

# Roots of the Community Land Trust Movement

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Community Land Trust houses are privately owned homes on community owned land. The Community Land Trust structure -- which uses a ground lease to define the rights and responsibilities of the individual as owner of the building, and the community as owner of the land – is a very practical and thoroughly tested means of ensuring permanent affordability. Real life examples of CLTs in action can be found in communities throughout the United States and in case profiles published by the Institute for Community Economics and others. Here, however, we will look at the philosophical, cultural and religious roots of the model.

The Community Land Trust model is based in the belief that land is not a commodity but a sacred inheritance to be shared by all. In the words of Abraham Lincoln:

***“The land, the earth God gave man for his home, sustenance, and support, should never be the possession of any man, corporation, society, or unfriendly government, any more than the air or water”***

This idea may sound new and strange, but it was the view shared by many sages of the American Revolution:

***“Man did not make the earth, and though he had a natural right to occupy it, he had no right to locate as his property in perpetuity any part of it ...It is the value of the improvement only, and not the earth itself, that is individual property.” Tom Paine***

***“The earth is given as a common stock for men to labor and live on.”  
Thomas Jefferson***

In fact, this concept of land as a common inheritance has been the common and self-evident understanding of most cultures throughout most of human history. It is expressed in many religious and cultural traditions, including those that informed the Gandhian Movement, the relationship of indigenous peoples to the land, and books of the Bible.

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In ancient India, as in much of the world, land was seen as a gift from nature to the inhabitants of the earth as a common heritage. First the hunting and gathering people, and later the shepherds took sustenance from the earth as the earth provided. References to

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land tenure in the Vedic texts, the foundation of Hindu spirituality, prohibit the deeding of land.

It was only at the onset of settled agriculture that the need for exclusive rights to the land arose. Even then, the use of land was the right of the one who had cleared it.

But once land rights moved from the community to individuals, land became vulnerable to takeover. As early as the time of Buddha, some absentee landlords living in cities had acquired large rural holdings which made them rich, and the people who worked them poor. The landlord system differed from region to region and evolved slowly over time. With the arrival of the British, the recording of deeds, and the landlord system, was formalized. The Raj first settled into urban areas but gradually reached the remote, still tribal, regions. The only proof of land rights became the individual deed, something wholly counter to the tribal relationship to land; something which the “owner” couldn’t even read. Reform of the landlord system became a key goal of the independence movement, and of its most famous leader, Mahatma Gandhi.

After independence and Gandhi’s death, the principles of the Gandhian revolution were soon abandoned. Non-violence was replaced by violence-- by the armed struggle of the communists fighting for land reform and by the Indian Army repressing the communists. Gandhi’s vision of decentralized power was replaced by a drive for a strong central government and progress towards an industrial economy.

Vinoba Bhave, Gandhi’s great disciple and spiritual successor, led the remnant non-violent movement. In 1951 he began a journey on foot into the troubled region of Telangana (now in Andhra Pradesh) to teach non-violence and to lead the communities in prayer.

He was greeted by a group of poor, landless *harijans* (Gandhi’s name, meaning “child of God”, those who had previously been known as “untouchables”). They told him that prayer meetings were all well and good, but that in order to feed their families they needed land, and in order to live in peace they needed to feed their families. Bhave knew that this was true, but he didn’t know how to help. He asked them how much land they needed. They answered that together they needed 80 acres.

That evening, during the prayer meeting, Bhave told the gathered villagers about his conversation with the *harijans*. He asked whether anyone had more land than he needed, whether anyone could give land to the landless. Ram Chandra Reddy, a wealthy landowner answered that yes, he had 100 acres of land to give. The response was so unexpected that Bhave thought he must have misheard. He asked again, and the donor repeated his willingness to give title to his excess land to those who had none. Bhave was stunned, and stunned again when the *harijans* replied with gratitude that they needed only 80 acres, and declined to accept more than they needed.

