

# COMMUNITY PLANNING, SHARING LAW AND THE CREATION OF INTENTIONAL COMMUNITIES: PROMOTING ALTERNATIVE ECONOMIES AND ECONOMIC SELF-SUFFICIENCY AMONG LOW-INCOME COMMUNITIES

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*This paper argues for the development of an intentional community comprised of low-income people in urban areas who build social capital through the deliberate formation of a culture based on bartering, time-sharing, and mutual credit clearing in order to supplement their low-income capital and promote economic self-sufficiency. This paper shows how low-income communities are marginalized from the broader political economy, resulting in their chronic unemployment, lack of effective political representation, and insufficient judicial protection from harmful economic development projects. In addition, this paper finds that low-income communities that rely solely on their insufficient economic capital results in unproductive communities. Likewise, this paper finds that a sole reliance on the broader political system is not likely to produce long-term benefits for low-income communities since this is a majoritarian system that often leaves low-income communities disadvantaged. Therefore, this paper proposes the creation of an intentional community that promotes self-sufficiency among low-income communities through an alternative economy driven by social capital with the support of a form of community planning and community transactional law that recognize the shortcomings of the broader political economy.*

## INTRODUCTION

*“When the available ‘spiritual space’ is not filled by some higher motivations, then it will necessarily be filled by something lower—by the small, mean, calculating attitude to life which is rationalized in the economic calculus.”—E.F. Schumacher*

An alternative economic system within low-income communities is necessary in order for these communities to effectively counter the limitations of the broader political economic system that negatively affect them.<sup>1</sup> These limitations include a capitalist economic system that creates advantaged winners and disadvantaged losers where low-income communities are often disadvantaged as seen by their chronic unemployment and impoverished status.<sup>2</sup> These limitations also include a majoritarian political system that also creates advantaged winners and disadvantaged losers where low-income communities are often disadvantaged due to their weak political power.<sup>3</sup> Lastly, these limitations include a judicial system that uses rational basis review for economic state actions, thus resulting in the legitimacy of economic policies harming low-income communities.<sup>4</sup> As a result, the broader political economic system leaves low-income communities insufficiently productive where chronic unemployment, lack of effective political representation, and insufficient judicial protection are a reality.

This paper offers an alternative to the broader political economic system in order to empower low-income communities to become sufficiently

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1. The focus of this paper is on American, low-income communities, particularly within urban communities. However, the solutions provided by this paper may also be applied to similar communities that experience marginalization and neglect by the broader political economic system of that area.

2. See generally Allan Litchenstein, *The Underserving Poor*, JEWISH CURRENTS (November 18, 2014), <http://jewishcurrents.org/undeserving-poor-33694>.

3. See generally Allan Litchenstein, *The Safety Net, the Poor, and the Democrats*, JEWISH CURRENTS (January 21, 2015), <http://jewishcurrents.org/the-safety-net-the-poor-and-the-democrats-34913>.

4. See generally Laura Mansnerus, Note, *Public Use, Private Use, and Judicial Review in Eminent Domain*, N.Y.U. L. REV. 409 (1983).

productive through self-reliance and cooperation.<sup>5</sup> Specifically, this paper explains how low-income communities can create an alternative economic system designed to counter the limitations of the broader economic system through the utilization of economic exchanges that go beyond money in terms of dollars and economic capital. In addition, this paper describes how this alternative economic system is best developed by an intentional community designed to counter the limitations of the broader political system through a heavy emphasis on social capital and cooperation.

Likewise, this alternative economic system is best supported by an alternative community planning approach designed to counter traditional planning methods through an emphasis on qualitative research methods that require the participation of community members in addition to planning experts; the building of social capital in addition to community mobilization rather than relying solely on community organizing; the creating of urban designs and zoning plans that allow for cooperative initiatives over the traditional Euclidian zoning that arbitrarily separate uses; and aggressive advocacy planning where the planner is actively involved in social movements affecting low-income communities rather than simply persuading policymakers to make the necessary changes. Similarly, an alternative economy within low-income communities is best supported by a form of community transactional law that embodies the principles of rebellious lawyering and sharing law where nontraditional legal methods are used to support social movements in addition to traditional legal methods.

First, this paper will illustrate the limitations of the broader political economic system through an analysis of the U.S. Supreme Court case *Kelo v. City of New London* (2005) in order to highlight the insufficient protection of low-income communities by the judicial system where courts have allowed municipalities to acquire less economically productive areas with minimal judicial oversight. Second, the paper defines an *alternative economy* and explains its necessity within low-income communities through an analysis of the current economic system. Third, this paper defines *intentional community* and explains how it can support an alternative economy within low-income communities through the development of social capital via entities that promote self-reliance and collective control. Fourth, this paper continues with a discussion on why *community planning* should include the principles of neighborhood planning, aggressive advocacy planning, utopian planning designs, and community mobilization in order to best support an alternative economy among low-income communities. Lastly, this paper explains how lawyers can support an alternative economy within low-income

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5. See discussion *infra* p. 18.

communities by adopting the principles found in *rebellious lawyering and sharing law*.

#### I. AN ILLUSTRATION OF THE LIMITATIONS OF THE BROADER POLITICAL ECONOMIC SYSTEM

The judicial, political, and economic systems collectively form the broader political economic system. Through an analysis of the U.S. Supreme Court case *Kelo v. City of New London* (2005), this section will show how the broader political economic system disadvantages low-income communities and why it is necessary for these communities to form an alternative system in order to make stronger and more productive communities. These limitations are especially seen in municipal redevelopment plans in the name of economic development. These plans often favor labor, consumerism, and money over entrepreneurialism and community development; majoritarian interests over minority interests, including the most wealthiest interests over the least wealthiest; and rational basis judicial review over strict scrutiny judicial review. The stated purpose of these plans is often to increase tax revenue and this purpose is deemed legitimate by the courts even where lower socioeconomic communities are harmed in the process.<sup>6</sup>

Politically and economically disadvantaged communities, including low-income communities, are disproportionately and negatively affected by economic redevelopment plans.<sup>7</sup> Justice Thomas highlighted this fact in his dissent in *Kelo v. City of New London* (“*Kelo*”) where he argued that “any economically beneficial goal guarantees that these losses will fall disproportionately on poor minority communities.”<sup>8</sup> The losses that Thomas is referring to are the condemnations of lower economically productive properties “for the benefit of other private interests that will put it to a higher use.”<sup>9</sup> Here, low-income communities are disadvantaged by economic redevelopment plans because they favor majority interests, including more financially powerful interests of large corporations over the interests of less powerful minority communities. Furthermore, low-income communities affected by these plans are at an even greater disadvantage within the courts where such plans are reviewed on a rational-basis, and deemed legitimate and

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6. See *Kelo v. City of New London*, 545 U.S. 469, 505, 521-22 (2005) (Thomas, J., dissenting).

7. *Id.* at 521.

8. *Id.* at 505, 521-22 (2005) (Thomas, J., dissenting).

9. *Id.* at 504-05 (O’Conner, J., dissenting) (quoting *Poletown Neighborhood Council v. City of Detroit*, 304 N.W.2d 455, 464 (Mich. 1981)).

often upheld.<sup>10</sup> These conclusions were clear in *Kelo* where the majority economic interests of the Pfizer facility trumped the non-economic interests of the community.<sup>11</sup>

In *Kelo*, the municipality used its eminent domain power to acquire a community that had less than optimal economic output in order to allow the development of a corporation that purported to bring more economic value to the city.<sup>12</sup> Through this plan, the city hoped to “capitalize on the arrival of the Pfizer facility and the new commerce it was expected to attract.”<sup>13</sup> However, this “new commerce” or economic plan negatively affected a community that apparently provided less economic output than Pfizer as shown by the community’s displacement by the new Pfizer Facility. For the governing body, it was not enough that the community had a history in the town that extended as far back as one-hundred years.<sup>14</sup> The city’s choice to displace the community despite its rich history shows the connection between the majoritarian political system and the capitalist economic system where economic interests favoring labor, money, and consumerism are pursued at the expense of equally beneficial non-economic interests, such as preserving lower-income communities with strong social networks.<sup>15</sup> To make matters worse, the highest court of the land (“Court”) upheld the city’s harmful decision as a legitimate one, which further highlights the limitations of the broader political economic system.<sup>16</sup>

*Kelo* highlights the political and economic disadvantage of low-income communities. This alone should give courts reason to protect low-income communities through strict scrutiny, a more heightened form of judicial scrutiny, since low-income communities can be considered “discreet and insular minorities,” lacking the normal protections of the majoritarian political system.<sup>17</sup> Under strict scrutiny, state actions, including municipal actions, are not given the presumption of constitutional validity or legitimacy

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10. See Mansnerus, *supra* note 4, at 427; *United States v. Carolene Prods. Co.*, 304 U.S. 144, 152 n.4 (1938). See generally *W. Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937).

