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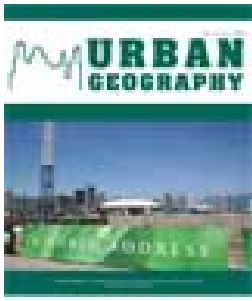
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# Unbundling property in Boston's urban food commons

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## ABSTRACT

Households and community organizations are involved in the creation, use, care, and management of urban spaces, including through food practices such as planting, foraging, harvesting, weeding and pruning at the ambiguous edges of public and private property. Drawing on case studies in Boston, Massachusetts, we examine how commons are articulated through these practices, particularly in relation to multiple dimensions of property rights. Specifically, we ask how food practices can open urban spaces to negotiations around access, responsibility, care, and ownership, especially when (property) ownership is not an end-goal, but a circumstance shaping other practices. Using interviews and participant observation of individuals and organizations involved in urban food provisioning, we explore how households and community organizations are interrupting fixed notions of property ownership, by practicing urban commons. These practices and negotiations demonstrate ongoing shifts in the meanings of urban space with flexible understandings of property and ownership.

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## Introduction

### *City scenes:*

After bicycling his kids to school, Rick stops by a community garden in Cambridge, where he is not a member, in order to harvest some of the blueberries that grow at its edge. Noticing a patch of black and blue stains on the sidewalk, he stops in front of someone else's house and picks a handful of mulberries from a branch that overhangs the sidewalk. The mulberry tree is planted on private property, but its ripe berries drop steadily onto public property.

On his way home from work, Russ cuts down bunches of the highly invasive plant Japanese Knotweed, from a park to bake into a pie that he will share with his wife.

Jenny exits the subway on her way home from work and checks on the veggies she has planted in a public planter in Jamaica Plain.

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Walking home, Sam enters a neighbor's yard to check on an apple tree that he and the League of Urban Cannors (2014) have received permission to harvest.

In the middle of the night Jay leaves his home with a shovel and three small apricot trees, he meets a friend on a quiet street near Kendall Square, and together they dig holes to plant their trees on public property (interviews and field notes).

While researching urban homesteading, a sustainable lifestyle movement (Coyne & Knutzen, 2010; Kaplan & Blume, 2011), in greater Boston, Massachusetts, the first author heard about, witnessed, and participated in many food provisioning practices such as the ones illustrated above. What strikes us about these practices is their assertion of use rights to urban nature and their potential for creating shared resources that overflow the boundaries of private property and ownership. In this paper, we ask how such food provisioning practices can open up urban spaces to new negotiations around access, responsibility, care, and ownership between diverse stakeholders. In answering this question we seek to attend to the role of power and difference, particularly around race, exclusion, and privilege, in shaping these practices, placing notions of commons and commoning at the center of broader struggles over community, property, and belonging in the city.

We begin from the premise that unbundling property into its constituent parts can reveal the social practices that make and remake urban space and resources as property (Gibson-Graham, Cameron, & Healy, 2013; Pierce, 2010). Examining the negotiations that arise around property use, access, responsibility, care, and ownership complicates the seemingly straightforward status of urban space as merely public or private, revealing multiple sites and opportunities for commoning (Blomley, 2016; Lang, 2014). This paper argues that care and responsibility are fundamental to the practice, creation, and maintenance of commons. We elaborate this argument in three parts. First, we outline key assumptions about the mutually reinforcing relationships between care, labor, and ownership that are embedded in property theory, before reviewing more recent scholarship on the urban commons. Second, we introduce our case studies of urban food initiatives in Boston. Third, we draw on ethnographic research to explore property and food practices in greater Boston, examining how access, care, responsibility, ownership, and the benefits of commons are negotiated by the people who use them.

## **Understanding commons as relational property practices**

“Property can be understood as a relationship of belonging that is held up by the surrounding space – a relationship that is not fixed but temporally and spatially contingent” (Keenan, 2010, p. 423).

“Real property in Western liberal societies is conventionally held in territorial units of space, affecting the manner in which rights are allocated and contained. Laypersons seem to treat property and the space as synonymous, investing considerable energy in the maintenance of the boundary, driven by a desire to stay 'between the lines' (Perin 1988). Thus, I can grow tomatoes on 'my' land, but not my neighbor's, unless invited” (Blomley, 2016, p. 225)

### ***Rights, practices, and responsibilities***

We examine property as part of our analysis of food provisioning in Boston because property expresses a legal relationship to land and its uses. As legal and commons scholars have noted, property is much more than a spatial container, physical object, or private right. It is a set of social practices and performances that are open to negotiation and require constant upkeep and maintenance for their reproduction (Blomley, 2016; Keenan, 2010; Velicu & García-López, 2018). Property is most recognizable as a “bundle of rights,” including use, access, usufruct, improvement, sale, the right to exclude others, and the right not to be excluded; but it is also something made and remade through everyday practices (Blomley, 2008; Pierce, 2010). Such practices include the negotiation of the rights described above, as well as practices of appropriation, occupation, inhabitation, care, responsibility, and stewardship.

In the context of urban food provisioning, property practices and rights can sometimes be in direct opposition to one another, as is especially evident in land use conflicts over community gardens (Staeheli, Mitchell, & Gibson, 2002). When community gardeners engage in property practices, like care, by mixing their labor with the land, enhancing its utility and eating its fruits, they are also making a property claim, around community access, control, and use. However, unless they have long-term leases or own their land,<sup>1</sup> the use-based claim of urban gardeners does not usually guarantee them the same rights as the property owner (e.g. the city or a developer) who may decide to evict the gardeners and sell the land (Schmelzkopf, 1995; Smith & Kurtz, 2003; Staeheli et al., 2002), exercising the property rights of exclusion and sale. There is a tension between property rights and practices that cannot be fully resolved by the question of ownership, and this merits further exploration of the concrete ways in which everyday property practices cement into “rights,” and for whom.

