviews, participants named the importance of creating spaces where individuals can critically contribute to decision-making processes. As one participant stated, “It goes back to personal agency...we need to ensure that we’re hearing each other and honoring each other’s experiences and perspectives in order to move forward together” (Interviewee #6). The work of hearing one another was expressed in various ways, e.g. “deep democracy” (Interviewee #6). This language expands participation beyond decision-making involvement to include story- and knowledge-sharing, and the active negotiation of power dynamics.

Interview participants also reiterated the importance to their organizations of “democratic control by those who are impacted, who are on the land” (Interviewee #8). In many commons models, a parent organization and/or board holds the oversight for broader governance structures and questions of vision and direction for the commons. These bodies provide helpful support and accountability. In relation to these broader governing structures, care and intention are necessary to ensure that those who are working the land are meaningfully drawn into decision-making processes. The work of creating governance structures to support a commons is also the work of creating participatory systems that include all those involved. Hearing the multiple definitions of food sovereignty, community-wealth building, governance, and commons gave us insight into the importance of language and self-definition. Subtle changes in language radically change the meaning of elements in a commons model. For example, one organization chose the language of a *commons* rather than *co-op* because it is more expansive. “It gave us room to define what it is, what we want a commons to be” (Interviewee #4).

## Community Wealth-Building and Financial Structures

*“It’s not a conventional way of [making] money because it’s not a conventional structure. So I think that could potentially be a challenge. The more unique and innovative and collective and commons-y the structure is, [the harder it will be to] access the typical sources of capital.” — Interviewee #2*

Community wealth-building is central to a farm commons, as is recognizing the way in which wealth is defined. Our interviewees made clear that communities define ownership and wealth in various ways; thus, defining wealth and ownership is an ongoing process of development and discovery. Access to capital enables forms of collective ownership that make long-term investment and place-based security. Thus, the need for capital and land ownership are not necessarily in discord with commoning. Instead, they have a co-constitutive relationship: each compels the other. Many interviewees discussed the importance of using community funds for investing in equitable land distribution for Black farmers, and in making collective decisions about the beneficiaries of these grants and financing opportunities. Others suggested ways to build financial equity outside of land ownership through subsidies for farm work and transportation costs, equipment, and housing.

We found that different organizations conceptualize definitions of “community” and “wealth” (and by extension, “community wealth-building”) uniquely, based on their particular history, context, and purpose. It matters profoundly to our interviewees’ organizations that they are actively defining *who their community is* in order to manage who is centered, included, or excluded.

Within the commons-esque work of Cooperation Jackson, key wealth practices include pay solidarity and members’ economic participation.<sup>li</sup> Pay solidarity entails minimizing the total pay differential between the lowest and the highest paid members in order to reduce intra-commons wealth disparity. Moreover, members’ economic participation means that all members equally contribute to and control cooperative capital, benefiting each member “based on the proportion of contributed labor or hours worked...rather than on the capital invested.” Together, these two practices of Cooperation Jackson work to treat members of the commons-esque entity as a *collective*, refusing to discriminate based on prior wealth accumulation or social station.

Similar to Cooperation Jackson, Mondragon Corporation has an executive salary cap at six times that of the minimum salary.<sup>lii</sup> As a form of community wealth-building, Mondragon prioritizes employee job preservation over shareholder dividends or executive stock options. In addition, each cooperative enterprise that is part of Mondragon contributes to a collective pool that helps to fund unemployment benefits and aid struggling cooperatives.<sup>liii</sup> These methods of investing profits into collective safety nets facilitate equitable wealth-building among Mondragon members.

Agrarian Trust's commons model takes a different step toward community wealth-building. While farmers within this model do lease the land, their investment in farm infrastructure leads to ownership of ground leases "for up to 99 years."<sup>iv</sup> When farmers prioritize land and/or social justice in their work, that justice commitment is returned to them through lease payments that are "equitable [and] calculated collaboratively," as well as re-invested in "property stewardship and management, legal support," and other forms of support for the commons. AT names several tools toward equitable leases: (1) "worker cooperatives"; (2) "matching retirement savings plans—[which can] distribute collectively raised funds and accrued rent/lease rates back to lessees"; and (3) "low or no cost lease for mission-aligned [and in particular historically marginalized] lessees."<sup>iv</sup>

In light of the discriminatory history of traditional financial structures toward Black farmers, it is equally important to examine how a commons might equitably access financing, or the commons' external financial relations. AT's equitable lease model ensures that "land is off the market...real estate developers can no longer speculate...[and] banks no longer profit off mortgage loans and can't repossess farms through foreclosure."<sup>vi</sup> In other words, many of the traditionally inequitable financial relationships are off the table in the AT's commons model. Even more, the organization states that "because [it] is removing the land as a vehicle for collateral, making it more difficult for a lessee to access capital, [they] are developing and growing a revolving capital fund for lessees in place of traditional loans fund."<sup>vii</sup>

Similarly, Black Farmer Fund (BFF) seeks to be a vehicle for capital "built around individual needs [of] Black food businesses."<sup>viii</sup> In contrast to the USDA practice of "requiring farmers to pledge their land as collateral for loans" leading to "land seizures that dispossess Black farmers," BFF's pilot charitable loan fund asks Black farmers what they need and acts accordingly—specifically refusing to "place liens on land."<sup>ix</sup> The fund offers "blended, patient capital (i.e. grants, low interest loans, flexible repayment terms)" tailored to the recipient business or organization's particular needs, as well as "non-monetary resources" to those groups who do not receive funding.<sup>x</sup> Significant to ideas of community wealth-building, BFF seeks to redefine wealth beyond the financial to encompass ancestral and cultural lifeways, climate change mitigation, community governance, and solidarity.