11. See generally *Kelo*, 545 U.S. 469.

12. *Id.* at 474.

13. *Id.*

14. See *id.* at 494-95 (O’Connor, J., dissenting).

15. Rarely do economic plans and their stated purpose of job creation and increased tax revenue benefit low-income communities. Instead, low-income communities are often displaced and replaced by higher income communities to whom these plans seek to benefit. See generally Marie Gorrild, Sharon Obialo & Nienke Venema, *Gentrification and Displacement in Harlem: How the Harlem Community Lost its Voice En Route to Progress*, HUMANITY IN ACTION, <http://www.humanityinaction.org/knowledgebase/79-gentrification-and-displacement-in-harlem-how-the-harlem-community-lost-its-voice-en-route-to-progress>, (last visited Apr. 2, 2015).

16. *Kelo*, 545 U.S. at 500-01, 503 (O’Conner, J. dissenting).

17. *United States v. Carolene Prods. Co.*, 304 U.S. 144, 152 n.4 (1938).

by the courts.<sup>18</sup> Instead, the government has to prove the legitimacy of its actions by showing, among other factors, that there were no other less discriminatory alternatives available.<sup>19</sup> However, economic state action, including economic redevelopment plans, is reviewed under rational basis instead of strict scrutiny.<sup>20</sup> This was especially seen in *Kelo* where the Supreme Court followed precedent and used rational basis review for the municipal economic development plan thus failing to protect the politically weaker community from displacement.<sup>21</sup> In conclusion, the limitations of the broader political economic system make it necessary for low-income communities to create an alternative to this system.<sup>22</sup>

## II. AN ALTERNATIVE ECONOMY TO COUNTER THE LIMITATIONS OF THE BROADER ECONOMY

An alternative economy designed to counter the limitations of consumerism, labor, and money found within the broader economic system is necessary in order to empower low-income communities to be productive, self-reliant, and self-sufficient. The broader economic system is a capitalist system that causes low-income communities to be unproductive, impoverished and chronically unemployed due to inherent factors within the system that promote inequity. These inherent factors include a heavy emphasis on “*lassiez-faire*” or the “free market,” money as the dominant means of economic exchange, and labor as the dominant means of acquiring exchange value.

Capitalism is generally defined as an economic system that gives individuals the ability “to own and profit from capital.”<sup>23</sup> Furthermore, capitalists are generally defined as “private firms and individuals who own the machines, buildings, and land” in the broader economy, i.e. the means of production.<sup>24</sup> Despite this definition, very few private firms own the means

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18. *See id.*

19. *See id.* at 152 n.4 (1938).

20. *See Mansnerus, supra* note 4, at 434; *Carolene Prods. Co.*, 304 U.S. at 152 n.4; *W. Coast Hotel v. Parrish*, 300 U.S. 379 (1937).

21. *Kelo v. City of New London*, 545 U.S. 469, 479 (2005) (Stevens, J., majority).

22. Pfizer never relocated to the City of New London and the purported economic benefits never materialized. The area that was once a vibrant community now remains vacant. *See* Anthony Lizan, *Life After Kelo v. City of New London*, PROP. RTS ALLIANCE (June 23, 2010 4:24 P.M.), <http://www.propertyrightsalliance.org/life-kelo-v-city-new-london-a2921>.

23. PAUL A. SAMUELSON & WILLIAM D. NORDHAUS, *ECONOMICS* 31 (14th ed. 1992).

24. *Id.*

of production.<sup>25</sup> In fact, a small number of companies own virtually “everything” where only 737 companies own 80% of the wealth found within the broader economy.<sup>26</sup> This is also true for individuals where only a few own the means of production, primarily in the form of land.<sup>27</sup> However, unlike private firms, individuals do not own an overwhelming majority of the wealth found in the broader economic system. Instead, an overwhelming majority of individuals are laborers who depend on these firms for sustenance through consumption and wages.<sup>28</sup>

To this fact, labor is central to the broader economic system. Nonetheless, the system’s “laissez-faire” or “free market” principle makes unemployment inevitable.<sup>29</sup> In fact, unemployment is often a desired economic policy to keep inflation low.<sup>30</sup> It is clear that low-income communities, with their accompanying high unemployment rates, bear the brunt of the current system’s inevitable limitation of unemployment.<sup>31</sup>

The broader economic system has also been defined as a “mixed economy” where the system has moved beyond a pure “laissez faire” model and towards a model where monetary and fiscal intervention is allowed, especially during times of nationwide economic hardships.<sup>32</sup> This intervention includes policies such as a fiscal stimulus package by the government or an interest-rate spending policy by the federal bank.<sup>33</sup> Markets are generally defined as a “mechanism by which buyers and sellers meet to exchange things” and where “everything has a price, which is the value of the good in terms of money.”<sup>34</sup> According to Paul A. Samuelson and William D. Nordhaus in their book entitled *Economics*, markets are generally controlled by consumers through “dollar votes,” or money.<sup>35</sup> Thus, the broader economic system encourages consumerism as the dominant economic activity and money as the dominant exchange value. This places

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25. See Bruce Upbin, *The 147 Companies That Own Everything*, FORBES, (Oct. 22, 2011, 9:37 AM), <http://www.forbes.com/sites/bruceupbin/2011/10/22/the-147-companies-that-control-everything/>.

26. *Id.*

27. See generally SAMUELSON & NORDHAUS, *supra* note 23, at 21.

28. See Simon Rogers, *Occupy Protesters Say Its 99% v. 1%, Are They Right?*, THE GUARDIAN, (Nov. 16, 2011, 9:32 AM), <http://www.theguardian.com/news/datablog/2011/nov/16/occupy-protests-data-video>.

29. See Milton Friedman, *The Role of Monetary Policy*, 58 AM. ECON. REV. 1, 1-17 (1968).

30. *See id.*

31. *See* Litchenstein, *supra* note 2.

32. *See* SAMUELSON & NORDHAUS, *supra* note 23, at 21.

33. *See id.* at 21, 30, 35, 43.

34. *Id.* at 37.

35. *Id.* at 38.

low-income communities at a disadvantage where such communities have limited money and low consumption power.

In addition, money is generally derived from wages and property incomes under the broader economic system.<sup>36</sup> However, consumers often have little control over their wages and very few own property that they can rely on as a sufficient means of income as seen by the housing foreclosure crisis of 2009.<sup>37</sup> In fact, a minority of consumers own any property outright (i.e. without a mortgage).<sup>38</sup> This is especially true for those of low-income where much of the available housing stock is unaffordable and mortgages are often unobtainable.<sup>39</sup> This limitation results in the unequal distribution of the means of production or inequity within the broader economic system.<sup>40</sup> In addition, the broader economic system fails to provide alternatives to labor and money where chronic unemployment and poverty exist within low-income communities.<sup>41</sup> As a result, low-income communities remain insufficiently productive. Therefore, low-income communities should create an alternative economic system that counters the limitations of labor and money within the broader economic system.

According to critical urban theorist Neil Brenner, an alternative system should counter the dominant system.<sup>42</sup> In applying this in the context of an alternative economic system within low-income communities, this alternative to the broader economic system should not have labor and consumerism as its driving force, unemployment as its inevitable outcome, or money as its primary medium of exchange. Rather, this alternative economy should promote entrepreneurialism and production as a driving

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36. See SAMUELSON & NORDHAUS, *supra* note 23, at 21.

37. See EAST BAY CMTY. LAW CTR., GREEN-COLLAR COMMUNITIES CLINIC, & SUSTAINABLE ECONOMIES LAW CTR., THINK OUTSIDE THE BOSS: HOW TO CREATE A WORKER-OWNED BUSINESS 4 (5th ed. 2014) (suggesting unfair wages and job insecurity in a situation where labor is not controlled by consumers, i.e. outside of the worker cooperative context where employees control wages and job security); see also Dina ElBoghdady & Sarah Cohen, *The Growing Foreclosure Crisis*, WASH. POST (Jan. 17, 2009), <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/16/AR2009011604724.html>.