In the United States, understandings of property ownership are bound up with Lockean notions of laboring to produce the “fruits” of the land (Archer, 2005). For Locke, private property is the result of private labors being mixed with land; this definition prioritizes the “use,” and “improvement” dimensions of the multi-faceted bundle of rights inhering in property. As Archer writes, “one could appropriate a given parcel of land through the application of one’s personal labor, thus turning that parcel into private territory, the personal property of that individual, distinct and detached from all other interests, including public or collective interests” (2005, p. 24). Such Lockean logics are present in the US constitution’s emphasis on “life and liberty” as well as the Homestead Act of 1862, which legalized the dispossession of native lands by white settlers whose labor was believed to make these “underutilized” resources more “productive.” A similar logic allows for the public seizure of “blighted” urban property from negligent owners, via eminent domain. Labor is central to Locke’s notion of property, but the benefits of this labor are not the sole property of the individual – they include the common good as well (Krueckeberg, 2004). While often used to justify the individual right to private property, Lockean notions of property might be usefully repurposed to examine the collective practices (and labors) that create commons, or shared resources (Blomley, 2008; Hardin, 1968; Ostrom, 1990). Conceptualizing property as a relational practice positions the right to use, access, exclude, improve or sell, as

social negotiations and community-based practices, rather than the private rights of autonomous individuals.

Employing this conceptualization of property as a relational practice, we ask what practices, and by whom, generate what sorts of property regimes? By asking how people negotiate different types of property relationships in urban food provisioning, we can examine notions of shared property, and its care. Critical legal scholars and urban geographers engage such questions through the concept of commons, which they employ to explore the production of particular property regimes and the blurring of public and private in community appropriations of urban land (Blomley, 2008; Foster, 2011; Huron, 2015; Thompson, 2015).

### ***Property care, commons, and community***

The relational practices that make and remake property, and signal the boundaries of belonging and exclusion, often take the form of care. Care is a fundamentally relational activity, and at various moments we might be asked to care for, care with, and be cared for. The labors of property care often carry positive associations – such as stewardship or responsibility – and may be tied up with an ethic of care towards human and non-human others (Puig de la Bellacasa, 2015). A variety of institutional and social relationships serve to regulate acceptable and unacceptable forms of property care, land use, and resource governance. Care is one of the most intimate and everyday ways in which “the logics of private property and the logics of commoning become interwoven” (Lang, 2014, p. 857).

Commons are community created, owned, used, governed, and cared for resources, assets, or spaces that are stewarded by the communities that depend on them (Gibson-Graham et al., 2013; McCarthy, 2005; Ostrom, 1990). Commons theory has a long history, with origins in studies of common pool resources (CPR), such as fisheries, grazing fields, and water. The material qualities and relatively fixed quantities of CPRs mean that each user is affected by the actions of other users. If one rancher puts too many animals on a grazing pasture there will be less food for everyone else, Hardin (1968) calls this the tragedy of the commons. Ostrom (1990) argues that different institutional regimes can counteract the commons “tragedy”, and subsequent work by a range of scholars emphasizes the variety of practices and structures that can facilitate access to shared spaces and resources, without necessarily tragic effects (Foster, 2011; Colding et al., 2013; Huron, 2015; Nightingale, 2014; Williams, 2018a). At the same time, commons scholarship has shown the limitations of this institutional approach for examining commons as political projects and social practices, which risks reducing commons to property and resources, and commoners to rational economic subjects (Bollier & Helfrich, 2015; Velicu and García-López, 2018).

Increasingly property scholars are unbounding the commons in order to examine them as socio-spatial processes rather than as a fixed amount of resource in a defined territory (Blomley, 2008; Bollier, 2016; Bresnihan, 2015; Crabtree, 2013; Gibson-Graham et al., 2013). As Bollier writes, commons “is less a noun than a verb because it is primarily about the social practices of commoning – acts of mutual support, conflict, negotiation, communication and experimentation that are needed to create systems to manage shared resources” (2016, p. 2). This commoning is evident in the

governance of common pool resources such as those examined by Ostrom (1990), where the materiality qualities and finite quantities of a resource are seen as incentives for commoning. However, a growing body of research takes the perspective of commoning to understand not just how shared resources are governed, but how they are created in the first place. In these instances, particularly in urban areas, commoning is driven by an ethic of care and responsibility towards a diverse and potentially unknown pool of resource users (Bresnihan & Byrne, 2015; Huron, 2015; Lang, 2014).

In urban studies, commons theory has been applied to examine the politics of community gardens (Eizenberg, 2012), cooperatively owned housing (Huron, 2014, 2015), community land trusts (Aernouts & Ryckewaert, 2018; Bunce, 2016; Midheme & Moulaert, 2013; Thompson, 2015), cooperatively owned businesses (Cornwell, 2012; DeFilippis, 2004), squatter settlements (Neuwirth, 2005), food sharing (Morrow, 2019), and even private yards and the margins of sidewalks (Blomley, 2005; Crawford, 1995; Lang, 2014). According to Blomley (2008), urban commons, like all forms of property (Blomley, 2005), are not found: they are made (see also Williams, 2018a). Urban spaces become commons when they are appropriated, cared for, managed, and shared by city dwellers who feel not only a right to inhabit these spaces but a collective responsibility towards them. Private spaces can become commons when their owners share the use, access, benefits, and care of their property with a community of harvesters, food preservers, eaters, farmers, and gardeners (see also Lang, 2014). They are giving up their right to exclude others, in order to share the access and labor of sustainability and food provisioning with a broader community. In sharing these responsibilities they create opportunities for a broader public to make claims on their property. Practicing urban commons thus involves negotiating access to, responsibility and care for, and ownership of public and private urban land and its fruits.

