

On lawyers & sea urchins.

Severine von Tscharnier Fleming colourfully declared recently that we need to design legal structures to be like sea urchins—with solid outer shells to protect the tender and precious insides. Severine is founder of the Agrarian Trust and other farm support organisations. The “insides” she personally seeks to protect are the 400 million acres of farmland in the US that are expected to change hands as farm owners retire and sell their land over the next 20 years. I am lucky to be on the legal team that is building the governance, operational and financial structures that will hold land, resist enclosure and land grabs, incentivise long-term stewardship, and promote equitable land access. Lofty, but imperative and thought-provoking goals.

Whether the insides in question are farmland, worker-owned businesses, seeds, or renewable energy projects, a commons cannot thrive within conventional corporate shells and private ownership structures, which are highly permeable and designed for ease of buying, selling and profit-maximisation. Lawyers, social scientists, historians, accountants, dreamers, writers, doers and, for that matter, all people, need to be involved in designing the protective structures that will steward the resources, tools, and information on which we rely to survive. How do we structure commons governance to prevent corruption, to serve all stakeholders, and to function efficiently? How do we structure land title to incentivise stewardship, ensure tenant mobility and prevent market commodification? The answers to these and countless other questions will produce sea urchin species adapted to local conditions and of infinite diversity and potential. ●