38. See Alejandro Lazo, *Nearly One-Third of U.S. Homeowners Have No Mortgage*, L.A. TIMES (Jan. 10, 2013), <http://articles.latimes.com/2013/jan/10/business/la-fi-free-and-clear-20130110> (showing that in year 2013 there were less than one-third of U.S. homeowners owning their real property outright—without a mortgage).

39. See Anne B. Shlay, *Low-income Homeownership: American Dream or Delusion?* 43 URB. STUD. 511, 512, 517 (2006).

40. SAMUELSON & NORDHAUS, *supra* note 23, at 43.

41. See Ben Leubsdorf, *Fed's Fischer: U.S. Economy Should Rebound After 'Poor' First Quarter*, WALL ST. J. (Apr. 16, 2015), <http://blogs.wsj.com/economics/2015/04/16/feds-fischer-u-s-economy-should-rebound-after-poor-first-quarter/> (showing increases in labor as a sign of U.S. economic growth and increases in unemployment as a sign of U.S. economic downturn).

42. See Neil Brenner, *What is Critical Urban Theory?*, 13 CITY 195 (2009).

force, cooperation on behalf of everyone involved as an inevitable outcome, and economic activity that goes beyond money as the primary medium of exchange. An alternative economic system structured this way is likely to make low-income communities sufficiently, and independently productive through cooperation, sharing, and local control and ownership.

For instance, this alternative economic system would promote communal or cooperative entrepreneurialism where members share costs and resources through micro-financing institutions and co-operatives; exchange goods and services through a mutual credit-clearing, barter and time-banking system; and circulate gifts through a circular gifting system.<sup>43</sup> The above are just a few ways low-income communities can structure an alternative economic system that will allow them to be sufficiently productive. The goal of an alternative economic system is to make low-income communities productive even in the midst of unemployment and limited economic resources. On the contrary, dominant theorists have proposed solutions for making low-income communities productive within the broader economic system. However, these dominant theories of “solutions” are not without their shortcomings.

In fact, such theories have been proven to be both ineffective and problematic for solving poverty within low-income communities. I would argue that this is due to the tendency of these “solutions” to push forth the idea that the only way to increase the “economic capacities and potential” of low-income communities is through economic capital.<sup>44</sup> Economic capital is a process by which more money is produced, such as through investments, loans, and other credit options.<sup>45</sup> It is argued that low-income communities are unable to improve their impoverished or unproductive status without this economic capital.<sup>46</sup> However, this view is problematic for two reasons: (1) it views money as a goal rather than a means to a higher end, and (2) it fails to provide low-income communities with productive alternatives when economic capital or money is not readily available.

Money is merely a medium of exchange that is designed to facilitate and simplify trade.<sup>47</sup> It is considered a “‘placeholder’ that enables an otherwise

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43. Entrepreneurialism has been shown to be a viable alternative to wage labor where chronic unemployment exists. *See generally* Wim Wiewel, Michael Teitz & Robert Giloth, *The Economic Development of Neighborhoods and Localities*, in *THE COMMUNITY DEVELOPMENT READER 107* (James DeFilippis & Susan Saegert eds., 2d ed. 2012).

44. Lehn Benjamin et. al., *Community Development Financial Institution*, in *THE COMMUNITY DEVELOPMENT READER 99* (James DeFilippis & Susan Saegert eds., 2d ed. 2012).

45. *See* SAMUELSON & NORDHAUS, *supra* note 23, at 30-31; *see also* THOMAS H. GRECO, JR., *THE END OF MONEY AND THE FUTURE OF CIVILIZATION 114* (2009).

46. *See* Wiewel, Teitz & Giloth, *supra* note 43.

47. *See, e.g.*, SAMUELSON & NORDHAUS, *supra* note 23, at 30; GRECO, *supra* note 45, at 89.

undesirable trade.”<sup>48</sup> In other words, money is used when goods or services are insufficient in order to continue or maximize exchange value among participants. For instance, when Person A desires a good that Person B possesses, Person A would give Person B something of value that Person B desires in exchange for that good. However, what if Person A does not have anything that Person B desires? Money is then used to solve this barter limitation by allowing Person A to provide Person B with a transferable payment instead of an undesirable good. Thus, money is simply a means to a higher end (acquiring a desired good or service). However, within low-income communities, this means of exchange is limited (hence the term “low-income”). In addition, economic capital is limiting because it requires money to start. For instance, in order to receive a loan or line of credit, an individual is required to show that he or she is able to pay back the loan through monetary payments. How then, are low-income communities, wrought with unemployment and no other viable means of making sufficient money, able to become productive?

For starters, the recognition that money is not necessary and is simply a means to higher ends will lead to productive alternatives for low-income communities. Amartya Sen recognized this point where she argued that a solution to poverty requires a change in the dominant understanding of economic prosperity as a goal and people as simply means.<sup>49</sup> Instead, the higher end should be to enrich the lives of people where money is used merely as a means to satisfy that goal.<sup>50</sup> Sen explains that to “enrich the lives of people” is to fulfill the “needed human activities” through active contribution and personal achievement.<sup>51</sup>

Sen defines “needed human activities” as “escaping morbidity and mortality, being adequately nourished . . . achieving self-respect, taking part in the life of the community, and appearing in public without shame.”<sup>52</sup> In other words, “needed human activities” is another way of defining sufficient productivity. This type of productivity is achieved by things other than the accumulation of money or economic capital. Here, sufficient productivity involves the ability to positively contribute and take an active part in the social life, governance, and overall activities of a community. This leads to the conclusion that money is insufficient and sometimes unnecessary for

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48. See GRECO, *supra* note 45, at 90.

49. See Amartya Sen, *Development as Capability Expansion*, in THE COMMUNITY DEVELOPMENT READER 319 (James DeFilippis & Susan Saegert eds., 2d ed. 2012).

50. See *id.*

51. See *id.* at 320.

52. See *id.* at 321.

achieving productivity. To say it another way, money is not a necessary means to sufficient productivity.

Instead, communities can also be productive through non-monetary means, such as bartering, service-exchange, gift-giving, and a mutual credit-clearing system. Each of these alternatives prove that economic capital or money is not always necessary or the most efficient means to achieving productivity within low-income communities.<sup>53</sup> For instance, if person A is hungry, he or she can use money as a means to satisfy that hunger by buying food from Person B. However, money becomes unnecessary when one can obtain food through non-monetary means, such as through barter, where person A exchanges an item with person B for her desired food item; or through service-exchange (time-banking), where person A's service to B is exchanged for B's cooking services; or through a gift where Person B cooks for Person A for free with the expectation that a gift will be circulated back to Person B; or through a mutual credit-clearing system, where person A exchanges with Person B through credit where A is now indebted to B.

Some argue that barter is insufficient for making communities productive on a continuous basis due to its exchange limitation. This limitation occurs where Person A is offering in exchange with Person B, but Person B does not want the good Person A is offering. Thus, the exchange between A and B is restricted. Thomas Greco author of "The End of Money and the Future of Civilization" defines this limitation as the "barter limitation" of "double coincidence."<sup>54</sup> However, this definition assumes that barter is limited to a two-person exchange rather than a communal exchange.

Under a communal barter exchange system, an exchange between two individuals also means an exchange within the entire system and therefore all goods and services will have a use even if not initially. For instance, going back to the above example, Person B would still exchange with Person A even though B has no direct or immediate use for A's goods. This is because B would take the unwanted goods from A and exchange them with another member of the community who actually has goods that B desires. Thus, exchange within the community continues. In the event where a good cannot be "stored" and saved for later, Person B could still give Person A her desired good or service as a *gift* with the expectation that someone in the community, if not A, will do the same for him. This is an example of gift circulation that will later be explained.

The limitation found in a barter exchange can also be found in a service exchange. However, like a communal barter exchange, a service exchange

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53. See, e.g., Sen, *supra* note 49, at 319; GRECO, *supra* note 45, at 107.