Cities are rich in shared resources that are to varying degrees collectively produced, used, and governed; these include material infrastructure like roads, parks, sewers, and transportation as well as civic life, neighborhoods, art, and culture (Castells, 1977; Foster, 2011). Public spaces like parks, streets, and sidewalks are publicly owned, but they are not (usually) maintained, governed, regulated, or cared for by the public that uses them, except through government agencies (Colding et al., 2013; Koch & Latham, 2012). But public spaces as well as private ones can be appropriated as commons, when for example a group of protesters builds a tent city in a park or a group of mothers closes off a street to make a neighborhood park (Radywyl & Biggs, 2013), or when neighbors and block clubs garden vacant lots in order to improve public safety (Martin, 2002). These appropriations happen even in the face of privatization and intense policing of public spaces in the United States (Holston, 2009; Low, 2006). And they are not equally possible for all bodies, in all spaces. Yet, everyday practices of inhabitation and care, temporary appropriation, and artistic intervention may also facilitate the creation of new political spaces that allow for a wider variety of actors, concerns, claims, and organizing styles (Crawford, 1995; Holston, 2009; Iveson, 2013; Martin, 2002; McLean, 2017).

Care practices that seek to broaden land use and access in cities – for example, planting fruit trees on public lands, harvesting berries from trees on private property, or negotiating the use of private land for planting and harvesting – all reveal ways that urban commoning can contest fixed notions of property and territory. While these

practices of harvesting, gleaning, and planting happen through various aspects of the property “bundle of rights” (use, usufruct, exclusion/inclusion), they also suggest that urban spaces have a fluidity of meanings that the categories public and private insufficiently capture. This ambiguity can be an opportunity for non-owners to make use and access claims to urban spaces. As suggested by legal scholars such as Sheila Foster (2011) and Nicholas Blomley (2005, 2008), urban spaces are sites for the construction of many types of meanings, from commoditized territory-as-property to public-tended or public-neglected, ripe for collective care and commoning (Foster, 2011). In such framings, ownership is less the salient concept than use, care, and responsibility.

Practices of care are especially evident in the sustainability practices of urban homesteaders, which include food provisioning and environmental stewardship in cities. Such activities are often embedded in notions of (privatized) responsibility and care for health, home, and family, articulated through the quotidian practices of food work and social reproduction (Parker & Morrow, 2017). But they can also be enrolled in a broader ethic of care for community well-being and non-human nature (Morrow & Dombroski, 2015). Examining practices of urban food provisioning in the context of urban commons, as we do in this paper, can deepen our understanding of socio-spatial practices that make (and contest) the meanings and boundaries of both public and private property, and create spaces of shared use and care in urban areas. Thus, creating new social relations and property regimes that might counter the privatizing (and policing) impulse of property care, and redirect care work towards the commons.

Urban homesteading is a sustainable lifestyle movement that places household provisioning at the center of social and environmental change (Coyne & Knutzen, 2010; Kaplan & Blume, 2011; Parker & Morrow, 2017). Homesteaders self-provision foods at home, but also grow, harvest, forage, and glean from urban spaces that include community gardens and everyday spaces like sidewalks, property edges, conservation land, vacant lots, community land trusts, and shared yards. While rescaling environmental responsibility to the home, practices of food provisioning and environmental care also provide new opportunities for reimagining, and thus creating and practicing, urban public and private spaces as commons. Examining these practices at the edge of public and private property may offer new ways of understanding the politics of property and community in the making of commons.

### **Producing commons in greater Boston: case studies**

Drawing on ethnographic research with households, community organizations, and businesses involved in urban homesteading and agriculture in greater Boston, Massachusetts, the remainder of this paper addresses the following questions: how are urban food commons articulated through negotiating access, responsibility, care, and ownership, by whom, and in what kinds of spaces? We seek to understand how urban spaces, with diverse forms of ownership, are practiced as commons – even if only temporarily. We argue that property care and property rights are mutually reinforcing, where practicing responsible environmental stewardship enables particular individuals and communities to claim the right to use and care for urban spaces as commons. These rights and practices inhere in the politics of who negotiates and obtains access, and to what sort of urban space. Negotiations around use and access are shaped by



relations between and among users and owners, including dynamics around race, class, and ethnicity, which can create a differentiated and unequal right to the city.

Between 2011 and 2013, the first author conducted 40 interviews about self-provisioning practices such as urban gardening, chicken and beekeeping, food preservation, and foraging with urban homesteaders, as well as initiatives and businesses involved in urban agriculture in greater Boston, a national hub for higher education.<sup>2</sup> Interviewees tended to be highly educated, the majority were white, and they lived in Cambridge and Somerville (majority white), Roxbury and Dorchester (majority black), and Jamaica Plain (majority white). The majority of urban agriculture projects profiled here are led by white residents with access to social and economic privilege. These include City Growers, an urban farming social enterprise that grows food on city-owned vacant lots; the League of Urban Canners (2014), a food provisioning collective that harvests and preserves food from mostly privately owned fruit trees (receives no funding); The Urban Homesteaders League, a skill sharing network and events listing that promotes household sustainability through self-provisioning (founded by a woman of color); The Boston Tree Party, a non-profit that encourages the planting of heirloom apple trees in public and privately owned community spaces as civic fruit (led by the founder of UHL); Earth Works, a non-profit that plants fruit trees in public spaces to promote environmental education and stewardship (they closed in 2010)<sup>3</sup>; Egleston Community Orchard (2014), a neighborhood-run open access food forest on a city-owned vacant lot; My City Gardens, a social enterprise that connects landless gardeners with sunny, privately owned yards; and Yardbirds, a business that farms in private urban and suburban backyards (they relocated to Western MA in 2013) (see Table 1). The diversity of organizations in this study, all of which seek some combination of access to urban land for food growing or harvesting and/or collective strategies for urban homesteading, point to the varieties of care, stewardship, and responsibility being practiced by different groups of people, on both public and private land in metropolitan Boston.