The Bhoodan (Gift of the Land) movement was launched. The next day Bhave traveled to another village and again found landowners willing to give their land. In Telangana, the gifts averaged 200 acres per day. On the journey from Pavnar to Delhi, the average gift was 300 acres a day.

By the end of the first year Bhave had inspired the redistribution of tens of thousands of acres. Then, he began to hear disturbing news. Some of the new small landholders were already losing their land to creditors and others. While walking in Uttar Pradesh in May 1952, he arrived at the village of Mangrath. He shared this problem with the villagers and asked them what to do. Remembering that the Vedas recalled a time when individual ownership of land was forbidden, they decided to contribute all of the land of the village – not to individuals or families – but to the village as a whole for the benefit of all the villagers. This was the birth of the Gramdan (Gift of the Village) Movement. This guaranteed that everyone had access to the land they needed, and the land was safe from loss by individual misfortune or misjudgment.

The Community Land Trust movement is the North American heir of the Gramdan movement and inspired by the same ideals. The commitment to nonviolence is evidenced by the fact that all of the parties – donors, stewards and residents are willing participants, moved by their own interests – whether they be spiritual, material, or both.

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To indigenous people in all parts of the world land is sacred, and the people and the land are inseparable. A report on *Philosophy of Land of Indigenous People*, prepared by the World Council on Indigenous People states:

*The land is the basis of our culture and the basis of our existence. The land is not ours to sell, it is only ours to honour, respect and protect for our children and our children's children.*

In the same report, Chief George Manuel, co-founder of the World Council of Indigenous Peoples, is quoted:

*This is not the land that can be speculated, bought, sold, mortgaged, claimed by one state, surrendered or counter-claimed by a king by whose grace and favor men must make their fortunes on this earth. The land from which our culture springs is like the water and the air, one and indivisible. The land is our Mother Earth. The animals who grow on that land are our spiritual brothers.*

Winona LaDuke, indigenous rights activist, former Green Party vice presidential candidate, and Director of the White Earth Land Recovery Project, describes the White Earth Ojibway culture. (In the following quote she uses the term usufruct, which means, literally “use of the fruits.” In law, one who possesses usufruct rights may reap all the benefits of the land though he does not own it, including occupancy, harvesting or hunting rights, with the condition the he must care for the land so that it is not harmed. Commu-

nity Land Trust home owners have usufruct rights to the land under and around their homes.):

*The land is owned collectively, and we have family-based usufruct rights: each family has traditional areas in which it fishes and hunts. In our society a person harvests rice in one place, traps in another place, gets medicines in a third place, and picks berries in a fourth. These locations depend on the ecosystem; they are not necessarily contiguous. In our language the words which describe the concept of land-ownership translate as "the land of the people", which doesn't imply that we own our land but that we belong to it.*

When tribal lands are divided up into parcels and sold or allotted to individuals the relationship of the individual to the whole is immediately disrupted, and over time, the poorest families lose their land altogether. In White Earth, for example, the government “gave” each family an 80-acre allotment of traditional land. Taxes were assessed on each parcel, and when the family was unable to pay the taxes, the land was seized by the government.

Imposing the individual “land rights” of the dominant society radically undermines the indigenous culture. A key aspect of the world-wide effort for the self-determination of indigenous people is the demand for the right of each people to decide its own relationship to the land.

A report of the World Council of Churches’ Program on Indigenous Rights concludes:

*To the majority of people in the dominant societies, land is viewed as a commodity, to be bought and sold for profit, fenced in, paved over, dug up....Land is a means to an end, a thing to be exploited....Contrast the view of land ... of Indigenous peoples. The land is the unifying force in their lives – social, political, spiritual, cultural, economic – and to separate the people from their land is to deny their peoplehood.*

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In the Biblical time of the Patriarchs, there was no private ownership of land. As Tom Paine noted, in his essay *Agrarian Justice*:

*Neither Abraham, Isaac, Joseph nor Job, so far as the history of the Bible may be credited in probable things, were owners of land. Their property consisted, as is always enumerated in flocks and herds, they traveled with them from place to place...It was not admitted that land could be claimed as property.*