Meanwhile, TFC envisions the formation of a Food Commons Bank, defined as a "community-owned financial institution."<sup>xi</sup> While FCF has not formed a community bank, it initiated direct public offering in 2018, which allows the organization to raise capital from the community rather than rely on external stakeholders through the stock market or investment banks. However, FCF continues to struggle with relocalizing wealth and creating regenerative capital because markets control access to working capital.<sup>xii</sup>

Obran Cooperative is an innovative organization that acquires small and medium-sized businesses and converts them into cooperatives, all under Obran's umbrella.<sup>xiii</sup> While only in the startup phase, Obran plans to create verticals of cooperatives in multiple industries, including health care, construction, and employment services, demonstrating how commons-esque organizations can spread their operations throughout the supply chain. Moreover, all Obran employees receive a share of the entire organization's annual profits that is proportional to their hours worked. While some of these approaches necessarily maintain a traditional relation to capital, they nevertheless represent new visions of farmer access to land and capital, making it their mission to address historical inequitable lending practices.

Across the US, there are various efforts to create entirely new economies. Cooperative Jackson is one example, with their goal to build a *solidarity economy*. Rather than focusing on capital accumulation, solidarity economies center social values and collective benefits by embracing the following core values: (1) interdependence, (2) solidarity with both human and non-humans, (3) democratic practice through cooperative management and participatory governance, and (4) multiple and diverse economies. The city of Boston offers an illustrative example of how BIPOC and low-income communities are creating a solidarity economy through a network of food-focused organizations that provide a range of services across the supply chain. In addition to collective land ownership, this model includes shared facilities for food businesses. Thus, consistent with the commons' principle of sharing, these organizations strive to foster new economies by promoting opportunities for sharing space, skills, and goods. However, in order to make a profit, farmers

often must sell their goods in high-end markets and restaurants that are inaccessible to low-income communities.<sup>lxiv</sup> Therefore, even as new economic frameworks are developed, wealth-building is constrained by external market forces.

There are also alternative wealth-building models, like intentional communities, that pool their resources and share housing, cars, etc. in order to sustain themselves and live out their missions. For example, through residents' work contributions and donors' support, Camphill Villages are able to offer health insurance, higher education programs, tuition support, and stipends for exiting members.<sup>lxv</sup> Intentional communities like Camphill define wealth differently, with less of a focus on financial assets, and more of an emphasis on living in community, on shared land, taking care of one another, and the environment.

## Food Sovereignty and the Commons

*“We really see food sovereignty as our right and ability to control our food from production and distribution to consumption, and really rooted and being able to produce food with fair labor, that honors the people who grow the food, that is able to create the food through ecologically sound and sustainable methods. And that we’re able to create an abundance of culturally appropriate and life-giving food to our community, through our agricultural systems...” —Interviewee #5*

Originating in grassroots movements and from farmers in the Global South, the term “food sovereignty” calls out the political and economic inequities of neoliberal agriculture and trade practices and policies.<sup>lxvi</sup> La Vía Campesina’s conceptualization of food sovereignty goes beyond food security to emphasize “the right to reclaim power and define [one’s] own food and agriculture systems.”<sup>lxvii</sup> The 2007 Nyéléni Forum incorporated the rights and agency of consumers alongside those of food producers into the definition of food sovereignty.<sup>lxviii</sup> Also integral to food sovereignty is democratizing food systems, protecting the environment, and building solidarity.<sup>lxix</sup>

Our interviewees consistently affirmed La Vía Campesina’s understanding of food sovereignty. Many of our interviewees that work in academic institutions decentered their own definitions of food sovereignty and acknowledged grassroots community organizers as leaders. Interviewees explained that food sovereignty necessitates a holistic, communal vision of food as culture, that contains within it songs, memories, histories, resistance, movement, and spirituality practices.

As expressed by many of our interviewees, it is disproportionately difficult for Black farmers to invest in land ownership. As interviewee #2 noted, “For these farms, food sovereignty, more than food security, cannot exist or flourish without legally securing long term access to land.” It is even more difficult to prioritize food sovereignty before securing legally affirmed, long-term access to land. Interviewees suggested that for small-scale Black-owned farms—in the context of historical harms and present-day barriers to land ownership—food sovereignty must be preceded by land justice. Legally securing long-term access to land enables a farm’s capability to grow, distribute, and share knowledge about culturally relevant foods. For interviewees, control over and access to cultural foods in local food systems were integral to the practice of food sovereignty. Moreover, interviewees shared an understanding that investment (via time, capital, knowledge-sharing, growing and farming, or networking) in culturally relevant foodways was crucial to enlivening an ethos of collective ownership.

Food sovereignty originated and continues as a grassroots agrarian movement. Black and Indigenous perspectives are invaluable to the struggle for food justice; they radically reconfigure human relationships with the land, plants, animals and nonhuman beings that honor spirituality: “On a more day-to-day relational level, we really believe in a practice of asking permission of the land” (Interviewee #5).