In the course of the research, the first author conducted participant observation at a number of food provisioning sites, including private, public, and community gardens; public parks and sidewalks; urban farms; private and community kitchens. Interactions with participants allowed the research to document existing practices of commoning as well as contribute to the emergence and visibility of new commons.

To analyze the various practices and negotiations that make property – and commons – we employ Gibson-Graham, Cameron, and Healy’s “Commons Identikit” (2013) (see Table 1), which is organized around the different dimensions of property use, access, ownership, care, benefit, and responsibility. Building on Ostrom’s (1990) typology for analyzing different common property regimes, Gibson-Graham, Cameron, and Healy’s tool “unbundles” the diverse practices that make up property. These practices can help to define or challenge particular property rights and open up multiple entry points for cultivating more collective approaches to land as property. This tool for unbundling property aligns with our conceptualization of property as a relational practice.

In our analysis, ownership rights of access, use, usufruct, and exclusion are recognized as important, but other practices play an equally important role in making property and negotiating meaning and access. For example, practices of stewardship and care by owners and non-owners are also important elements of urban land use.

**Table 1.** A commons analysis of everyday spaces of food provisioning.

	USE (activity)	ACCESS	BENEFIT (goods)	CARE	RESPONSIBILITY (governance)	PROPERTY (ownership)
Earthworks Urban Orchard	Used to promote environmental stewardship. Used by children at school.	Open access, except for school property.	Public health and environmental benefit. Source of free fruit.	Watering, pruning, etc. by Earthworks.	Earthworks	Public
Boston Tree Party	Used to grow community, civic engagement, and fruit.	Access by permission of community owners.	Fruit distributed by community as they see fit.	Watering, pruning, and harvesting by community.	Community owners	Private – Community owned.
Neighborhood Fruit Orchard	Used by neighborhood children.	Accessible from the sidewalk, harvesting by permission of owners.	Neighbors get to know each other and share fruit.	Watering and pruning by homeowners. M. oversees the project.	Homeowners	Private – Individually owned.
Egleston Community Orchard (ECO, 2014)	Neighbors use the space for leisure and education.	Open and shared, the gate is never locked.	Neighborhood benefits from having a green space instead of a dump.	Volunteers clean up and garden.	ECO	Public – City Owned. & Community ownership via Boston food forest CLT.
Guerilla fruit tree planting	Used by guerilla gardeners to make a point about urban space and food.	Open- access.	Passersby.	No one.	No one.	Public – City owned sidewalks. Private – overlooked spaces.
League of Urban Canners (LURC, 2014)	Backyard trees used by LURC to harvest fruit.	By permission of owner.	LURC members – free fruit and fun. Homeowners – clean yard, 10% of preserved harvest.	Pruning and pest management by LURC.	Homeowner.	Private – Individually owned.
My City Gardens	Yard sharing.	By permission of owner.	Gardeners benefit, owners may get some food.	Gardener.	Yard owner.	Private – Individually owned.
Yardbirds	Yardbirds farm (for-profit) in shared backyards.	By permission of owner.	Yardbirds – free land. Owners – free CSA share of the harvest.	Yardbirds.	Yardbirds and Homeowner.	Private – Individually owned.
Jenny's Festival Garden	Public gardening.	Open-access.	Free food and flowers for passersby, free labor for parks.	Cared for by Jenny and volunteers.	Southwest Park Corridor Conservancy, Mass. Dept. of Conservation.	Public – MBTA (transit authority) owned.

(Continued)



Table 1. (Continued).

	USE (activity)	ACCESS	BENEFIT (goods)	CARE	RESPONSIBILITY (governance)	PROPERTY (ownership)
Pick-a-Pocket Urban Gardeners.	Weeding public gardens.	Open-access.	Gardeners who enjoy weeding, free labor for City of Cambridge.	Gardeners weed neglected city gardens.	City of Cambridge.	Public – City owned.
City Growers	For-profit farming on vacant lots by City Growers.	By permission of “owners.”	City Growers – cheap land. Neighbors – environmental and public health benefits.	Farming by City Growers and volunteers. Neighbors who have kept watch over vacant lots.	City Growers	Public – City Owned. & Community owned via DSNI CLT, Food Project, neighbors.
Urban homesteading on Conservation Land.	Gardening	Accessible to neighbors.	Homeowners benefit from food production and neighborhood policing.	Gardening, cleanup, and pruning by homeowners.	Mass. Dept. of Conservation.	Public – Owned by Mass. Dept. of Conservation.
Community Gardens	Gardening	Restricted to garden members, gates are locked to the public.	Gardeners – growing food and community.	Gardeners	The city	Public – owned by the city

(Adapted from Gibson-Graham et al., 2013, p. 137)

**Table 1** provides a summary of all the different dimensions of property we observed among urban homesteaders and urban agriculture organizations in Boston, following the framework laid out by Gibson-Graham, Cameron, and Healy. Bolded activities are discussed in the empirical sections of this paper. In the sections that follow, we describe urban food commons in the making, examining how property practices coalesce into rights in negotiations over property access, responsibility and care, and ownership.

### **Practicing commons, practicing care**

In greater Boston, common practices include harvesting, sharing, cooking, eating, and caring for the fruits of public and private property on sidewalks, and in parks, vacant lots, schoolyards, backyards and front yards. Working on a range of property tenure types, food provisioning is one of the ways that urban homesteaders make property claims on urban space. They may enclose public space as community space, steward urban environments, harvest fruits through usufruct, and practice “nomadic” forms of use, access, and sharing through foraging. As is clear from **Table 1**, food provisioning is practiced on a range of property types. Whether resources are publicly or privately owned, commoning involved negotiating terms of access, use, and responsibility, via specific forms of request or practices to enact use rights.