54. GRECO, *supra* note 45, at 116.

conducted on a communal basis solves this limitation where the amount of service measured in time is recorded and exchanged. For instance, Person B provides a service to Person A, but Person A gives nothing in return to B. However, B's amount of service, measured in hours, is recorded. B can later exchange his accumulated hours with another person in the community, such as Person C, where Person C performs a service for Person B without B having to give anything in return to C. This is because B's service hours can be satisfied by any member of the community and the productivity within the community is continued.<sup>55</sup>

Furthermore, mutual credit-clearing is a system by which community members engage in non-monetary exchanges through the exchange of credits or debts. A mutual credit-clearing system is an interest-free credit and debit system that obviates the need to use money or to rely on a third party bank for economic capital.<sup>56</sup> It essentially transcends the limitation of the broader economic system by deemphasizing the necessity of money and economic capital for achieving sufficient productivity. Instead, a mutual credit-clearing system within low-income communities promotes sufficient productivity through cooperation among community members.<sup>57</sup> This is especially beneficial where such communities lack enough money that would otherwise make them productive under the broader economic system. Thus, a mutual credit-clearing system is a means for making low-income communities productive without relying on the limitations of the broader economic system.

This system requires a communal effort on behalf of all community members in order to ensure that a broad range of goods and services are exchanged and sufficient for satisfying and enriching the lives of all.<sup>58</sup> In addition, there must be some measure of value within the credit system in order to determine the value of each debit or credit exchange.<sup>59</sup> Likewise, the system should place limits on the amount of debt one member is allowed to have in order to encourage reciprocity and mutual cooperation among members.<sup>60</sup> It is also necessary for the community to keep track of all transactions within this credit system by giving all persons accounts.<sup>61</sup> Here,

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55. The principle behind this indirect exchange is that the community's needs takes precedence over the individual with the expectation that all will be served. See Mira Luna, *How to Share Time*, YES! MAG. (July 8, 2010), <http://www.yesmagazine.org/new-economy/how-to-share-time>.

56. See GRECO, *supra* note 45, at 108.

57. See *id.* at 111, 116.

58. See *id.* at 131.

59. See *id.* at 117.

60. See *id.* at 130.

61. See *id.* at 130-33.

Person A pays Person B in credit and then Person B's account is credited while Person A's account is debited in the same amount. Person B can later use his credit to exchange services or goods with other members within the community and his account will also be debited reflecting these exchanges.<sup>62</sup>

In order for Person A to *clear* her debit amount (i.e. reduce the account to a zero balance), she must provide a service or good to Person B or to someone else within the community.<sup>63</sup> In the end, the entire communal system needs to be cleared where all members' debits and credits collectively make up the entire system with the goal of eventually reaching a communal balance of zero where all accounts cancel one another out.<sup>64</sup>

Nonetheless, a true alternative economic system would utilize a measurement value for exchanges that is also contrary to the way exchanges are valued under the present economic system in order to further transcend the limitations of the broader economic system, namely inequality. For instance, under a mutual credit-clearing system that utilizes a measurement value in U.S. dollars, Person B sells each of his shoes for \$50 in U.S. dollars and Person A charges \$10 for each hair cut she provides. Once Person A and Person B transact with one another, Person B's account will be credited \$50 (positive balance) while Person A's account will be debited \$40 (negative balance). Valuing the exchanges this way gives the shoemaker more purchasing power over the hair dresser where the shoemaker will have more available credit than the hair dresser. The hair dresser will also have more debt and will have to work harder (i.e. provide more haircuts) in order to achieve the same credit worthiness as the shoemaker. Thus, inequality within the mutual credit-clearing system emerges.

In order to avoid such inequality, which is omnipresent in the dominant economic system, persons in an alternative economic system should make all exchanges equal in value where the true value amounts to the receipt of the service or good itself.<sup>65</sup> In other words, the value of B's good or service is determined by A's exchanged good. This makes all goods and services within the community relative to each community member. An equal exchange value seems to make the mutual credit-clearing system virtually obsolete since all transactions would immediately cancel each other out. However, this is not entirely true. For instance, Person B desires a haircut, but is unable

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62. *See id.*

63. *See id.* at 134; *See also* BEYOND MONEY (Jan. 24, 2013), <http://beyondbeyondmoney.net/tag/mutual-credit-clearing/> (for illustration of a mutual credit clearing system).

64. GRECO, *supra* note 45, at 134.

65. The Internal Revenue Service (IRS) also value direct exchanges this way. *See* discussion *infra* pp. 57-67.

to perform any service for Person A or have any goods that the hair dresser wants. For the sake of the community's productivity, Person A performs the haircut for B in exchange for credit. Person A's account is credited \$10 while Person B's account is debited \$10. Person B can still satisfy his debt on a communal level by performing a service or providing a good for another community member.

The circulation of gifts also has the ability to make low-income communities productive without the sole reliance on money or causing inequality. A gift, by definition, is something that is given without it being earned or produced by the receiver.<sup>66</sup> In addition, unlike the exchange of goods or services, or even a credit system, a gift is something that does not require something in exchange.<sup>67</sup> That is, Person A will not be debited for receiving something from B as a gift. However, gift-giving is often reciprocated, but not necessarily in a direct way. For instance, reciprocation of gifts can also occur indirectly where "they flow in circles. I give to you, you give to someone else . . . and eventually someone gives back to me."<sup>68</sup>

In a community designed to facilitate gifts, "gifts flow continuously, only stopping in their circulation when they meet a real, present need."<sup>69</sup> As a result, gift-giving requires communal participation where each member of the community eventually accounts for another's gifts. For an example, Person B decides to give Person A her desired good without expecting to get anything in return directly from Person A, (i.e. a gift). Rather, Person B can expect to receive his return from another community member at some later time when he actually needs it.

A gift circulation system can also be recorded just as within a mutual credit-clearing system where the community keeps track of all gift giving. Such a recording in a gift system will help facilitate the circulation of a gift and determine needs and wants. Thus, a gift circulation system obviates the need for money when direct exchange of goods or services is not feasible and thus, gift-giving solves the barter and service-exchange limitation without needing to resort to the actual use of money.

Lastly, an alternative economy within a low-income community does not mean that money should not be used at all. It simply means that money is a means in addition to other means of economic exchanges. Furthermore, the sharing of money is encouraged in an alternative economy among low-income communities. This is especially done through saving pools, micro-

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66. See CHARLES EISENSTEIN, SACRED ECONOMICS 3 (2011).

67. *Id.*; see also GRECO, *supra* note 45, at 117 (describing credit as an I.O.U.—a promise to pay back).

68. EISENSTEIN, *supra* note 66, at 6.

69. *Id.* at 7.

financing systems, and cooperatives. A savings pool, also called a “susu” in Caribbean, Asian, West African, and Latin American cultures, is a funding medium where members of a low-income community agree to contribute a fixed amount of money to a communal fund where each member of the community will have the opportunity to pull money from the pool.<sup>70</sup>

Likewise, micro-financing is a system where money is extended to community members at little or no interest loans. This is typically done by a non-traditional bank.<sup>71</sup> However, low-income communities can create their own entity that serves as a non-traditional bank where members collectively control its funds. For instance, a micro-financing entity can be structured as a nonprofit where members of the community play an active role in its decision-making both as directors of the board and members of the nonprofit. The nonprofit can then fundraise for entrepreneurial initiatives within the low-income community where such funding is given to members in the form of grants or low-cost loans.<sup>72</sup>

Just as a micro-financing system, cooperatives are also created to pool together the resources of low-income people in order to leverage their limited dollars. For instance, limited-equity housing co-operatives leverage the limited dollar of its individual tenant-shareholders in order to collectively buy a residential building or to acquire a “blanket mortgage” for financing the residential property.<sup>73</sup> In addition, co-operatives can be used as tools for further investment, such as a housing cooperative renting commercial space for additional income.<sup>74</sup>

Lastly, some may argue that low-income communities lack the necessary resources to employ an alternative economy. However, this assumption is not true. There are enough resources flowing within low-income communities to make an alternative economy based on their resources alone feasible. For instance, the low-income dollar in the aggregate has proven to be sufficient to churn the wheels of economic productivity, especially where financial institutions, such as community development fund institutions (CDFIs), have

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70. See Edirin Oputo, *In Savings Pool, Every Little Bit Helps*, GLOBAL CITY NYC (Dec. 6, 2012), <http://globalcitynyc.com/2012/12/06/in-savings-pools-every-little-bit-helps/>.

71. See Niel Gorenflo & Jeremy Adam Smith, *10 Ways Our World is Becoming More Shareable*, YES! MAG. (June 22, 2010), <http://www.yesmagazine.org/happiness/10-ways-our-world-is-becoming-more-shareable>.

