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SARAH BLANDY

The Properties of Self-Managed Collective Housing

Kinning and Inheritance

Abstract: This article explores the relationship between property, law and everyday life in two self-managed collective housing sites in England, a housing co-operative and a co-housing development. In each of these sites the residents are bound together by a property law framework, by their built environment and by the spaces they share and manage. The residents are developing alternative legalities, their own informal norms and non-legally enforceable rules, which are transmitted to new residents in a form of inheritance. This article offers a new perspective on sharing property and belonging to a collective, within a housing culture based on individual ownership. The argument that the concepts of kinning and inheritance can be 'stretched' to take account of the intangible 'properties' generated by intentional communities' residents, contributes to both socio-legal studies and legal anthropology.

Keywords: collective housing, inheritance, kinning, law, property

Talking with Harriet, a new member of the radical housing co-operative at Hawthorn Crescent where she shares a large house with eight other adults, I am struck by her explanation of her living arrangements. She said 'it is so much like a family, anyway . . . we have this shared cooking and eating and, you know, the bathroom is all shared and everything'. Harriet's description raised questions for me about whether relationships between residents of collective housing could amount to kinship and how the process of kinning takes place in this context. I also wondered if, instead of thinking about housing as property, it could be more productive to focus on the properties of a particular housing site and whether these intangible 'properties' might be passed on to future residents as a form of inheritance.

This article is based on fieldwork at English 'self-managed collective housing' sites, meaning sites where the residents share space and are collectively responsible for managing the whole site, but have their own accommodation within it.¹ These 'intentional communities' (Czischke 2018) take different forms in different countries worldwide (Lietaert 2007). They fall into the broader category of 'collaborative housing' (Czischke et al 2020) that includes state-supported housing co-operatives, now housing 5 percent of the population in Germany. In other jurisdictions housing co-operatives are privately owned, like Hawthorn Crescent; in the United States these provide 1 percent of all housing units.² Although numerically small, intentional communities



have attracted academic attention from a number of disciplines, notably architecture (see Williams 2005) and social geography (see Jarvis 2015).

In this article I make use of ethnographic data from two particular sites that represent different types of collective housing: Hawthorn Crescent (the co-operative where Harriet lives) and Greenvale (a co-housing community). The small Hawthorn Crescent co-operative house in which each resident has a room and the Greenvale co-housing site with its thirty-five separate dwellings both fit the description of 'intentional communities' because their residents have deliberately chosen to live more collectively than is the norm. At Greenvale, the residents' property rights in their homes take the form of a 125-year lease, with automatic membership of the residents' management company that owns the freehold of the whole site. In contrast, at Hawthorn Crescent the site is owned by the co-operative. All the residents are members of and pay rent to the co-operative, making them tenants rather than owners. These similarities and differences between the sites enable interesting comparisons to be made.

I obtained and read the legal documents that set out the formal ownership arrangements relevant to each site, but was also interested in exploring the broader concept of 'legality': 'the meanings, sources of authority, and cultural practices that are commonly recognised as legal . . . produced in and through commonplace social interactions within neighbourhoods' (Ewick and Silbey 1998: 20). I conceptualised the sites as 'semi-autonomous social fields', which can generate their own rules, decisions and means of enforcement but operate within and are subject to the formal legal system (Moore 1973). I visited each site on a few occasions over a period of weeks and talked to several residents individually, selecting a few interviews for discussion in this article. My first question was 'How long have you lived here?', followed by 'Is living here different, and if so how, from your previous homes?' I then asked respondents 'Which parts of this site do you think of as "mine", "theirs" and "ours"?', which usually led on to very interesting conversations. My observations and conversations with residents show the importance of each site's design and origins, and the complex entanglements of ideas and practices of collective living, of property law and legality, and of inheritance, kinning and kinship. The ethnographic data raise questions about the relationship between the formal laws of property and inheritance, and the rules and norms developed through everyday life in these different types of collective housing. Are resident-generated ambience and ethos (the intangible 'properties' of each site) values that can be passed on to future residents? Does a process of kinning take place among groups that decide to live together in this way, and do the residents of all self-managed collective housing share Harriet's feeling that she is living in a family?

Hawthorn Crescent

Helen, now in her late thirties, moved into the large house at Hawthorn Crescent soon after the co-operative was set up almost fifteen years ago. Helen was then much younger than the original founding group but is now the oldest and longest-standing resident there. We talk in the huge kitchen, which is equipped for the needs of several adults living as a household. Big pots and pans and stacks of plates, bowls and mugs sit

on open shelves against the walls. On the large wooden table in the centre of the room there are boxes of vegetables. Handwritten rotas indicating the days when each of the residents will take their turn to cook and clean are pinned to the noticeboard on the wall of the kitchen, alongside draft agendas for the next house meetings.