### **Negotiating access and use**

One of the foundational rights of private property ownership is the right to exclude others. However, less visible, but equally important, is the corollary right to include others. These rights are practiced in negotiations around property access between landowners and urban foragers, harvesters, farmers, and gardeners. In the context of urban commons, these negotiations take place within a collective of people and plants that extends beyond the individual.

For the League of Urban Canners (LURC, 2014), an urban food provisioning collective that harvests and preserves about 4000 pounds of backyard fruit in Cambridge and Somerville each summer, negotiating access to privately owned fruit trees and grape arbors means finding out where they are located, who owns them (if anyone), and asking for permission. LURC locates backyard fruit through public events, posting fliers on telephone poles, word of mouth, and walking and biking around town. LURC asks for permission by knocking on doors and asking owners if they harvest their fruit, and offers to harvest surplus fruit and give owners 10% of the preserved product (usually jam) in return. LURC maintains their right to access these trees by maintaining good relationships with the property owners. Good relationships mean caring for the tree, cleaning up debris or rotting fruit, clear communication, inviting property owners to community dinners, and making sure that they receive their share of the preserved harvest. Inclusion, responsibility, care, and sharing are property practices created through these relationships. The relationships are initiated by LURC volunteers, who then enroll property owners in cooperative practices of usufruct and stewardship.

Several social enterprises<sup>4</sup> use formal permissions and leases to access land for urban agriculture and gardening. The social enterprise City Growers, accesses vacant lots for urban farming by paying a fee to lease lots from their owners, which include neighbors,

the city, non-profits, and community land trusts. Yardbirds is a small business that grows food in urban and suburban backyards to sell at farmers markets. As beginner farmers, the Yardbirds did not have the financial capital to buy or lease land. To access land they partnered with homeowners to farm their yards; in exchange homeowners received a CSA share of the harvest. My City Gardens is a social enterprise that facilitates yard sharing by connecting landless gardeners with sunny yards. It is up to each pair of property owners and gardeners to negotiate the terms of access. In each of these cases, private property rights to exclude/include form the basis of initial access negotiations: Owners are contacted and receive a benefit from sharing access to and use of their property. At the same time, they offer rights of inclusion to a larger number of (not necessarily known) people. These relationships simultaneously expand property practices and social engagement, around access and stewardship.

Not everyone negotiates access or asks for permission to harvest fruit or use land (as also noted in Thompson, 2015). Where the boundaries between public and private are ambiguous, access may be defined by proximity and use – and resources may be appropriated or taken without permission, as when Rick harvests berries from branches overhanging a sidewalk (as noted in the introduction). Rick (who is white), feels safe enough to encroach upon private property by taking its overhanging fruit. So do a group of elderly Chinese women, who have been guerilla gardening the neglected edges of a fenceless community garden in Cambridge. They are not members of this garden, which has a long waiting list, but their encroachment on these marginal lands is tolerated (interview with community garden manager). However, if they were to help themselves to blueberries grown in the garden, the way Rick does, that might be another story.

The privilege to trespass, take, and encroach is not equally distributed in US society. Black and brown people are heavily policed and surveilled in cities and neighborhoods, in ways that are dangerous and continue to deny large swathes of society the right to the city and its fruits. These racialized property “care” practices have made white privilege a condition of property use and access. In US cities, dynamics of race and class privilege shape how urban commons are created, negotiated, and by whom. And informal and illicit property practices might be especially vulnerable to bias and discrimination, with little transparency or criteria for inclusion. These dynamics are not always considered in the complex interpersonal work that is involved in accessing, redefining, and policing the commons, leading critical scholars to ask what an antiracist commons might look like? (Maskovsky, 2017, p. 49).

### ***Stewardship: responsibility and care***

Maintaining commons and governing how they are used, accessed, and cared for brings questions of stewardship to the fore. In formally negotiated commons, the stewardship duties and obligations of resource users are defined and clearly allocated among a community. In property theory, responsibility and care are often assumed to be an outcome of private property ownership (Archer, 2005; Keenan, 2010). In actuality, responsibility cannot be assumed to follow proximity or legal title; instead, it is something to be negotiated. Increasingly such negotiations are enabled by a neoliberal urban governance environment that favors grassroots and civil forms of environmental

stewardship and responsibility to fill gaps in municipal services (Rosol, 2012). In this study, we find several initiatives with distinct approaches to stewarding urban fruit trees in open access and privately owned commons.

When Earthworks started in the early 1970s, its mission was to enhance urban food security and promote environmental stewardship by planting fruit trees in public spaces like schools, parks, and community centers. These values are also reflected in contemporary efforts to green cities and engage citizens through urban tree planting (Fisher, Svendsen, & Connolly, 2015). As one former employee notes, “The organization started out with this kind of wide-eyed vision of just, ‘Let’s just – plant fruit trees everywhere! And it’ll be amazing! And people will eat them’” (Interview with author). The fruit trees were planted as gifts in socially and economically marginalized and food insecure neighborhoods that were lacking in trees. What Earthworks had not considered was that the community members in these neighborhoods, often renters, did not have the desire, permanence, time, or ability to care for or harvest from these trees. The organization thus shifted from “trying to find people who want to take care of plants... to just taking care of plants” (interview with author). The care-gap that Earthworks faced highlights the difference between commons as a noun (a fixed pool of resources like fruit) and commons as a verb (the practice of collectively creating a shared resource and caring for it).