Neither did the Hebrew people own land when they were slaves in Egypt. During their 40- year passage through the desert, they passed through land belonging to no one. But, when they reached the border of Caanan, they entered a land where they would live as farmers. An agrarian economy requires security of tenure. The book of Leviticus defines

for the first time the law governing the relationship between people and land. The Torah contains three principles of just stewardship of land. **First**, there must be an initial just distribution of land. **Second**, recognizing that over time there will be a tendency for land to concentrate in the hands of the few, a restoring force must be put in place to return land to its original, just distribution. And **third**, the fundamental needs of the poor must overrule other rights and rules.

The book of Numbers describes the distribution of land to every tribe, subgroup and household. Scouts were sent out to survey the land and to define parcels of equal agricultural potential. The parcels were then assigned by a casting of lots. The modern terms “lot” and “allotment” derive from this division.)

Actually, agricultural lands were allotted to only eleven of the twelve tribes of Israel. The Levites had responsibility for maintaining the temple and therefore lived in walled cities rather than on farm land. As they had no land of their own, the other tribes were to bring them a tithe of their harvests:

***And do not neglect the Levites living in your towns, for they have no allotment or inheritance of their own. At the end of every three years, bring all the tithes of that year's produce and store it in your towns, so that the Levites (who have no allotment or inheritance of their own) and the aliens, the fatherless and the widows who live in your towns may come and eat and be satisfied, and so that the LORD your God may bless you in all the work of your hands. (Deuteronomy 14:27-29)***

The second principle is that this wide distribution should be maintained. Once the land was allotted, it belonged not to an individual but to a clan and to all of that clan's descendants, never to be alienated. The Jubilee returns the land to its original owner, but this is a boon only under the assumption that the original distribution was a just one. (Of course the previous inhabitants of Canaan may have challenged the justice of the new distribution of land.)

The celebrations of the Millennium in 2000 and the related call for the cancellation of international debt have helped to remind the modern world of the Biblical concept of the Jubilee Year. The 25<sup>th</sup> chapter of Leviticus calls for each seventh (Sabbath) day, and each seventh year, to be a time for rest – for people, for animals, and for the land. And then, after seven times seven years, the Bible calls for the 50<sup>th</sup> year to be a Jubilee, in which debts will be redeemed or forgiven, prisoners will be set free, and the land will be returned to its original owners.

***Count off seven Sabbaths of years--seven times seven years--so that the seven Sabbaths of years amount to a period of forty-nine years. Then have the trumpet sounded everywhere on the tenth day of the seventh month; on the Day of Atonement sound the trumpet throughout your land. Consecrate the fiftieth year and proclaim liberty throughout the land to all its inhabitants. It shall be a jubilee for you; each one of you is***

*to return to his family property and each to his own clan.* (Leviticus 25:8-10)

In the laws God gave to Moses, it is prohibited to sell land in perpetuity. The transfer of land, which is permitted, is not what we would call a sale at all. It is, instead, the leasing the land:

***In this Year of Jubilee everyone is to return to his own property. If you sell land to one of your countrymen or buy any from him, do not take advantage of each other. You are to buy from your countryman on the basis of the number of years since the Jubilee. And he is to sell to you on the basis of the number of years left for harvesting crops. When the years are many, you are to increase the price, and when the years are few, you are to decrease the price, because what he is really selling you is the number of crops. Do not take advantage of each other, but fear your God. I am the LORD your God.*** (Leviticus 25:13-17)

The people could not sell the land because they didn't own it. The land belonged to God:

***The land must not be sold permanently, because the land is mine and you are but aliens and my tenants.*** (Leviticus 25:23-24)

The people are tenants and the lease which governs the use of the land is the Torah.

The third stewardship principle is that private rights to the use of land are limited by the more basic human needs of access to sustenance. For example, farmers were instructed to leave a portion of their harvest standing in the field so that the poor or passing strangers could "glean" what remained. They could feed themselves without having to beg.