Helen was preparing the evening meal and I offered to help her. As we peeled and chopped vegetables she told me how the house had been bought with money raised mainly from the Housing Corporation, which at that time supported housing co-operatives. The co-operative is the legal owner of the property, and the members pay rent to the co-operative for the right to live there. Helen explained her commitment to co-operative principles, saying that 'individual ownership of property leads inevitably to selfishness, self-interest and the gap between rich and poor'. She felt that living in a co-operatively owned house made sense politically and environmentally: 'I think it's the right thing to do in terms of sharing resources, in terms of practising compromise and consensus decision-making and, and . . . tolerance'. Helen laughed before continuing 'and, you know, I feel really strongly that we are social beings so shouldn't be living on our own'. Yet Helen did not describe Hawthorn Crescent as a family, as Harriet had done, but as a politically active household. Then she went on to say: 'It's not just about communal living, it's also about being part of the movement of promoting co-operation and direct action'. Helen rejected the conventional idea of property as exclusionary, saying 'I like the idea that people can just come and stay here, that we're open to anybody'. The co-op members had recently decided, after discussion, to offer accommodation to evicted squatters and to destitute asylum seekers whose applications have been turned down.

All the other Hawthorn Crescent residents are single young adults, but Helen lives there with her partner. I asked her about children living in the co-operative house, and she told me that sometimes in the past children had lived at Hawthorn Crescent, but in her view 'there are people who live here for six months or a year and I just think that has got to be really disruptive for a child's sense of security'. Helen went on: 'I mean, if I did have kids I would want to bring them up somewhere communal definitely, I think it's really incredibly important', then she paused before continuing: 'but I . . . well, it wouldn't be here'. Helen's reflections indicated a tension between her commitment to the co-operative way of life, for children as well as for adults, and her perhaps realistic assessment that the household at Hawthorn Crescent was too transient to constitute a 'proper' family setting for bringing up children.

Helen had lived at Hawthorn Crescent for many years, and I asked her whether the internal rules had changed over that time. She told me that there had been 'lots of rule-setting meetings and visioning meetings and policy changes since the original things were set up'. Helen explained the development of rules and norms over time as a 'creeping thing; as a problem emerges then various solutions are tried out and the policy expands'. Consensus decision-making at co-op meetings is seen as extremely important, to ensure that all residents are involved in making and amending policies – from the co-op's ethical and environmental purchasing policy to the job descriptions for their officers such as secretary and treasurer of the co-op. Helen said that attendance at meetings is taken very seriously; if a resident 'never came, they would lose their co-op membership', and therefore their right to live at Hawthorn Crescent.

Contrasting with the formal written policies, practical tasks such as repainting the main shared room or gardening are organised informally: ‘whoever’s willing to do it should take soundings and then pretty much go their own way’, said Helen. This seems similar to how an ordinary household or family would make such decisions. The exercise of control, for example over paint colour or planting the garden, is closely connected with theoretical understandings of property – which are challenged when control over property is shared. Helen, who is extremely articulate and has spent years thinking about these issues, told me that ‘I feel that I have control over it [the house at Hawthorn Crescent] without having sole control . . . it’s not *my* own but *our* own, and I feel very confident in that “our”’.

The ‘our’ or ‘we’ at Hawthorn Crescent, the feeling of a family or household, seems to be a product of clear policies and rules designed to make communal living work, shared political commitment and consensus decision-making at frequent meetings. Helen also felt that the continuity of the co-operative was ensured by the joining procedure for new residents, which she described as ‘pretty harsh, very long and convoluted’. But the procedure was ‘a function of our being much more explicit about what we are, about the culture being much stronger’, which meant that people who wouldn’t fit in and did not have the commitment needed for communal living would not want to move in. Helen was very aware of her status as oldest resident: ‘I do feel that everyone should feel the whole house is theirs but . . . it’s inevitable that they don’t because they’re moving into somebody else’s house effectively’.