# Discussion

## Community-Controlled Food Systems and Self-Reliant Communities

A farm commons supports a “community-controlled food system”<sup>lxx</sup> by allowing members to self-govern and share collective benefits. However, the way in which a Black Farmer Commons chooses to design its governance structure will determine how power is distributed amongst its members. The SARE-funded project aims to create a “farmer-defined collaboration structure” which will allow farmers to “collectively be the creators and owners of the decision-making process.”<sup>lxxi</sup> This embodies self-determination, a key principle of commoning. The extent to which a farm commons is able to create “self-reliant communities”<sup>lxxii</sup> will depend on how goods and services are provided through its model. As TFC’s prototype demonstrates, attempts to establish a commons are not impervious to external market forces. Even if the Black Farmer Commons operates within collective and non-capitalistic principles, it will have to function within dominating capitalistic markets, and thus must consider the extent to which it can achieve self-reliance and how far it extends across the supply chain—at least until it serves as a model and avenue for larger systemic change. From the informational interviews, various articulations regarding the iterative nature of commoning practices surfaced. Interviewees resoundingly located the value of the commons construct and commoning practice in the ways that these structures can serve as seedbeds for sovereignty and knowledge-sharing—where power shifts back to community members to self-define, center culturally and spiritually relevant foodways, and participate in collective governance and decision-making.

In order to build wealth across the whole “community-controlled food system” that Corbin Hill envisions, including a Black Farmer Commons, the members of the SARE project could look to organizations like Obran and Mondragon for examples of vertical integration that equitably benefit all involved parties.<sup>lxxiii</sup> Corbin Hill could bring the benefits of a cooperative model, including equitable wealth-building, to all farmers, food processors, distributors, chefs, etc. by converting existing businesses to cooperatives (or commons) and giving employees the benefits of cooperative members. In the Obran model, this would mean that all members of the community-controlled food system would receive a share of the entire food system’s annual profit, proportional to their hours worked. It would also mean that employees could have access to internal capital accounts, which they could use to invest in the vertically-integrated food system’s expansion efforts. Furthermore, all members of a Black Farmer Commons, and everyone else in the community-controlled food system, would have some power to determine the overall direction of the food system. As demonstrated by Mondragon, this can be done in an efficient manner, allowing day-to-day decisions to remain the responsibility of each original business’ management team. “Commoning” or “cooperatizing” businesses at every level of the food system helps to protect the system against the aforementioned pushes and pulls of the market. By connecting all players in the community-controlled food system, including a future Black Farmer Commons, under one commons umbrella, the SARE project members can help to build wealth equitably in the northeast BIPOC community.

Moreover, as discussed in key findings, organizations like Obran Cooperative, Mondragon, and Camphill demonstrate how commons-esque organizations can provide benefits to its members in addition to profit-sharing and democratic governance. The Black Farmer Commons, and any other “cooperatized” business in the community-controlled food system, can similarly pool the resources of the commons members, donors, consumers, etc., in order to offer commons members subsidized housing, tuition assistance, health insurance, and more. Thus, members of the commons can collectively envision how they would like the Black Farmer Commons to evolve in both the near and long-term, with the possibility of adding new benefits over time that align with the group’s values and allow the commons to increasingly cultivate self-reliance.

A theme that consistently emerged when discussing the commons with our interviewees was: how do we reconcile the need for land ownership and financial capital to build community wealth with the ideological framework of the commons? In particular, there seems to be a discordant relationship between securing land

ownership and collective stewardship. This tension shows up as an intergenerational conflict, between an elder generation coming out of a period of securing private land ownership as a civil right, and a younger generation who is embracing alternative, communal, and Indigenous ways of stewarding land. Are these pieces irreconcilable or do they stand in creative tension allowing opportunities to exercise the agrarian-socio-political imagination of the commons?

One way that these dynamics can be negotiated is through governance structures, which can be challenging to define for a commons. Formalized governance structures are needed to define the key roles, responsibilities, and systems of accountability for each stakeholder. Within these structures, the ability of individual community members to meaningfully participate in decision-making is directly linked to their economic participation. As one interviewee stated, the governance structure of their organization is premised on the commitment “that everybody has a living wage and access to both physical and emotional healthcare and wellbeing and governance” of their organization (Interviewee #5). These commitments help to facilitate a space where individuals are empowered to share their perspective and to advocate for actions particular to their context and community—critical to a community-controlled food system. This same interviewee went on to add that “the land herself has a vote in our governance model.” While it was not explicitly stated as to what it means for the land to have a vote, there was a sense of deep commitment to reciprocal relationships between community members, and between the community and the land. Governance structures offer a context through which to establish a managerial infrastructure for a commons (i.e. rules and commitments for decision-making processes, wages, healthcare, etc.), while also inviting ongoing relationships of reciprocity and accountability. In creating a Black Farmer Commons, this multifaceted governance must be carefully considered, recognizing that questions of agency and power are negotiated iteratively through relationships and shared work. These levels of governance (larger managerial infrastructure, and day-to-day decision-making) are mutually supporting, and also at times exist in tension with one another.