72. This entity can also be structured as a for-profit entity where community members act as both board members and shareholders and where money is raised through private investment. See generally *id.*

73. See BARRY MALLIN, LIMITED EQUITY COOPERATIVES: A LEGAL HANDBOOK, 5-6 [http://uhab.org/sites/default/files/doc\\_library/Limited\\_Equity\\_Cooperatives\\_A\\_Legal\\_Handbook\\_0.pdf](http://uhab.org/sites/default/files/doc_library/Limited_Equity_Cooperatives_A_Legal_Handbook_0.pdf).

74. See generally *id.*

utilized the underutilized low-income dollar to sell economic capital to low-income communities.<sup>75</sup> Likewise, although malevolent, pawn shops or predatory lenders have also found the low-income dollar sufficient to purchase their exploitive products.<sup>76</sup>

The low-income dollar can also go a long way where exchanges are limited to needs and very few wants. E.F. Schumacher explains the importance of “thinking small” for creating sustainable economies in his book *Small is Beautiful*.<sup>77</sup> This is especially important where the alternative economy is designed to combat consumerism found within the broader economic system. The above examples are merely there to illustrate both the existence and the power of the low-income dollar, especially in the aggregate. Therefore, an alternative economic system among low-income communities is both feasible and desirable.

### III. INTENTIONAL COMMUNITIES: PROMOTING THE ALTERNATIVE ECONOMY

Instituting an alternative economy within low-income communities designed to counter the limitations of the broader economic system is best done through the creation of an intentional community. This intentional community should be comprised of low-income people who build self-reliance and self-sufficiency through social capital and a deliberate formation of a culture based on bartering, time-sharing, mutual credit clearing, and gift giving in order to supplement limited economic resources and become productive. An intentional community formed this way is designed to counter the limitations of the current majoritarian political system where low-income communities are often marginalized and become disadvantaged losers while the majority interests are advantaged.

Adam Walinsky described this limitation of the majoritarian political system when he observed the impoverished and unproductive condition of the low-income community of Brooklyn, New York’s Bedford-Stuyvesant (“Bed-Stuy”) neighborhood: “in what sense can the representative system be said to have ‘spoken for’ this community during the long years of neglect and

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75. See Wiewel, Teitz, & Giloth, *supra* note 43.

76. See Lehn Benjamin et. al., *Community Development Financial Institutions*, in THE COMMUNITY DEVELOPMENT READER 99 (James DeFilippis & Susan Saegart eds., 2d ed. 2012); Taylor B. Murphy, Predatory Financial Practices and the Impact on the Poor (Apr. 20, 2008) (unpublished capstone paper, Washington & Lee University) (on file with Washington & Lee University), available at [http://www2.wlu.edu/documents/shepherd/alliance/cap\\_08\\_murray.pdf](http://www2.wlu.edu/documents/shepherd/alliance/cap_08_murray.pdf).

77. See E.F. SCHUMACHER, SMALL IS BEAUTIFUL 6 (1973).

decay?”<sup>78</sup> The insufficiently productive and impoverished condition of the Bed-Stuy neighborhood described above included over 8,000 abandoned buildings, a high unemployment rate, and a high infant mortality rate.<sup>79</sup> Here, the city council failed to distribute much needed resources to this neighborhood despite receiving urban renewal funds from the federal government to do just that.<sup>80</sup> As shown, low-income communities are often insufficiently represented within our majoritarian system, which operates on the principal that the minority of today will become the majority of tomorrow. However, power rarely changes hands so fluidly.<sup>81</sup> It is thus important to create an alternative system for the “disadvantaged losers” in order to empower them to become productive. It is through an intentional community where this alternative system can best be created.

An intentional community has generally been defined as a community that shares resources through active cooperation and is “often aware of [itself] as different from mainstream culture,” where members “actively seek . . . alternative lifestyles for themselves and their families.”<sup>82</sup> This definition recognizes that an intentional community is a marginalized community that is intentional in creating an alternative way of life contrary to the broader system in order to be sufficiently productive.<sup>83</sup> There are numerous and varied intentional communities found throughout the United States and around the world.<sup>84</sup> Some are large, urban, and religious while others are small, rural, and secular.<sup>85</sup> There are also intentional communities focused on alternative economies, such as worker cooperatives and gifting societies.<sup>86</sup>

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78. Sherry Arnstein, *A Ladder of Citizen Participation*, 35 J. AM. INST. PLANNERS 216, 216 (1969), available at <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html>.

79. *See id.*

80. *See id.*

81. *See* Pippa Norris, Presentation on *Constitutional Choices: Consensus v. Majoritarian Societies*, HARV. KENNEDY SCH. OF GOV'T 12, available at <http://www.hks.harvard.edu/fs/pnorris/DPI403%20Fall09/12%20DPI403%20%20Constitutions.pdf> (showing the dangers of permanent majorities within majoritarian political systems) (last visited May 28, 2015).

82. *See About the Fellowship for Intentional Community*, FELLOWSHIP FOR INTENTIONAL COMMUNITY (April 7, 2015, 11:28 PM), <http://fic.ic.org/the-fellowship-for-intentional-community/>.

83. *See id.*

84. *See Communities By County*, FELLOWSHIP FOR INTENTIONAL COMMUNITY (Apr. 8, 2015, 8:08 PM), <http://fic.ic.org/directory/intentional-communities-by-country/>.

85. *Community Directory*, FELLOWSHIP FOR INTENTIONAL COMMUNITY, <http://directory.ic.org/records/communes/> (last visited Apr. 27, 2015).

86. A worker cooperative is a corporation collectively owned and controlled by its employees. Here, the traditional imbalanced labor-capital relationship between employers and employees does not exist. Instead, labor is “freely chosen, non-exploitive, and creative in its own right.” SCHUMACHER, *supra* note 77, at 7 (1973); *see* EAST BAY CMTY. LAW CTR., GREEN-COLLAR

Due to its cooperative nature, intentional communities are likely to be small and employ a consensus decision-making process, such as the Ganas Community in Staten Island, New York.<sup>87</sup> This intentional community is comprised of seventy-five (75) multi-racial, lower-middle class individuals who live together in eight (8) different adjacent residences, all of which were built through sweat equity.<sup>88</sup>

The history of intentional communities in the U.S. can be traced back to 19<sup>th</sup> century *communes*.<sup>89</sup> Communes were usually tied together by some religious identity, or in the case of Black communes, by a racial identity and were created to provide its members an alternative to the constraints and hostility of the broader political economy.<sup>90</sup> This alternative included a space for isolation and independence where members relied on one another for mutual aid and the sharing of resources.<sup>91</sup> It seems then that intentional communities developed out of necessity due to the limitations of the broader political system that left marginalized communities unproductive. Therefore, the development of communes or intentional communities within low-income communities is both feasible and desirable.

In order to create a low-income intentional community whose goal is to form an alternative economy through the development of social capital and the promotion of a culture based on cooperation and sharing, the following five principles should be adopted: (1) an intent to cooperate, (2) consensus decision-making, (3) reciprocity and mutual benefit, (4) active participation, and (5) a commitment to an alternative lifestyle. An intent to cooperate is an important principle to adopt within a low-income intentional community with an intent to form an alternative economy because it ensures self-reliance and decreases dependency on the broader political system. This is especially important where the alternative economy requires members to cooperate to become successful (e.g. cooperative entrepreneurialism).

In addition, consensus decision-making is also an important principle to adopt in order to ensure that the community counters the limitations of the

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COMMUNITIES CLINIC, & SUSTAINABLE ECONOMIES LAW CTR., *supra* note 37; *see also* Genevieve Vaughan, *Theory of Practice of the Gift Economy*, in *WOMEN'S WORLDS* (2011), available at THE GIFT ECONOMY, <http://gift-economy.com/theory-and-practice-of-the-gift-economy/>.

87. *See Consensus Basics*, FELLOWSHIP OF INTENTIONAL COMMUNITY (Apr. 8, 2015, 11:42AM), <http://www.ic.org/wiki/consensus-basics-2/>; *see also Decision Making*, GANAS COMMUNITY STATEN ISLAND, N.Y.C., <http://www.ganas.org/#decision> (last visited Apr. 27, 2015).

88. *See* GANAS COMMUNITY STATEN ISLAND, N.Y.C., <http://www.ganas.org/> (last visited Apr. 27, 2015).

89. *See* James Defilippis, *Collective Ownership and Community Control and Development*, in *READINGS IN PLANNING THEORY* 269-71 (Susan S. Fainstein & Scott Campbell eds., 2012).