I picked up this point with Harriet, who had been living at Hawthorn Close for only five months and was still ‘on probation’, not yet a full member of the co-op. She had moved there from a chaotic squat where around thirty people lived. To Harriet, the co-op felt ‘so much like a family’, perhaps in contrast to the squat. She was used to sharing space and tasks with others, so for Harriet the impressive aspect of Hawthorn Crescent was the way that shared living there was organised: minutes were kept at meetings and policies were discussed, adopted, written down and adhered to, even if they might be amended later. Harriet did not feel she had moved into somebody else’s house, as Helen had feared new residents might, but into a different way of living. She said that ‘people aren’t friends here necessarily. They might develop friendships and become friends, but it’s not friends that have chosen to live together’.

Rather than living with friends in ‘families of choice’ (Weeks et al 2001), moving into Hawthorn Crescent therefore represents a political commitment to co-operative property and communal living. This commitment is underlined by its rigorous joining procedure, which Harriet described to me:

You have to read all the information. You have to fill in a questionnaire, you have to come along and meet everyone and you’re supposed to stay over at the house once, after you’ve started the joining process. And then at a co-op meeting people discuss whether you can move in. And then you have to get through a six-month probationary period until you’re a full member.

Harriet accepted this process as necessary to ensure that the co-op attracted residents who were serious about co-operative values and communal living. She also talked cheerfully about the possibility of having to temporarily give up her designated bed-

room if it was needed by an evicted squatter or asylum seeker. Of course, if Harriet were to 'fail' the joining procedure, she would have no rights at all to remain at Hawthorn Crescent. Harriet explained her reasons for moving to Hawthorn Crescent to me: 'I wanted somewhere where I could put some energy into it and it was going to last. And with a squat, that's just not going to happen'. She also contrasted the co-op with shared rented houses, saying that there 'you don't have any sort of ownership. Whereas here I can work on the garden and move things around in the house or whatever'. I found it very interesting that Harriet used the term 'ownership', which she associated with being able to exercise control over the property. However, she did not envisage living at Hawthorn Crescent in the long term, telling me that 'once you get to your late thirties, I think you start thinking "Well, it's time for me to move on."' Harriet was here expressing the common view of 'utopian housing', that the majority of residents leave when they feel it is time to settle down to a more conventional lifestyle (Ellickson 2008).

Asked about any current dissatisfactions, Harriet said she found it 'a bit sad that you cook once a week, but always by yourself . . . there's something really nice about cooking with other people, like just working with other people is a really good way of getting to know them'. Harriet also commented about the lounge, which is furnished with mismatched sofas and armchairs and looks rather uncared for, saying that 'I don't think that room downstairs works as well as it could do' as a space where residents spend time together. She told me that she and two other residents did not want a television in the lounge, while the others did; this was an ongoing discussion on which consensus could not (yet) be reached. When I asked Harriet about how tasks such as tidying and cleaning the kitchen, bathroom, lounge, stairs and hallways were organised, she told me that the rota which I had seen on the kitchen wall was not strictly kept. She said, 'you'll have a different task every week. But I don't think people really do it. Or they occasionally will do it. But I think, when the house looks a state we keep on top of it.' The residents at the Hawthorn Crescent co-op seem to differentiate by tacit consent between the 'serious' rules and those that can be ignored so long as the desired outcome is achieved. None of them mentioned to me the underlying legal framework that the co-operative owns Hawthorn Crescent and that its members must act with the consent of the other residents.

Greenvale

Even before the land was acquired over twenty years ago, the group that established the co-housing site at Greenvale had been meeting together and discussing their plans to live collectively. I met two of this original group, Geoff and Georgina, and some other more recent residents. Geoff, a family man in his forties, told me that the group first worked on a written document setting out their expectations of conduct and commitment to provide a more detailed version of the description on the UK Cohousing Network website: 'Cohousing communities are intentional communities, created and run by their residents. Each household has a self-contained, private home as well as shared community space. Residents come together to manage their community, share activities, and regularly eat together'.³

When a suitable site came onto the market, the Greenvale group had to raise a large amount of money rapidly. The property developer for the site was a member of the founding group. Geoff told me that they met in a pub and Geoff handed him a large amount of cash, based on the trust that had already been established between them. Geoff said ruefully that he then had some moments of panic, thinking 'What have I done? I didn't even get a receipt'. But the site was successfully purchased and the group then faced the difficult task of convincing bank managers, architects, lawyers and planners about the merits of co-housing, a form of housing which most had never heard of. Geoff described this period as 'a baptism of fire', a striking phrase that captures the way the founders' identity as a group was solidified by facing these early challenges together.

When I visited Greenvale, ten years after the site had been purchased, it seemed to embody the aims of co-housing design: 'to foster interactions between residents through key principles like physical proximity, opportunities for casual contacts, and availability of shared spaces' (Bouma et al 2009).