## Food Sovereignty

Creating a Black Farmer Commons is not the same as creating food sovereignty. Ideally, commoning is one way for the longer-term goal of food sovereignty to be holistically achieved. As articulated in our key findings, for Black farmers in particular, land justice that secures long-term access to land precedes food sovereignty. This prerequisite holds true especially when considering the long history of land dispossession for Black farmers, which has severed trust and fragmented generational agrarian wisdom. Food sovereignty includes the right to grow and share culturally relevant foods, but without legally secured long-term access to land, growing these foods—which may not be demanded by markets or funders—is a disproportionately high risk for Black farmers. Having a legal framework that supports the ideology of a commons is the first step in acquiring the land security necessary for moving beyond food security, which is focused on survival, to food sovereignty, which involves shifting power.

For food systems change to be both possible and sustained in commons models, it is key that commons members can access capital through alternative financial models that affirm the significance of culturally relevant, local foodways. As interviewee #2 expressed, “A legal structure itself doesn't bring in money....it's hard for a farm business to invest in the future if they don't know where they're going to be and if they don't have long term to the land, because investment in the business includes investment in the land.” As such, along with land justice as a necessary prerequisite to moving beyond food security to food sovereignty, there must also be financial models that support the presence of culturally relevant, spiritually-significant foods that align with the ideology of collective ownership and reciprocity in the commons. Questions that came up from our research include: what are the farm businesses that support the creative, collectivist values of the commons? How does the commons movement expand our vision of what “wealth” is and how communities build it? And how does commoning create opportunities for communities to claim cultural and spiritual relevance in their foodways as a critical part of their community *identity*, and affirm the importance of food sovereignty in lasting food systems change?

Here knowledge-sharing becomes especially powerful. Another interviewee noted that what is needed is “education at [the] policy level and education at [the] community level” (Interviewee #9). However, the multiscale nature of this communication is difficult because loans and grants often place constraints upon what counts as a *farm* or whom as a *farmer*, or what counts as *significant* food. Control over language and definitions limits the possibility of growing and exchanging information about culturally relevant foods, because such foods are not often financially prioritized. As such, it becomes crucial to food sovereignty work—within which the power to self-define is integral—to consider access to and training in mixed economic models for small Black farm businesses, such that these communities have the autonomy to voice their own understandings of culturally relevant food based on their histories, memories, and ecologies. As expressed by one of our interviewees, a commons for their organization is a “system that...invites people to be part of a community and a family where we all see each other as equals and are in a reciprocal relationship...food is something that really connects us to our cultures and our histories. So this process needs to go beyond ‘I need food to survive, to ‘how do I also have food that’s healing, for my spirit healing, for my emotional health, food that’s a cause of celebration?’” (Interviewee #5). The commons thus serves as a powerful vehicle for centering these multiplicities of definitions and celebrations, and for new questions about food sovereignty to be raised—but this framework needs to be financially supported in order for food sovereignty to be possible and sustained. BFF is a good example of this kind of support.

In summary, food sovereignty is more than food security. Structurally, food sovereignty must be supported by leases that secure long-term access to land, as well as mixed financial models and grants that affirm the significance of culturally relevant food to Black and Indigenous communities. Finally, food sovereignty must be supported and sustained by hubs of knowledge-sharing that continue to generate wider and wider concentric circles of ideological support and access to education, all centering intergenerational Black agrarian wisdom. The commons can thus be part of a multistrategy approach to realizing food sovereignty.

## Community Wealth-Building

A key principle of the commons revolves around community wealth: not only that wealth belongs to the community, but also that the community shares multiple forms of wealth together, beyond the financial, such as ancestral wisdom, solidarity, climate mitigation, and shared governance.<sup>lxxiv</sup> In light of the historical inequities in Black farmers’ access to wealth and funding, and in the spirit of solidarity economies, a multistrategy approach to community wealth-building seems the best fit for the needs of a Black Farmer Commons. For example, while the AT’s commons model maintains an iteration of the landlord-lessee relationship, it ensures equitable lease payments and terms. This land justice approach both re-invests lease payments in support for farmers, and provides low or no-cost leases for historically marginalized lessees.<sup>lxxv</sup> In combination with equitable sources of funding like that from BFF, such a financial model might allow a Black Farmer Commons to focus its efforts beyond unhelpful dominant financing structures and toward cultivating other forms of wealth for the community.

This multistrategy approach to community wealth-building, however, is more complicated in practice—if only because Western ideas of wealth are inextricably linked with land ownership. Can a community like the Black Farmer Commons *build wealth together* if the community’s land relationship is premised upon the potentially alienating structure of a lease? As much as community wealth-building efforts encounter messy territory, solidarity and justice are built into every step of commons governance. Governing the commons based on principles such as pay solidarity and members’ economic participation thus ensures that even if the *wealth-building* is slow-going, the commons remains non-extractive towards each of its members. Also critical to just community wealth-building is the shift away from profit maximization. BFF’s charitable loan fund enables Black farmers to avoid the traps of traditional loans, the latter of which might otherwise push borrowers to seek profit maximization at the expense of social and/or ecological justice. Thus, adopting a multistrategy approach toward community wealth-building could enable a Black Farmer Commons to achieve “financing beyond the limited underwriting laws or loan programs” and improve “quality of life,”<sup>lxxvi</sup> “income,” “agriculture and food system infrastructure,” and “food accessibility.”<sup>lxxvii</sup>