90. *See id.* at 269.

91. *See id.*

broader political economy. The broader political system is a majoritarian system with a majoritarian voting and decision-making model.<sup>92</sup> This majoritarian model opens up debates and encourages participation by all members.<sup>93</sup> However, it does not ensure that everyone within the community actually participates or influences final decision-making. Nor does this system require that everyone benefit from the outcome of the decision. All that is required under a majoritarian decision-making model is that a majority of participants or members of the community come to a final decision.<sup>94</sup> Any decision made by the majority is deemed proper even if it harms or fails to benefit the minority populace.<sup>95</sup>

Unlike a majoritarian decision-making model, a consensus-decision making model creates a cooperative community where all members participate in the decision-making process and influence the final decision. A consensus decision-making model can be long and in theory, members may never reach a full agreement. However, a consensus decision-making model is designed to promote full deliberation among members until an agreement is made, no matter how long it takes.<sup>96</sup> As such, consensus decision-making benefits all members of a community and prevents creating “disadvantaged losers.”

Likewise, a principle of reciprocity and mutual benefit will ensure self-reliance and self-sufficiency within the intentional community while a principle calling forth active participation promotes sufficient productivity. A consensus decision-making model requires active participation by all members in order to ensure desired outcomes for each member. This leads to a very productive community where the success of an alternative economy depends on every member working together through reciprocity and mutual benefit. Here, social capital is developed. An alternative economy within low-income communities will not be successful without the development of social capital since it depends largely on each member pooling together their resources and skills for mutual benefit. For instance, if a community member no longer remains active, he or she negatively affects the exchange of goods and services, as well as the circulation of gifts. This hinders the entire community’s productivity where it is now less productive and short of a desired good. Furthermore, without active participation, reciprocity, and

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92. See Stephanie Novak, *Majority Rule*, PHIL. COMPASS 681, 681 (2014).

93. See generally Stephen Macedo, *Against Majoritarianism: Democratic Values and Institutional Design*, 90 B.U. L. REV. (2010).

94. See *id.*

95. See *id.*

96. See Tree Bressen, *Consensus Basics*, FELLOWSHIP FOR INTENTIONAL COMMUNITY, <http://www.ic.org/wiki/consensus-basics-2/> (last visited Apr. 28, 2015).

mutual beneficial acts, low-income communities are less adept to leveraging their limited economic resources.

Lastly, a commitment to an alternative economy among low-income communities is necessary to ensure the sustainability of the community. Commitment allows for further production within the community where it ensures that the sharing economy continues even when cooperation becomes difficult. Commitment also ensures that community members recognize that “small is beautiful” in order to accept a simpler way of life in the name of sustaining the community, especially where resources are limited.<sup>97</sup> It should also be stated that this intentional community is not designed to simply opt out or separate from the broader political economic system. The main purpose of creating an intentional community among low-income communities is to empower low-income people to become self-sufficient and self-reliant even in the midst of systematic neglect.<sup>98</sup>

#### IV. COMMUNITY PLANNING: PROMOTING AN ALTERNATIVE ECONOMY

Community planning designed to support an alternative economy within low-income communities should counter the limitations of the broader political economy by offering an alternative approach to traditional planning. An alternative community planning approach can best be defined as a combination of Jane Jacob’s neighborhood planning, Ebenezer Howard’s utopian design plan, Bill Traynor’s building of social capital via community mobilization, and John Friedman’s aggressive advocacy planning. Jane Jacob’s neighborhood planning can be considered an alternative procedural planning process for studying urban communities.<sup>99</sup> Ebenezer Howard also offered an alternative approach to planning through the development of a utopian design plan created with the intent to transform the broader political economy.<sup>100</sup> In addition, Bill Traynor sought to promote an alternative form of community building by differentiating it from community organizing.<sup>101</sup> Similarly, John Friedman offered an alternative planning approach to

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97. SCHUMACHER, *supra* note 77, at 7 (1973).

98. This paper does not suggest that an intentional community among low-income communities will be completely opted-out of the broader political economic system where the community is likely to interact with the broader system due to possible legal implications. *See* discussion *infra* pp. 31-36.

99. *See* JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 441-42 (1961).

100. *See* Robert Fishman, *Urban Utopias in the Twentieth Century: Ebenezer Howard, Frank Lloyd Wright, and Le Corbusier*, in *READINGS IN PLANNING THEORY* 27, 42 (Susan S. Fainstein & Scott Campbell eds., 3d ed. 2012).

101. *See* Bill Traynor, *Community Building: Limitations and Promise*, in *THE COMMUNITY DEVELOPMENT READER* 209, 214-15 (James DeFilippis & Susan Saegert eds., 2d ed. 2012).

advocacy that can be deemed “aggressive” advocacy planning.<sup>102</sup> This paper’s definition of *community planning* consists of all four approaches.

Jane Jacobs, author of *The Death and Life of Great American Cities*, one of the most influential writings on city planning, was instrumental for championing neighborhood planning as a means for combatting the limitations of the broader political economy of her time. These limitations included federal urban renewal and suburbanization programs of the 1960’s.<sup>103</sup> Jacobs’ neighborhood planning offered an alternative approach to the traditional planning methods that supported these programs. She argued that these traditional methods caused urban decay where planners incorrectly studied cities as a “problem of disorganized complexities” with a great number of unrelated variables rather than studying cities as a “problem in organized complexity” with a sizeable number of interrelated variables.<sup>104</sup>

The former requires the use of abstract statistical methods that result in generalized solutions for a particular neighborhood while the latter requires the study of the particulars that result in specific solutions for a particular neighborhood.<sup>105</sup> The use of statistics will result in a conclusion that a city, on “average,” is problematic and will lead to planners offering a generalized solution to be applied to every distinct neighborhood, no matter how different.<sup>106</sup> This traditional planning view ignores the complexity and “unaverage” characteristics of a city, including the uniqueness of particular neighborhoods.<sup>107</sup> This results in traditional planning providing improper solutions for many urban areas.

For instance, the urban renewal and suburbanization programs of the 1960s saw urban cities, on average, as unnatural and lacking nature or sufficient green space. However, these programs failed to recognize the

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102. See John Friedmann, *The New Political Economy of Planning: The Rise of Civil Society*, in *CITIES FOR CITIZENS: PLANNING AND THE RISE OF CIVIL SOCIETY IN A GLOBAL AGE* 19 (Mike Douglass & John Friedmann eds., 1998).

103. Title I: Urban Renewal Program (aka slum clearance), Title II: FHA Insurance Program (aka suburbanization program). American Housing Act of 1949, Pub. L. No. 81-171, 75 Stat. 160. (codified as amended at 12 U.S.C. § 1715y (2006)).

104. An example of interrelated variables found within a neighborhood include the relationship between a store and a nearby park where store hours are influenced by park hours, such as where it is thought that participants of a park will also become shoppers of a nearby store as long as the two are opened during the same time. The argument is that this relationship between store hours and park hours are only ascertainable through a particular study of the neighborhood rather than a general study of stores and parks across the city because the latter can only provide the average number of store hours, but not explain why such hours exist, i.e. statistics would only determine abstract conclusions such as the average number of store hours, but neglect to see the influence of the park on store hours. See JACOBS, *supra* note 99, at 432-34, 441.

105. See *id.* at 441.

106. See *id.* at 430.

107. See *id.* at 440-43.

naturalness found within these dense urban neighborhoods, such as the social vitality of humans interacting with one another or the actual physical nature unique to these urban areas.<sup>108</sup> As a result, these programs offered improper solutions to urban cities, which included the depopulation and destruction of neighborhoods through “slum clearance” and high-rise residential development. These improper solutions later caused decay as shown by deserted neighborhoods lacking social vitality and diversity.<sup>109</sup>

Furthermore, studying cities as a problem in organized complexity “with a sizeable number of interrelated variables” allows for the direct participation and contribution of community members. According to Jacobs, planning at the particular neighborhood level allows community members to engage in the planning process because it involves gathering data from the personal experience of community members.<sup>110</sup> The personal experience of community members can be gathered through qualitative research methods of observations, interviews, focus groups, and surveys.<sup>111</sup> On the other hand, the use of abstract statistical methods requires expertise in the field planning.<sup>112</sup> Thus, the latter makes it difficult or virtually impossible for community members to participate in the planning process while the former considers the reality of community members as a planning method for solving neighborhood problems. What better way to understand a city and find solutions to its problems than to utilize the experience of those actually living within? Therefore a community planner interested in supporting an alternative economy within low-income communities should employ the methods urged by Jacobs where planners focus on specific neighborhoods and use the personal experience of community members as planning tools.