Geoff showed me round. Winding paths are lined with eco-style wooden buildings, a stream runs through the site, and there is a central green space. Cars are kept outside. It's a new development of 35 dwellings ranging from five-bedroom houses to one-bedroom flats, but looks as if it has grown organically. Nearly one hundred people live at Greenvale, of whom about a third are children. In the middle of the site is the common house, the largest building there. On its ground floor there is space for indoor games such as table tennis, on the next floor up is a comfortable sitting room with a small kitchen, and on the top floor is a big restaurant-standard kitchen and large dining room with several long tables. I shared a communal meal here, and although the setting was rather institutional (reminding me of a school dining room), there was a warmth generated by the lively chatter of friends and family groups sitting together.

Before Geoff moved in, he had imagined that the lower floors would function as an informal social space, but in fact they are used mainly for regular activities like yoga lessons or are 'booked' for one-off social events like birthday parties. Geoff was disappointed that the bottom floors of the common house were not used more, telling me that 'in the lease, it's supposed to be an extension of our sitting rooms, this building – or an extension of our houses'. I was surprised that the lease seemed to be an important point of reference for Geoff, as if he believed that a legal document would bring 'into existence that which it utters' (Bourdieu 1991: 42). However, the lease featured in almost all my conversations with Greenvale residents. Co-housing is not a legal concept and Greenvale was established on the basis of a standard leasehold legal framework. The residents' identical 125-year leases allow their homes to be bought and sold on the open market, and inherited on death. The Greenvale leases include the usual provision that each resident has the right to access and use the shared spaces, and must contribute to the repair and maintenance budget; the only unusual element is that residents must 'accept and comply with the principles of cohousing'.

Gavin, a young single man who had moved into his flat at Greenvale two years ago, told me: 'the lease that we had to sign . . . it sort of ties you all into being a community'. He also said that at residents' meetings 'we all have to get the lease out and trawl through it and come to an interpretation of the lease that everyone is happy with'. For

example, Gavin explained that bonfires are banned in the lease, but after discussion the residents collectively decided not to enforce that provision. So the residents see the Greenvale lease as a living document that they take seriously but that can be amended or ignored to match their collective needs.

Georgina was another of the founding members of Greenvale. She is in her early fifties and lives with her partner and younger child in one of the biggest houses on the site. Their older child, now grown up, lives in a separate flat at Greenvale. Georgina told me they had moved from another 'very libertarian, fairly anarchic' collective living situation, where ten families 'were far more embroiled with each other' than here. For her the major difference is that the private space at Greenvale is much more extensive. Georgina's house is one of a pair that share a double set of external steps; the wide decking along the front of both these houses provides space for parking large items like bikes and prams. I notice a string of Tibetan prayer flags running from the first floor balcony to the ground to delineate a symbolic boundary between the houses, dividing the steps and creating for each house a separate storage space on the decking. This reinstatement of individual property boundaries, important to Georgina, subtly subverts the designed-in sense of communal space at Greenvale.

Georgina described the main benefit of living communally as making it very easy to have friends and be sociable: 'if you walk from one end of the street to the other, you're in conversation. If you have a problem, people will help, people will turn up. Even people you're not sort of very friendly with will, everyone here is a good neighbour. People go and clear up after kids have dropped litter'. Georgina then used the term 'own' in two different senses, both applied to Greenvale. First, she told me there was a 'general perception that *we own* the common spaces together'. The second instance came when I asked Georgina how more serious problems, for example noise at night, were dealt with at Greenvale. She replied that when 'it's *your own people*, it feels different, you know, from hearing noise in the street. You can always go round there and tell them to be quiet, because you know them'. Georgina's sense of belonging to the Greenvale community and their shared ownership of the collective spaces is very strongly felt and articulately expressed, reminding me strongly of Davina Cooper's analysis of everyday property practices and relationships in the context of a progressive boarding school. Cooper (2007: 161–163) discusses different kinds of belonging. The first is the classic subject/object relationship that is materialised through property law, expressed as 'this belongs to me'. The second dimension is what Cooper terms the social relations of belonging, or the part/whole relationship between 'two (or more) bodies, where the formation of each is dependent on the relationship itself', for example when a child 'belongs' to a family. In this way of thinking about belonging, the meaning of property shifts to a description of qualities or characteristics. The third kind of belonging identified by Cooper is 'a relationship of proximity, attachment or connection' with a particular place, shaped by a knowledge of who else belongs there and expectations of 'propriety' (shared rules and understandings) among other members of the community.