## Fostering a New Economy

A key principle of the commons is the recognition that the value and importance of land and food transcend their assumed quantifiable monetary value. One interviewee described their organization's understanding of the value of land in this way: "it's not just about what we extract for us, it's about what is available for a mutual thriving and mutualism between species" (Interviewee #5). This ideology challenges the dominant economic system's emphasis on profit-maximization and individualistic gain. Practically, it is an ongoing challenge to imagine and foster a new economy that supports collective farm ownership and community wealth-building. Perhaps it is more helpful to think of *economies*: multiple efforts at multiple scales that intersect to shape a network that has, as one interviewee stated, "democracy at its root" (Interviewee #6). This approach imagines economic models financially *and* relationally. One such example is offered through BFF, which provides a flexible and robust form of funding in "blended capital." They are not "just giving you money, walking away and hoping it works out...[they're] trying to support you in different ways" (Interviewee #2).

While BFF offers a promising alternative economic model, there is also a need to find creative ways of working within existing systems, even as those systems continue to constrain options for land ownership. As one interviewee suggested, "Given the economic system that we live in, and the legal structures that we have available to us, the issue is: how do we create leases to farmers that are equitable, allow them to have long term tenure, allow them to build equity, financial equity, in other ways besides owning land [and to] create inheritable things that aren't associated with the land?" (Interviewee #8). This remains an open question.

The solidarity economy framework aligns well with the objectives and values of commoning and also supports Corbin Hill's desire to create an economic model "best characterized as being non-extractive in nature with community wealth being created."<sup>lxxviii</sup> Moreover, by creating a network of support, the principles of interdependence and solidarity align with Farm School NYC's goal to achieve "self-reliant communities." Still, as Boston's solidarity economy demonstrates, creating a new economic model to generate "self-reliant communities" requires support across the supply chain. The Boston example shows that there is both interest and capacity to support local efforts pursuing alternative food systems that embrace relational sharing over transactional exchanges. However it also emphasizes that challenges exist, and that grassroots initiatives must be approached as part of a multiscalar process to create change, whereby "transformational food sharing and food justice [is] a dialectical process across multiple scales and over time. Any potentially transformative project begins within a neoliberalized landscape."<sup>lxxix</sup>

## Comparative Analysis of the Legal Models

There is not a single "best fit strategy" for commoning—the final structure will always depend on the specific needs of the community creating it and their unique goals (addressing, at minimum, the Key Legal Dimensions for Commoning). Thus, this report cannot recommend a "best fit" legal entity for creating a commons. However, commons-affirming legal frameworks do exist that support the vision of Black ownership, co-management, and stewardship of land. The four existing legal entities referenced in this report harness these six critical characteristics and have allowed the legal system to engage with the goal of creating common property and collective governance. Beyond the pages of this report, we encourage the measurement and careful assessment of potential future commons structures on at least this set of Key Legal Dimensions for Commoning. We hope that it may serve as a helpful conversational touchpoint about how a given design choice may or may not affect the success of commoning. Please refer to the Legal Addendum for a unique, in-depth comparative analysis of these four legal structures along these Key Legal Dimensions for Commoning.

That being said, there are several trade-offs within these legal ingredients to the commons. Some of the entities listed above expose portions of the commons to greater tax exposure (the LLC), but on the other hand place fewer limits on the use of profits (as compared to a non-profit corporation). Different entities also take different approaches to governance, i.e. centralized versus direct decision-making. A trust model,

for example, centers decision-making in an elected board of directors (de facto preventing the use of community-wide consensus, at least in the “official” decision), while a cooperative is run entirely by its employees (which can be, e.g., commons-wide voting or consensus). However, this trade-off can be mediated by combining the trust and cooperative structures, such that a trust may lease the land to a cooperative, thereby ensuring that the land remains a commons in perpetuity, but allowing direct, participatory governance of the land itself and its day-to-day functions. While this is just one example of many promising multi-entity structures, the main lesson here is that while there are trade-offs between these structures, the legal models discussed here, as well as others, offer opportunities to leave traditional notions of property ownership behind and create a unique structure that suits the specific needs of a Black Farm Commons.

Based on our research, these legal entities can encourage “a racially just, regenerative and equitable food system” that generates community wealth in the present and into the future.<sup>lxxx</sup> Each of these entities facilitate a power shift wherein users of the commons are no longer “solely advisory” but instead are part of the decision-making process.<sup>lxxxi</sup> Understanding these entities, and their respective costs and benefits, will aid in Corbin Hill’s mission to “work with communities of color and low-income communities to increase food access and create new pathways to ownership and wealth creation in an effort to build a community-based food system.”<sup>lxxxii</sup> Moreover, a governance structure is a key yet fluid characteristic that must be defined collaboratively and by the relevant community based on their definition of commons. By definition, commoning involves some degree of prioritizing the group over the self, but some retention of individual agency and autonomy is likely critical to achieving successful commoning. As in any governance structure, the interests of the members in different roles within the commons itself may vary. Balancing these interests will be negotiated in whatever legal structure, or rather combination of legal structures, chosen and can be potentially reconciled with deliberate, collective governance.