In addition, Ebenezer Howard’s utopian urban design plan is useful for showing how community planners can support an alternative economy within low-income communities. Ebenezer’s utopian urban design plan is called the “Garden City” and includes designs that encourage cooperation and collective ownership by community members.<sup>113</sup> This utopian design plan was an alternative to the dominant urban planning design of Howard’s time (1889-1892), which encouraged class segregation and concentration of land

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108. *See id.* at 446.

109. *See id.* at 273.

110. Jacobs argued for the input of community members’ personal experience in the planning of neighborhoods and rejected traditional planning methods, including statistical surveys. *See* JACOBS, *supra* note 99, at 9, 442 (describing her personal experience of her neighborhood as actual knowledge of the neighborhood problems).

111. *See* JACOBS, *supra* note 99, at 441; *see also* LAWRENCE FREY ET AL., *INVESTIGATING COMMUNICATION: AN INTRODUCTION TO RESEARCH METHODS* (2d ed. 2000).

112. *See* JACOBS, *supra* note 99, at 442.

113. *See* Fishman, *supra* note 100, at 30.

ownership.<sup>114</sup> In fact, Howard's plan offered a "revolutionary restructuring of urban form" designed to solve the limitations of the broader political economy by physically designing a community where cooperation was encouraged among community members rather than segregation and a concentration of land ownership in the hands of few.<sup>115</sup> For instance, the Garden City was designed as a circle with a city center called Central Park—representing "unity," "common interest," and "mutual cooperation."<sup>116</sup> In addition, residents within Garden City collectively owned the land and paid for services through individual rents.<sup>117</sup>

Howard understood that "there was little point in constructing new centers of community life if the economic exploitation and class conflict [i.e. the limitations of the broader political economic system] kept the citizens as divided as they had been in their old environment."<sup>118</sup> Therefore, a planner supporting an alternative economy within low-income communities should include plans that counter the limitations of the current political economic system. Such a plan could include designs that zone for community land trusts as well as physical layouts that encourage sharing among community members through development of cooperatives.<sup>119</sup>

Likewise, Bill Traynor's community building approach, found in his article, *Community Building: Limitations and Promise*, provides a workable alternative to the traditional planning method of community organizing.<sup>120</sup> Traynor recognizes at least two ways to mobilizing a community: (1) community organizing and (2) community building.<sup>121</sup> According to Traynor, community building is not community organizing.<sup>122</sup> Instead, community building is "the *only* pre-condition that can possibly impact" the conditions of persistent poverty and insecure economic prospects.<sup>123</sup> He explained that

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114. *See id.* at 43.

115. *See id.* at 27-28, 39, 43.

116. *See id.* at 40-41.

117. *See id.* at 43. This is similar to today's housing co-operatives where tenant-shareholders collectively own property and pay for its maintenance through individual rents called maintenance fees. *See* Barry Mallin, *Limited Equity Co-operatives: A Legal Handbook*, available at [http://uhab.org/sites/default/files/doc\\_library/Limited\\_Equity\\_Cooperatives\\_A\\_Legal\\_Handbook\\_0.pdf](http://uhab.org/sites/default/files/doc_library/Limited_Equity_Cooperatives_A_Legal_Handbook_0.pdf) (last visited Apr. 27, 2015).

118. *See* Fishman, *supra* note 100, at 28.

119. *See generally* JOHN EMMES DAVIS, ORIGINS AND EVOLUTION OF THE COMMUNITY LAND TRUST IN THE UNITED STATES (2014), available at <http://communitylandtrust.org/wp-content/uploads/2015/02/Origins-Evolution-CLT-byJohnDavis.pdf>.

120. *See generally* Traynor, *supra* note 101.

121. *See id.* at 214. Community building and community mobilizing are used interchangeably within this paper.

122. *See id.*

123. *Id.* at 215.

building community infrastructure, or social capital is important for making communities productive because it allows for the aggregate of resources and contribution of all members that essentially make low-income communities work.<sup>124</sup> Unlike community mobilizing, where the focus is on the community itself through the development of social capital and cooperation, community organizing is political, confrontational, and hierarchical with a focus on “power building and . . . confronting entrenched interests”<sup>125</sup> of the broader political economy. This distinction between community mobilization and community organizing is important to show the stages of planning an intentional community comprised of low-income people interested in forming an alternative economy. It is important to build a cohesive community via social capital before confronting the broader political economy.

John Friedman illustrated what it looks like for a planner to assist a community in confronting the broader political economy in his article *The New Political Economy of Planning: The Rise of the Civil Society*.<sup>126</sup> Friedman offered a planning method that can be defined as “aggressive” advocacy planning where emphasis is added to signify a difference from advocacy planning. Paul Davidoff introduced advocacy planning in his article *Advocacy and Pluralism in Planning* as a method for addressing social injustices within marginalized communities. Davidoff argued that advocacy planning could solve social injustices where such injustices are communicated to representatives of the political process in hopes of social change.<sup>127</sup> However, merely communicating social justice grievances to political representatives is not enough to counter the limitations of the broader political process, especially where the political process represents majority interests over the interests of the marginalized. Instead, a more aggressive form of advocacy planning is necessary to counter the limitations of the broader political economy.

Aggressive advocacy planning goes beyond trying to convince or persuade policy-makers. It seeks to transform the broader political economy by giving community members an opportunity to play active roles in shaping their own communities.<sup>128</sup> In addition, it places planners on the “front lines” of social movements in order to effectively “reshape cities and their

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124. *See id.*

125. *Id.* at 214.

126. *See* Friedman, *supra* note 102.

127. Paul Davidoff, *Advocacy and Pluralism in Planning*, in READINGS IN PLANNING THEORY 191, 192 (Susan F. Fainstein & Scott Campbell eds., 3d ed. 2012).

128. *See* Friedman, *supra* note 102, at 20, 21.

provisioning for the poor and other marginalized groups.”<sup>129</sup> An example of aggressive advocacy planning involves the planner designing community plans with community members that represent desired social/economic changes, organizing social movements that seek to transcend the broader political economy, and later presenting, advocating, and demanding for such plans at city hall meetings. Therefore, community planners interested in supporting an alternative economy within low-income communities should aggressively advocate on behalf of low-income communities where such planners advocate for community plans designed to make these communities sufficiently productive even in the midst of ineffective political representation and marginalization. All four of these nonconventional approaches to planning collectively form a community planning approach that best support an intentional community designed to promote an alternative economy among low-income communities by offering four essential principles: (1) involve community members in the planning process, (2) create design plans that effectuate community control and cooperation among community members, (3) engage in community building that helps create social capital among community members, and (4) aggressively confront the broader political economic system with the intent to advance social movements.

#### V. SHARING LAW: PROMOTING AN ALTERNATIVE ECONOMY

Just as a community planner, a lawyer should engage in nontraditional legal methods in order to counter the limitations of traditional legal practice that is likely to restrict a lawyer’s ability to effectively represent a low-income community mobilized to form an alternative economy. In order to properly support this alternative economy, the lawyer should be on the “front lines” of this social movement (just as the community planner) and engage in alternative lawyering methods, including what Gerald Lopez calls “rebellious lawyering,” and what Janelle Orsi calls “sharing law.”

Gerald Lopez argues for a progressive approach to lawyering in his book *Rebellious Lawyering: One Chicano’s Vision of Progressive Law Practice* that includes a new vision of properly supporting low-income communities, or “subordinated people,” in their social movements. He terms this progressive lawyering as “rebellious lawyering” and differentiates it from what he calls “regnant” lawyering. Unlike a rebellious lawyer, the regnant lawyer shies away from alternate visions of lawyering, refuses to be open to “other routines and arrangements,” fails to re-approach their legal work,

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129. *Id.* at 19, 21.

neglects to imagine or redefine “what clients, lawyers, and others can do to change their lives,” and most importantly, fails to see that regnant lawyering is unnatural to producing social change for the subordinated.<sup>130</sup>

According to Lopez, regnant lawyers “purport to help those subordinated” but actually “help undermine the very possibility for re-imagined social arrangements that lies at the heart of any serious effort to take on the status quo.”<sup>131</sup> Here, a regnant lawyer does not make a serious effort at challenging the status quo where he fails to go beyond traditional legal methods of representation, such as involving clients in litigation strategies, in order to effectively solve social problems within low-income communities.<sup>132</sup> On the contrary, a rebellious lawyer goes beyond traditional legal methods by educating clients of both legal issues and legal strategies in order to “incorporate self-help and community education into [her] legal work.”<sup>133</sup> This empowers low-income communities to be self-reliant, especially when a lawyer is not readily available to assist. This is especially important for supporting low-income communities interested in forming an alternative economy that heavily depends on self-reliance.