Planting fruit trees in under-resourced neighborhoods in order to make residents care for the environment will not necessarily generate stewardship or community well-being. As Heynen, Perkins, and Roy (2006) and Braverman (2008) chronicle, the civic and environmental “benefits” of urban trees are sometimes resented by low-income communities who see them as nuisances, safety concerns, or drivers of gentrification. In the case of Earthworks’ trees, with no one to care for them, the fruit trees grew wild and unpicked fruit fell to the ground where it attracted pests (interview with author). The assumption behind the tree planting was that commons would generate commoning when in the fact the reverse is true.

In wealthier neighborhoods, the responsibility for commoning fruit trees also requires negotiation. In suburban Boston, Margaret convinced her neighbors to plant fruit trees and berry bushes as part of a neighborhood fruit orchard. She did so by reframing plants as neighborhood amenities that would enhance community and environmental well-being. There are now 34 fruit trees and bushes growing on her neighbor’s front lawns in locations that are accessible from the sidewalk. Because the plants are on private property, homeowners are responsible for them. But the responsibility for organizing the community, managing conflicts, and governing how the individual plants are accessed and cared for continues to fall on Margaret, who says, “I really want the whole community to take ownership... I want to pass it on to someone else. I don’t need to own it, you know” (interview with author). The difficulty that Margaret faces in “passing it on” reflects more than her neighbors unwillingness to take responsibility – it also suggests discomfort with the ambiguity of (informal) collective ownership.

If private care is what makes private property, perhaps community care is what makes a commons. In cases where property rights are absent or ambiguous, property care can be a means of making a property claim (Blomley, 2008; Staeheli et al., 2002). In Margaret’s neighborhood, the fruits are shared among neighborhood children but responsibility and care are not. This may pose challenges to the long-term sustainability

of this resource and allow property owners to withdraw their fruits and exclude unwanted harvesters and strangers. The result could be an exclusionary neighborhood commons, or simply conventional private property.

In other parts of Boston, vacant lots are being appropriated and reclaimed through community care. Community groups like the Dudley Street Neighborhood Initiative have played a critical role in introducing new forms of community land ownership and governance, which enable urban agriculture and affordable housing. And neighbors and non-profits like Alternatives for Community and Environment continue to organize to stop dumping, clean up and police vacant lots, and claim a say over their use. Although most of the vacant lots in Boston are owned by the city, they are not always cared for by the city. The Egleston Community Orchard (ECO, 2014) is “a neighborhood-led effort for sustainable urban agriculture and green space, promoting environmental justice and community ownership of land in Egleston Square” (ECO website). By caring for ECO, neighbors and volunteers participate in property practices, such as cleaning up trash, planting fruit trees, participating in work days, negotiating with neighbors for water, and using the lot for education (field notes). At ECO, practices of property care extend to both urban nature and the neighborhood. Foster (2011) notes that these types of collective action over public land are enabled particularly in cases of “regulatory slippage”, when public stewards fail to provide services or care.

Although they are privately owned, backyards can also be sites of community care. The League of Urban Cannors (LURC, 2014) cares for the private trees it harvests throughout the year in order to enhance trust (of property owners, assuring continued access) as well as fruit production. After their first year, they noticed that many of the trees they harvested were neglected and not producing very much fruit. In response, they recruited a permaculturalist who held several workshops on tree pruning. Now LURC provides organic pest management and offers tree pruning each winter. Through these practices LURC helps to maintain and improve the commons it benefits from, while casting themselves as responsible stewards. In doing so, they actively produce a commons whose benefits are widely shared despite the seemingly straightforward and private status of the properties where the trees are living. LURC stewards tend to be young and white, while property owners represent a mix of older immigrants from the Mediterranean and the Caribbean and upper middle class white gentrifiers.

### ***Who owns? Who benefits?***

Although “commons” implies an ambiguous and open public, the stewardship of land can also establish a community that cares in ways that explicitly exclude, even on public property. Karen and Isaac live in a town outside of Boston, where they keep chickens and bees, and garden their yard intensively. At the edge of their urban homestead, there are some high bushes and trees separating their garden from conservation land, a roadway, and a river. On several afternoons they noticed lone men sitting in parked cars behind their house drinking alcohol, which usually ended with the men urinating through the publicly owned bushes and into their private garden. The urban wilds these conservation lands were meant to protect were too unkempt for Karen and Isaac, in addition to blocking valuable sunlight from entering the garden. As property owners and neighbors they became concerned about the danger these potentially drunk drivers



posed to their community – especially neighborhood children who use this road to reach the playground. So Karen and Isaac began thinning out the bushes and pruning the trees, in order to let more sunlight in, hopefully keep urine out, and expand their garden plots. Thinning out the urban wilds also created a line of sight between the roadway and the house, which they hoped would make roadside drinkers feel watched (field notes).

Should we interpret Karen and Isaac's garden expansion and tree pruning as stewardship or encroachment? As neighbors they felt a civic responsibility for public safety, to keep the public lands around their property clean and safe. As gardeners they wanted more sunlight and land for growing food. And as private property owners, they wanted to protect the public lands around their home from litter and inappropriate uses. As Lang (2014) shows in her research on the commoning practices in private yards, it is precisely through these mundane forms of property care that the logics of private property and the commons are interwoven. Yet, as Lang also argues, the inclusiveness of these commons depends also on our scale of analysis. At the neighborhood scale, these forms of property care might encourage commons. For example, under Karen and Isaac's care the pruned trees have grown healthier, the soil has been fertilized, and the number of empty beer and liquor bottles has decreased. Land that was previously open access is now surveilled and privately managed by this household.