Participation in commons-esque movements stands as a powerful set of creative and political actions of autonomy and self-determination, which makes the commons movement significant with or without uniform definitions to concretize its existence. A Black Farmer Commons must not be limited to common-property regimes because the act of commoning that a Black Farmer Commons envisions goes beyond the land itself. A Black Farmer Commons includes the collective action and participatory management of a community on the common property, where commoning could potentially extend beyond the resources on the property (i.e. health, culture, and knowledge commons). Therefore, any legal structure that supports a Black Farmer Commons needs to be dynamic and flexible enough to support this creative process of collective self-definition.

## Recommendations

Noted at the beginning of the report, our project has sought to provide insight on the three broad, action-oriented research questions. These questions focused on the ways in which our partner organizations envision their theories of change; conceptualize food sovereignty and “commons” in their work; and, from the SARE proposal, how Corbin Hill and Farm School NYC, both Black-led organizations, might help foster alternative economies that support collective farm ownership and develop financial models designed for intergenerational community wealth-building.<sup>lxxxiii</sup>

To this end, the project teams developed the following four recommendations that together highlight the importance of creating a commons that incorporates flexibility, incrementalism, and multiscalar approaches.

- 1. Build the commons to be a flexible, multi-faceted structure that allows for many different conceptions of community, commons, wealth, relationships to land, governance, and food sovereignty.** Research across our three methodologies consistently demonstrated that the process of

“commoning” is dynamic, diverse, and self-defined. Thus the commons model that our project partners are developing might continue to iterate and evolve over its existence, and ideally offer a space in which all of its participants have the ability to self-determine their relationship with and participation in the commons. This understanding of commoning as a vehicle for building other forms of sovereignty and wealth would align with our discussion of food sovereignty in this report, as well as with the focus of each organization on self-determination. Together these facets of commoning affirm the poignancy of Corbin Hill’s Theory of Change which aims to: “creates wealth for communities of color and low-income people” through conceptualizing commons as pliable structures that support community-controlled food systems and related sovereignty movements.

2. **Strategize the design, pace of action, and priorities of the commons to reflect the incremental development that links short-term needs to the long-term vision of partner organizations as well as different participants’ understandings of “commons.”** Realizing the objectives of creating a “community-controlled food system,” as well as different participants’ understandings of “commons,” as emphasized by Corbin Hill’s Theory of Change, requires balancing the short-term need of farmers to generate sufficient capital to support farm operations with the long-term aim to foster “self-reliant communities.” First and foremost, the livelihoods and wellbeing of farmers must be protected. This requires interfacing with external markets and institutions that may not reflect the values of the commons as we have discussed them in this report. However, with time, this will contribute to land justice, which is an important prerequisite to food sovereignty. Thus, creating a Black Farmer Commons may serve as one among many holistic approaches to food sovereignty by allowing members to implement multiscalar strategies that strengthen their resiliency, align with the principles of self-governance and self-determination, and contribute to community wealth-building. This strategizing work might ideally include explicit, and perhaps ongoing, discussions among participants and partnering organizations about their own, and additional potential conceptualizations of both the commons and wealth.
3. **Engage with the Key Legal Dimensions for Commoning to identify land ownership and governance models that best fit the objectives of commoning.** A theme that consistently emerged when we discussed the commons with our interviewees was: how do we reconcile the need for land ownership and financial capital to build community wealth with the ideological framework of the commons? Legal structures centered around the agrarian/community land trust or cooperative models, but including non-profit corporate and LLC structures, can challenge typical property ownership norms that have historically excluded Black farmers and instead offer sustainable, equitable approaches to farming. The precise choice of legal organization has large ramifications for the key characteristics of commoning that may or may not be achieved; each legal entity comes with significant tradeoffs relative to others.
4. **Explore a multistrategy approach to building wealth by and for Black farmers and the communities in which they are embedded across the food supply chain.** This requires thinking about how financial models can address the goals of the commons across different scales. For example, as other commons-esque organizations have demonstrated, internal organizational policies can support members through equitable governance structures, such as pay solidarity. Meanwhile, obtaining sufficient funding to support sustainable operations and promote intergenerational wealth requires implementing policies like community-based financing that substitute or complement typical loan and grant programs that have historically discriminated against Black farmers. Furthermore, addressing the broader economic system will require that the partner organizations consider how a Black Farmer Commons can situate itself throughout the food supply chain so that it links producers to consumers and avoids or minimizes external market forces that might otherwise burden the farmers. Finally, seeking different approaches might also include exploring diverse and alternative conceptualizations of wealth that step beyond mainstream capitalism.

# Conclusion

Black agrarianism is a form of resistance to—and recovery from—land dispossession. A Black Farmer Commons may connect land ownership and the pursuit of food sovereignty for BIPOC and low-income communities. Our project has researched and analyzed information about the multiple definitions and approaches to commoning; explored the interplay of food sovereignty and land justice; provided existing examples of commons-like structures; and outlined some of the legal implications of different framings of governance and ownership that might be considered when establishing a commons.

Using a critical participatory action research (CPAR) approach, we designed our research goals with our partner organizations, Farm School NYC and Corbin Hill Food Project. Through interviews, secondary analysis, and legal frames, we addressed our research questions about food sovereignty, conceptualizations of the commons, and community wealth-building. In line with the focus of our work, we sourced information from interdisciplinary fields and diverse perspectives with particular attention to centering Black voices. We have offered recommendations informed by this research for our partner organizations to consider as they embark on creating the first Black Farmer Commons in the Northeast United States. Our project contributes to a body of knowledge that we hope will inform the creation of this commons.