***When you reap the harvest of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grapes that have fallen. Leave them for the poor and the alien. I am the LORD your God.*** (Leviticus 19:9-10)

***When you are harvesting in your field and you overlook a sheaf, do not go back to get it. Leave it for the alien, the fatherless and the widow, so that the LORD your God may bless you in all the work of your hands. When you beat the olives from your trees, do not go over the branches a second time. Leave what remains for the alien, the fatherless and the widow. When you harvest the grapes in your vineyard, do not go over the vines again. Leave what remains for the alien, the fatherless and the widow.*** (Deuteronomy 24:19-21)

It is not known to what extent the Jubilee year was actually practiced in ancient Israel, though it is clear that the law was never rescinded. A number of stories establish the continued devotion to the law.

The importance of the Levitical laws of land stewardship to the CLT movement is the relationship between people and land which it evokes. In the poetic language of the Bible, God is the creator of the land who has given it as a sacred gift – or more precisely, as a sacred loan – to his people, who may use it to sustain life. But they are required to use it justly, with special responsibilities toward those most in need.

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Jesus' ministry begins with the Jubilee proclamation from Isaiah, who in turn was quoting Leviticus.

*He went to Nazareth, where he had been brought up, and on the Sabbath day he went into the synagogue, as was his custom. And he stood up to read. The scroll of the prophet Isaiah was handed to him. Unrolling it, he found the place where it is written: The Spirit of the Lord is on me, because he has anointed me to preach good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to release the oppressed, to proclaim the year of the Lord's favor. (Luke 4:16-17)*

In the Sermon on the Mount, Jesus quoted the Psalmist's promise of land for the down-trodden, "the meek shall inherit the earth", and declared that the laws of Moses were still binding.

*Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them. I tell you the truth, until heaven and earth disappear, not the smallest letter, not the least stroke of a pen, will by any means disappear from the Law until everything is accomplished. (Mathew 6:17-18)*

Jesus didn't revoke the Law, but in many cases he expanded the interpretation of it. Now forgiveness and redemption applied not only to debt, but to sin as well. The forgiveness of debts becomes a metaphor for the forgiveness of sin.

*Two men owed money to a certain moneylender. One owed him five hundred denarii, and the other fifty. Neither of them had the money to pay him back, so he canceled the debts of both. Now which of them will love him more?" Simon replied, "I suppose the one who had the bigger debt canceled." "You have judged correctly," Jesus said. (Luke 7:41-43)*

The story of the prodigal son is the ultimate story of redemption, of return to the ancestral inheritance, welcomed by the grace of a father's love.

Jesus' prayer, as recorded in the Book of Matthew, asks "*forgive our debts as we forgive our debtors*"; that is, judge us by our fulfillment of our Jubilee obligations.

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There is a thread which runs through all the years, through all the world. The earth is a sacred gift. People did not create it. No one can live without it. The use of the land is a universal inheritance which must be fairly shared. Sometimes it is in the common interest to grant exclusive access to some, but in such cases it must be remembered that the land is being borrowed from the others.

The Community Land Trust movement pursues a just distribution of land by offering home ownership opportunities to those who would otherwise be unable to buy a home. The ground lease itself provides the restoring force to maintain the just distribution. Rules which govern the home's resale price and eligibility, guaranteed by the lease, ensure that the home remains affordable for future generations and will be available to those who need it the most. Community ownership of the land, through the CLT, defends both the individual and the community from the threat of the loss of the beloved land.

The nature of the Community Land Trust is twofold. On the one hand it is a modern, practical, and efficient approach to affordable housing development, using a model of privately owned homes and community stewardship of land. It simultaneously serves the interests of individuals and community; buyers and sellers; government, workers, businesses; and neighbors,.

On the other hand, the Community Land Trust is a great reminder of an ancient, universal but nearly forgotten wisdom: *The land shall not be sold forever, for the land is mine.*