In addition, a rebellious lawyer goes beyond traditional legal methods by finding creative ways of supporting low-income communities.<sup>134</sup> This includes engaging in non-litigation tactics, such as transactional law, in order to support cooperative entities within low-income communities.<sup>135</sup> Another creative legal method involves collaborating with other professionals in order to create a multi-disciplinary approach to lawyering.<sup>136</sup> Here, the rebellious lawyer rejects the idea that only through the law will changes in the status quo occur and recognizes that any change in the status quo is a “collective fight.”<sup>137</sup> This multi-disciplinary approach to lawyering maximizes the potential of law to support low-income communities in alternative ventures, including an alternative economy. Lastly, Lopez argued that a rebellious lawyer should understand the political environment where he or she works.<sup>138</sup> This is especially important for supporting low-income communities

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130. See GERALD LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* 29 (1992).

131. *Id.*

132. *See id.*

133. *Id.* at 33.

134. *See id.* at 29.

135. *See id.* at 32 (describing rebellious lawyering where a lawyer engages in transactional law to form a worker cooperative in a low-income community where the goal of the community is to empower low-income people).

136. *See id.* at 37, 38.

137. *Id.* at 38.

138. *Id.* at 30.

interested in forming an alternative economy since knowing the limitations of the broader political economic system is necessary for assisting such communities in transcending these limitations.

In addition to rebellious lawyering, there is a new wave of law that is designed to support initiatives like the one proposed by this paper. Janelle Orsi, author of *Practicing Law in the Sharing Economy* describes this new law practice as “sharing law.”<sup>139</sup> Sharing law aims to support communities that seek to counter the limitations of the broader political economy through the new economy movement.<sup>140</sup> According to Orsi, “a sharing economy lawyer is essentially a transactional lawyer that focuses on the needs of communities and enterprises developing within the new economy.”<sup>141</sup> The new economy is a movement that transcends the limitations of the broader political economy by offering economic alternatives to communities in order to make a more economically, environmentally, and socially sustainable society.<sup>142</sup>

Just as Lopez’s rebellious law, Orsi’s sharing law goes beyond traditional litigation and towards community transactional law. Particularly, Orsi’s sharing law includes supporting cooperatives, social enterprises, and other local sustainable economies in a variety of transactional legal tools, including drafting cooperative agreements that are designed to promote cooperation and sharing; mediation and facilitation to avoid the divisiveness of litigation and promote cooperation among members; legal compliance of tax law for determining tax liability of barter and service exchanges; legal compliance of securities law for crowdfunding and other alternative investment initiatives; determining proper legal entity structures that will best advance new economy initiatives; and intellectual property law for products and services produced by cooperative business clients.<sup>143</sup> These transactional legal tools help maintain cooperation among members in cooperative transactions by guiding clients in their sharing initiatives.<sup>144</sup>

Just as rebellious lawyering, sharing law also requires collaboration with clients. According to Orsi, “A [sharing] lawyer brings legal knowledge, while a client brings practical knowledge, and the community provides the

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139. See generally JANELLE ORSI, *PRACTICING LAW IN THE SHARING ECONOMY: HELPING BUILD COOPERATIVES, SOCIAL ENTERPRISES, AND LOCAL SUSTAINABLE ECONOMIES* (2012).

140. See *id.* at 25.

141. See *id.*

142. See *id.* at 1-2.

143. See *id.* at 27, 127-28, 153, 267, 316-18.

144. See *id.* at 25, 27.

forum for the transactions.”<sup>145</sup> This collaboration is essential where the sharing lawyer’s role is to support cooperative transactions that promote cooperation for mutual benefit.<sup>146</sup> This involves maintaining the cooperative relationship between members by encouraging parties to disclose all necessary information in order to come up with a solution that benefits all parties.<sup>147</sup> This is especially true where the parties desire to avoid the costly expense of litigation.<sup>148</sup>

Like rebellious lawyering, sharing law also requires the lawyer to be open to various solutions to legal problems. This is especially important where many of the issues arising in the new economy do not fit neatly into traditional legal boxes.<sup>149</sup> This includes assisting communities in non-legal work, such as getting involved in the planning process of new sharing initiatives.<sup>150</sup> In addition, a sharing lawyer should also be open to “make new laws that could be beneficial for future participants in the sharing economy.”<sup>151</sup> An example of this would be to push forth legislation that seeks to change current zoning laws that make sharing initiatives more feasible. Another example involves a sharing lawyer advocating for a more heightened judicial review of economic development projects so as to counter the limitations of the judicial system that legitimizes the displacement of low-income communities.<sup>152</sup> Orsi describes this process as creating more “square holes” where assisting communities within the new economy through the use of traditional legal practices becomes more like “trying to fit a square peg in a round hole.”<sup>153</sup>

Lastly, a lawyer supporting an alternative economy should also step outside of the traditional legal compensation framework in order to properly support the new economy movement. This involves the sharing lawyer being humble and sharing resources with other lawyers, including office space in order to save on overhead costs and legal documents in order to promote sharing and prevent unnecessary costs to clients.<sup>154</sup> Furthermore, a sharing lawyer should be open to receive non-monetary payments from clients, such

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145. Janelle Orsi, *Cooperation Law for Sharing Economy*, YES! MAG. (Sept. 23, 2010), <http://www.yesmagazine.org/new-economy/cooperation-law-for-a-sharing-economy>.

146. See ORSI, *supra* note 139, at 28.

147. See *id.*

148. See *id.*

149. See *id.* at 12.

150. See *id.* at 59.

151. See *id.* at 26.

152. See discussion *supra* pp. 4-7.

153. Orsi, *supra* note 145.

154. See ORSI, *supra* note 139, at 24.

as goods and services.<sup>155</sup> This is especially true since clients of sharing lawyers are engaging in a new economy where clients engage in alternative economic exchanges.<sup>156</sup> Lastly, the sharing lawyer should “think small” and refrain from the dominant thought of lawyers getting rich from their practice, in order to best support an alternative economy movement, especially within low-income communities.<sup>157</sup>

## CONCLUSION

This paper argues for the creation of an intentional community comprised of low-income people that intend to cooperate with one another in order to become self-sufficient through an alternative economy. The purpose of this alternative economy is to counter the limitations found within mainstream society and imposed upon low-income communities. These limitations include a majoritarian political structure, a judicial system that does not recognize economic classifications as a suspect class deserving of strict scrutiny review, and a broader economy where consumerism, money, and labor are the driving forces. Such limitations leave low-income communities marginalized and disadvantaged as shown by their chronic unemployment, lack of effective political representation, and insufficient judicial protection in economic development plans. The proposed alternative economy is designed to empower low-income communities to become self-sufficient and self-reliant even where the broader political economic system has neglected them. The broader system is inherently designed to create advantaged winners and disadvantaged losers especially where unemployment is a desired outcome of the broader economic system, where the creation of politically weaker minorities is an inevitable outcome of the majoritarian political system, and where rational basis judicial review for economic state actions disproportionately and negatively affect low-income communities.

This paper recognized that the broader political economic system leaves little opportunity for low-income communities to be sufficiently productive. Thus, this paper offered an alternative to the broader political system in order to promote self-sufficiency within low-income communities. The creation of an intentional community among low-income communities is ideal for providing this opportunity, especially where the purpose of an intentional community is for members to take an active role at forming an alternative to the limitations of the broader political economic system. Likewise,

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155. *See id.* at 69.

156. *See id.*

157. *See id.* at 63.

community planning is an effective tool for supporting an alternative economy among low-income communities where planners are visionaries and work with communities members to plan, design, mobilize, and aggressively advocate for new places to live, work, and play. Similarly, sharing or rebellious lawyers are best equipped with supporting an intentional community designed to promote an alternative economy since they are creative in their approaches to lawyering, including working with community members in forming legal strategies and being open to alternative means of payments. Therefore, with the appropriate formation, planning, and legal support, an alternative economy among low-income communities is both desirable and feasible.