# Appendices

## Section 1:

### Informational Interview Questions

1. **Establishing context:** Which communities does your organization serve, and what do you perceive the obstacles, strengths and desires of those communities to be?
2. **Community wealth-building:** We recognize that many laws and loan programs do not adequately support Black farmers in accessing financing and sustaining generational wealth. How does your organization resist or contend with these barriers? What alternative economic models support your organization's efforts to build and sustain community wealth?
3. **Prefigurative politics:** What role does education play in your organization? For example, how does your organization exchange information, interrogate oppressive systems, or build community through political education? And what kinds of spaces do you create to foster this?
4. **Black Farmer Commons:** In the context of our project, we are helping to fill knowledge gaps around the theory and the practice of a Black Farmer Commons. Does your organization engage with thinking about a commons? If so, how do you think about this idea?
5. **Governance:** As we have been working through this project, we've been thinking a lot about what it means to work towards food sovereignty. According to the international grassroots organization La Vía Campesina, food sovereignty can be defined as: "the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to reclaim power and define their own food and agriculture systems."<sup>lxxxiv</sup> How does your organization define food sovereignty? Does this definition impact decision-making within your organization, and if so how?

## Section 2: Example Organizations from Secondary Analysis Discussed in Report

Organization	Mission	Vision	Knowledge-sharing activities
<p>Athens Land Trust</p> <p><a href="https://athenslandtrust.org/">https://athenslandtrust.org/</a></p>	<p>Improve quality of life for all by preserving, protecting, and strengthening the fabric of the community through education and the stewardship of land for purposes of affordable housing, conservation, agriculture, and economic development.</p>	<p>Not explicitly mentioned in online sources.</p>	<p>Provides educational opportunities for new businesses. ALT has also partnered with their local school district to establish the Young Urban Farmers program to teach underserved high school kids about sustainable agriculture, business planning, and leadership</p>
<p>Black Farmer Fund</p> <p><a href="https://www.blackfarmerfund.org/">https://www.blackfarmerfund.org/</a></p>	<p>Not explicitly mentioned in online sources.</p>	<p>Black Farmer Fund is creating a space to practice community-led decision making governance around patient capital that is built around entrepreneur’s specific needs. In our visions of freedom, where we see Black people and all people in right and healing relationship with the land and our food and medicine, beyond our current systems of oppression and violence, we will still need this skill - how to sit together, see each other, determine an equitable distribution of resources, and make collective decisions about our communities.</p>	<p>Promotes education in financial literacy, amongst other supportive decision-making activities.</p>
<p>Cooperation Jackson</p> <p><a href="https://cooperationjackson.org/">https://cooperationjackson.org/</a></p>	<p>The broad mission of Cooperation Jackson is to advance the development of economic democracy in Jackson, Mississippi by building a solidarity economy anchored by a network of cooperatives and other types of worker-owned and democratically self-managed enterprises.</p>	<p>Our long-term vision is to develop a cooperative network based in Jackson, Mississippi that will consist of four interconnected and interdependent institutions: a federation of local worker cooperatives, a cooperative incubator, a cooperative education and training center (the Kuwasi Balagoon Center for Economic Democracy and Development), and a cooperative bank or financial institution.</p>	<p>Partners with workers for creative collaboration, by having members form working groups to explore ideas for cooperative businesses based on the need, opportunities and interest. Their Center for Community Production also provides training in sustainable manufacturing and fabrication.</p>

<p>The Food Commons</p> <p><a href="http://www.thefoodcommons.org/">http://www.thefoodcommons.org/</a></p>	<p>Not explicitly mentioned in online sources.</p>	<p>The Food Commons model is a networked system of physical, financial and organizational infrastructure that allows new local and regional markets to operate efficiently, and small to mid-sized food enterprises - from farms to processors, distributors, and retailers - to compete and thrive according to principles of sustainability, fairness, and public accountability.</p>	<p>Provides Community Meeting Space for members to gather for education, cultural, and celebratory reasons. Also provides Learning Center classrooms, kitchens, and community gardens so people can participate in farming, urban agriculture, animal husbandry, and cooking.</p>
<p>Mondragon Corporation</p> <p><a href="https://www.mondragon-corporation.com/en/">https://www.mondragon-corporation.com/en/</a></p>	<p>A socioeconomic business project deeply rooted in Basque culture, created by and for people. Committed to a sustainable society, greater competitiveness and customer satisfaction, with the remit to create wealth and transform society through business development and employment. It is driven by a commitment to solidarity, applying democratic methods in its organisation and management. It boosts people's engagement and involvement in the management, performance and ownership of its companies.</p>	<p>A cooperative socioeconomic project, with dedicated people working in global companies that are profitable, competitive and enterprising, acknowledged for their human values, social impact and competitiveness.</p>	<p>Provides education for healthy living habits and living environments by educating families. This includes responsible production and consumption, along with training women for employment in a variety of sectors. Mundukide, Gizabidea, and Ausolan are all foundations that promote education in fields including agriculture, business, innovation, and educational infrastructure.</p>
<p>Obran Collective</p> <p><a href="https://obran.org/">https://obran.org/</a></p>	<p>Obran Cooperative is on a mission to change the system of employment in this country. We are building a network of human-centered businesses that empower our workers through ownership and education.</p>	<p>Through a portfolio of real estate asset management and construction companies developed and acquired by Obran Cooperative, Obran Rising builds community wealth through real assets to deliver quality housing to our members and their communities. Through our care delivery companies and our technology and services companies, Obran Health empowers the caregivers that care for us all.</p>	<p>Offers opportunities to hone entrepreneurs' knowledge of the cooperative structure, democratic management, along with supporting health care professional's agency and worker-ownership and promoting community wealth in real-estate.</p>