But at the urban scale, creating a neighborhood space for plants, chickens, and children to grow in has meant the enclosure of public lands and the subtle exclusion of other users with equal right to this stretch of urban nature. These everyday forms of policing may seem relatively benign, but also fit the pattern of everyday and often racialized policing of urban space by ordinary white people who want to keep the community pool, coffee shop, or secluded public parkland for themselves. On the surface, making a space uncomfortable for drinking and urinating may be good for the public. But it also means that private citizens are deciding what sort of public actions are appropriate and what are not. The tending of public space by private abutters such as Karen and Isaac might send an exclusionary message to other potential users of the park, people who are not interesting in public drinking, but who are not sure their presence will be tolerated by nearby owners, and – out of fear of their own safety – don't want to find out. Meanwhile, although the land bears material traces of Karen and Isaac's care – pruned trees, raised beds, and a beehive – the state land managers have not commented.

The ability of community members to practice property care (as private citizens and community organizations), is due in part to inadequate care these spaces receive from their legal owners,<sup>5</sup> both public and private. In the case of public land, these voluntary forms of urban and environmental care help close a gap in state and city services, but they are not a replacement for such services. Furthermore, they may open the possibility for private groups and individuals to claim a say over public resources in ways that explicitly exclude. As previous research on the role of public–private partnerships in managing parks has shown, private care of public space can indeed make those spaces very exclusionary (Németh & Schmidt, 2011). At the same time, however, these gaps in care – both public and private – open the possibilities for a community to share, care for, and govern these spaces as commons.



City Growers faced the issue of sharing land through its efforts to farm vacant land. Although the city owns most of the 50 acres of vacant lots in Boston, it is households and community organizations who care for them and feel ownership over them. Vacant lots are thus subject to multiple and competing forms of formal and informal ownership. When the urban farming enterprise City Growers decided to start farming on vacant lots, they were aware of these overlapping property claims and chose to privilege the care practices of community members, by negotiating access and use with neighbors (abutters, community organizations, and non-profits) before asking the legal owner the City of Boston for permission to lease the lot. As Margaret (who is also organized the neighborhood orchard) explains:

Because the land was vacant for so long in these neighborhoods, people who live in those neighborhoods feel a sense of ownership. The idea of the commons is coming back... The mayor may think this piece of land is a city lot but it's the neighborhood [which] has been caring for it, preventing crime from happening on it, all of those things. What's happening is, that the neighborhood, people in the neighborhood want a farm there (interview with author).

The Egleston Community Orchard is engaged in the kinds of neighborhood property care that Margaret describes above. However, ECO members also recognize the vulnerability of informal ownership, and in partnership with other neighborhood forest-garden organizations in their area, have incorporated as the Boston Food Forest Coalition, a non-profit community land trust that facilitates community land stewardship for edible public parks. Community land trusts are necessary for protecting these spaces from the unintended consequences of property care and environmental stewardship, especially gentrification (ECO website, interviews, Boston Food Forest Coalition website). Yet land trusts themselves also must manage issues around membership and community decision-making about land in their care (DeFilippis et al., 2019; Williams, 2018b).

Urban fruit trees are also subject to multiple forms of ownership and tenuous protections. While LURC engages in much of the labor and responsibility of property ownership through practices of tree care, it does not own the trees it harvests or the land they grow on. This point was made quite clear when several homeowners and a university decided to chop down fruit trees being harvested by LURC. Despite being stewards of these trees for several years, LURC had no property claim to them and could not prevent their removal. This was disappointing to LURC members who cared about these trees and who wished that the university had considered community and environmental needs in its landscaping and maintenance decisions. In response, one member suggested that LURC looks for semi-public spaces where fruit trees could be planted and harvested but owned by no one (field notes).

The challenges of private ownership extend beyond care and long-term protection, highlighting the differential status of owners and users. The negotiations around the use of trees and the distribution of their fruits produce some tensions in LURC. Currently, preserved fruit is distributed with 10% going to the property owner, 20% going to the harvesters, and 70% going to the preservers (since this is the most time-consuming and expensive activity). The labor and socio-spatial relations that develop around food provisioning also influence how people feel about fruit ownership and equity. For LURC the

labor of harvesting and pruning trees is a collective effort, and the resulting fruits are recognized as the collective property of LURC. Harvesting is regarded as a fun family activity, a low-carbon alternative to driving out to an orchard to pick your own apples in the fall (field notes). But when these fruits are taken home to private kitchens and processed into jam, they are being transformed into collective, yet separate commodities or property. In contrast to the collective and public leisure of harvesting, the labor of preserving jam can feel like work, especially when it is done at home alone in a hot kitchen.

On several occasions, preservers<sup>6</sup> have been less than willing to part with the products of their domestic labor. After mixing their personal labor with the fruit, in their home kitchens, and paying for canning supplies, sugar and spices, gas and electricity, some of the canners (all women) felt the jam was rightfully theirs for the keeping. Several other women have objected to the 10% distribution to property owners in more politicized language, calling it “feudalism” and “share cropping.” In their view, the property owner has invested no labor in the process, so why should they benefit by virtue of owning property? Their justification drew on Lockean notions of property ownership to remove fruit from the common after improving it with private labor. In their accounting, they had labored (and cared) much more than the property owner and the collective of harvesters who would enjoy their jam. In making a property claim on the fruit, these women were perhaps drawing attention to the potential for exploitation in informal property arrangements and claiming their own (bourgeois) economic identities outside the bounds of feudalism. Or perhaps they were enacting a feminist politics by bringing attention to the ways in which both the feudal property lord and the collective of harvesters drew benefit from the care work and domestic labor of women. However, this conflict may also reveal broader challenges of justly sharing something as material and intimate as food (Morrow, 2019).

The disputes and tensions over jam illustrate and highlight that, despite the spirit and discourse of commoning in LURC and other organizations, ownership matters a great deal in determining how commons are accessed, governed, used, cared for, and how common goods are distributed. In order to preserve commons as community assets, communities may wish to become the legal owners of the commons they steward and depend on (Midheme & Moulaert, 2013; Thompson, 2015). Doing so preserves the commons for its members, but also codifies exclusions beyond the membership. It also codifies stewardship, an essential element for the sustainability of the commons. Indeed, jam production can be seen as an element of stewardship of the literal fruits of the land, and thus, of the value of the land. But, the desire for a collective land title should not be confused with neoliberal forms of land titling that work to formalize and individualize informal forms of collective ownership (Pierce, 2010), producing even more exclusions. Community Land Trusts offer one example of collective ownership which retains group access and contracts stewardship of the land.