<p>Federation of Southern Cooperatives</p> <p><a href="https://www.federation.coop/">https://www.federation.coop/</a></p>	<p>The four main themes of our mission are: to develop cooperatives and credit unions; to save, protect and expand the landholdings of Black family farmers in the South; to develop a unique and effective Rural Training and Research Center to provide information, skills, and awareness, in a cultural context; to develop, advocate and support public policies to benefit our membership of Black and other family farmers; and the low-income rural communities where they live.</p>	<p>Not explicitly mentioned in online sources.</p>	<p>Provides training and skill development as well as technical assistance and access to a network of over 20,000 members.</p>
<p>Black Family Land Trust, Inc.</p> <p><a href="https://www.bflt.org/">https://www.bflt.org/</a></p>	<p>The Black Family Land Trust, Inc. provides educational, technical, and financial services to ensure, protect, and preserve landownership for African Americans and other historically under-served landowners. The BFLT currently works primarily in the Southeastern United States, with active projects in Virginia, North Carolina and South Carolina.</p>	<p>Long term, BFLT envisions a nation where: African American families retain ownership of their land, and lost land is returned to Black ownership and protected. African American families and communities secure and assert the power of citizenship that accrues through land ownership in a democratic society. Current and future generations of both urban and rural Blacks are fully engaged in the land retention struggle. Education, technical assistance, cooperative ventures and new and existing enterprises enable us to support economically and environmentally sound land stewardship.</p>	<p>To prevent further land loss by African Americans, the Black Family Land Trust, Inc. established the Wealth Retention and Asset Protection (WRAP) program to inform landowners about “heir property and estate planning, intergenerational financial management, conservation easements, and 21st century options for land use” (“Wealth Retention and Asset Program (WRAP”).</p>

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- iii “Corbin Hill Food Project: Theory of Change and Strategic Plan 2019-21 - Internal Project Document.”
- iv Fine and Torre, “Critical Participatory Action Research: A Feminist Project for Validity and Solidarity.”
- v White, *Freedom Farmers: Agricultural Resistance and the Black Freedom Movement*.
- vi White.
- vii Cowan and Feder, “The Pigford Cases: USDA Settlement of Discrimination Suits by Black Farmers”; “Heirs’ Property - Farmland Access Legal Toolkit”; Schulman et al., “Problems of Landownership and Inheritance among Black Smallholders”; Nelson, “Black Political Power and the Decline of Black Land Ownership”; Grant, Wood, and Wright, “Black Farmers United: The Struggle against Power and Principalities”; Love, “From 15 Million Acres to 1 Million”; Horst and Marion, “Racial, Ethnic and Gender Inequities in Farmland Ownership and Farming in the U.S.”
- viii Horst and Marion, “Racial, Ethnic and Gender Inequities in Farmland Ownership and Farming in the U.S.”; Grant, Wood, and Wright, “Black Farmers United: The Struggle against Power and Principalities”; Gilbert, Wood, and Sharp, “Who Owns the Land?: Agricultural Land Ownership by Race/Ethnicity”; “Census of Agriculture: 2017 Publications”; Taylor, “Black Farmers in the USA and Michigan.”
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- xii White, *Freedom Farmers: Agricultural Resistance and the Black Freedom Movement*.
- xiii Heynen, “Bending the Bars of Empire from Every Ghetto for Survival.”
- xiv Bullard and Wright, “Environmental Justice for All.”
- xv White, *Freedom Farmers: Agricultural Resistance and the Black Freedom Movement*.
- xvi “D-Town Farm.”
- xvii “Creating a Black Farmer Commons in Transferring Land Ownership.”
- xviii Derryck, “Creating a Black Farmer Commons in Transferring Land Ownership: 2021 Northeast SARE Research for Novel Approaches (Full Proposal).”
- xix “Creating a Black Farmer Commons in Transferring Land Ownership.”
- xx “Participatory Action Research As Public Science.”

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- xxi Fine and Torre, “Critical Participatory Action Research: A Feminist Project for Validity and Solidarity.”
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- xxv Helfrich et al., “The Commons: Prosperity By Sharing.”
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- xxvii Vivero Pol et al., *Routledge Handbook Of Food As A Commons*.
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- xxxvi Myers, “Africa’s Dream.”
- xxxvii Helfrich, “Common Goods Don’t Simply Exist – They Are Created.”
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- xxxix Heller and Dagan, “The Liberal Commons.”
- xl Ostrom, *Governing the Commons*.
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- lix Penniman, "A New Generation of Black Farmers Is Returning to the Land."
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- lxiii "Obran Cooperative."
- lxiv Loh and Agyeman, "Urban Food Sharing and the Emerging Boston Food Solidarity Economy."
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