## Discussion and conclusion

In this paper, we explored how a variety of urban food provisioning practices are opening up private and public spaces to negotiations around access and use, responsibility and care, benefits and ownership. Urban property theorists have problematized the idea that the commons exist independent of the collective practices that bring them

into being. Yet, collective practices of care, conviviality, and sociality are rarely articulated or recognized as property practices.

Approaching urban commons from the perspective of practice reveals a variegated landscape of ambiguous and “unbundled” property rights; an unbundling that, we argue, is necessary for commons practices to occur. This paper has examined how urban food initiatives in greater Boston navigate and reimagine the property/commons landscape by negotiating access to, responsibility and care for, and ownership of urban land for food provisioning. These practices reveal an uneven geography of property rights, in which embodiment, belonging, and privilege shape to our ability to reconfigure property regimes, and perform commons as the foraging flaneur, the responsible steward, the yard police, the anti-gentrification gardener, and the food sharer. These roles and practices are unevenly accessible and express social dynamics of inclusion/exclusion.

Property access is spatially and temporally contingent, and negotiated at the boundaries of public and private through practices of knowledge, proximity, and community. In practice, access is limited to key individuals and groups and their conceptualizations and negotiations of public and private. Despite noticing mulberries overhanging the sidewalk, not all urban dwellers will feel comfortable to pick and eat them. For those who eat these mulberries by the mouthful, the public commons is whatever can be grabbed, picked, and touched from the sidewalk. Feeling comfortable to harvest and garden across property lines (Blomley, 2005) or knock on a stranger’s door to ask for food can be the result of social privilege, including race,<sup>7</sup> derived from belonging to a particular political, cultural, or taste community.

Indeed, when knowledge, food, and land are deliberately shared and managed as commons it is within the boundaries of community, rather than an explicit opening to (just) anyone (Thompson, 2015). Commons are only as accessible and inclusive as the communities that govern them. The communities we describe here are mostly white, and sharing often occurs across shared commitments related to local food, sustainability, alternative economies, and sometimes the commons. The persistent whiteness of alternative food networks as well as solidarity economy initiatives is well documented (Borowiak, Healy, & Pavlovskaya, 2018; Slocum, 2007). These dynamics, combined with highly unequal distribution of property ownership and more subtle forms of policing and bias, pose significant barriers for inclusivity in urban commons.

The ambiguous commons we have discussed here highlight the need for greater attention to care in the property “bundle of rights.” For urban homesteaders, care is a feeling, a kind of labor, and a power relation. As a form of ecological citizenship, care manifests itself as a feeling of responsibility towards the urban environment and all those who make it their home (Light, 2003). Care is work, which is necessary for reproducing the commons and the communities that use them. In greater Boston, some people and organizations are caring for the commons by cleaning, weeding, pruning, gardening, and policing urban nature. And owners, land managers, neighbors, and community organizations take responsibility for regulating how property care is practiced, where, and by whom.

Through practicing stewardship, urban homesteaders create urban environments that are healthy, beautiful, and comfortable for some, but not all, urban inhabitants. This incomplete reworking of property makes evident the ongoing and unfinished work of enabling and enacting informal urban commons. Urban food provisioning presents

a novel case for exploring how everyday practices can create new commons, and for understanding the role of community and environmental care in performing a wide range of property practices. Commons offer a view on the relationality of property rights and practices, and the capacity for communities to produce new property regimes and ways of relating to urban nature.

In this paper, we have identified urban food practices that shape commons in negotiations around use and access, responsibility and care, and benefits and ownership in urban space. Ownership of urban land, trees, and their fruit is formal and informal, felt, imagined, and performed. Ownership is felt by community organizations and households who perform the role of good property stewards through care, responsibility, and use, even in the absence of formal property rights. Ownership is also material; when individuals labor to transform urban nature into gardens and jam they feel (private and collective) ownership over these spaces and things. Finally, ownership is still formal. Property performances are interrupted when land is sold, community trees are felled, and care is leveraged to make formal property claims. Indeed, processes of commoning iterate and rely upon private property rights in order to produce an alternative; thus commons and individual ownership can even be mutually reinforcing. As Lang (2014) observes of informally shared and stewarded yards in Minneapolis, the logics of commoning and the logics of private property are often interwoven. Urban food provisioning exposes the constituent legal bundle of rights in its parts (bundles), loosening them to make explicit spaces for collective, community use and access.

## Notes

1. Community gardeners have indeed been successful in securing long-term access to the land they steward through community land trusts and long-term leases from city, one example is the Greenthumb program in New York City.
2. Individuals and organizations who are well known to the broader public for their work (e.g. through their local media profile) are recognized. All other individuals are referred to with pseudonyms.
3. Data about this organization are drawn from an interviewee with a former employee and printed materials.
4. A social enterprise is a business that is oriented around social objectives rather than profit.
5. For example, in the city of Cambridge where LURC harvests fruit and also advocates for the planting of more public fruit trees there is only one arborist. The city arborist does not see the need for more public fruit trees, which in his view require too much care.
6. In LURC preservers are people who take some of the harvest home and agree to preserve it in some fashion (canning, dehydrating, fermenting, etc.). Food preservation is done by women and men, and many men have learned how to preserve food through participating in LURC. Many women in LURC have prior experience preserving food. In the “jam fights” all of the preservers have been women.
7. For African Americans in the US knocking on a stranger’s door to ask for anything can be extremely dangerous.

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