I wondered how this collective ethos had developed at Greenvale. The physical design was clearly important, but not sufficient in itself. Georgina suggested several factors. She told me that there were large fortnightly meetings attended by most residents, although attendance is not compulsory. Decisions are made by consensus and

Georgina said that ‘the whole process of endless fraught meetings as well as nice meetings “makes” the community’. She also told me that:

cooking’s the important social glue here. It’s fine for you never to eat here at all, but you must turn up and cook. You cook in teams, so you’re socialising with four people on three occasions, then a different lot the next time. But it’s also because you serve the food, so you meet face to face many of the people you’re living with . . . I could sit down beside anybody here at a table.

Georgina explained that every resident must also commit to twenty hours a year of communal work. This is not in the lease but is a rule developed through meetings, which she assured me would be enforceable through social sanctions. Georgina’s relaxed attitude to formal law was further demonstrated when she explained to me that ‘we’re all members of ... whatever we call it now, the housing committee or something’. The freehold ownership of the whole site had recently been transferred to a residents’ management company set up for that purpose. The original owner of Greenvale was a company run by a founding member, the man who had collected Geoff’s and others’ cash to purchase the site. Georgina’s imprecise explanation reflected the trust that characterised the collective founding and running of this site.

Individual land ownership at Greenvale seems similarly imprecise, from my perspective as a lawyer. Georgina told me that there was a boundary (unmarked) around each house, although the land in front of some houses was in common ownership. I saw small gardens outside the front doors, and also oddly-shaped patches of land where benches are placed or where flowers, shrubs and vegetables are growing. I found it difficult to tell the difference between private and common property. In an example of individually owned property being informally traded, Geoff told me: ‘I mean, legally it was my garden, but she [his neighbour] wanted to have that bit of land close to one of her windows. In the end she paid some money to me and I passed that on to someone else, and I got another bit of garden’. This transfer was not formally registered, but the participants considered it legally binding.

Gwen’s son and daughter-in-law were also founding members of Greenvale. Gwen, a widow in her seventies, had been so impressed by Greenvale and its ‘properties’ when visiting her family that she had moved there herself. Gwen said she was particularly struck by the fact that ‘everyone here is in it for the long haul’. Her only disappointment was that, despite the friendly and welcoming atmosphere, people did not often drop in informally to each other’s houses. Gwen pointed out a small area near her flat and told me: ‘in fact that slope, I think, is common land . . . it’s just regarded as my garden; actually, I’ve put the plants in there’. Her loose interpretation of boundaries between private and communal property seems to conform with the shared purpose of Greenvale. The other residents acknowledge Gwen’s ‘ownership’ and control of this patch of land, which is not legal but based on a practical understanding of property relations. Gwen told me she had successfully established a gardening group, explaining that sub-groups at Greenvale emerge ‘when somebody who’s really interested in it will hold a meeting, and anybody who’s also interested will go. It seems to be rather sort of *ad hoc* and informal but it works’. The sub-groups are then duly recognised at a residents’ meeting.

When Gwen decided to move to Greenvale, she joined a waiting list of potential co-housing residents and then bought her flat on the open market. There is no vetting procedure for prospective residents here. Georgina told me that her experiences at different communal housing sites convinced her that ‘we were not particularly good at sussing out who actually would be a good member of the community’, which led to a decision to allow self-selection of future residents at Greenvale. A leaflet explaining how co-housing is practised at Greenvale is provided for them, and they are encouraged to visit and share a communal meal. Georgina smiled as she described ‘an estate agent who told a person who’s coming here, “it doesn’t really matter what their rules are; you don’t have to keep them”’. She found it amusing because she was confident that the Greenvale rules would be kept by new residents. Gwen also felt that the co-housing provision in the lease would deter anyone tempted to step out of line.

Trust is a recurrent narrative motif among Greenvale residents. Graham, now eighteen, had been brought up in collective housing sites, and had lived at Greenvale since it was first established. He told me: ‘you know everyone really well, I think, and you trust them’. He described how if children or teenagers made a mess in a common area, any adult who saw this would ‘usually just come up and say straightaway “You clear it up” or whatever . . . I think it is because it’s shared space’. I asked Graham whether he could imagine living there in future. His reply was illuminating: ‘I would, if I had children. I think it’s a good environment for children to grow up in’. Graham’s commitment to the ‘properties’ of Greenvale are a legacy from his parents and from the wider community there, one that he intends to carry on into adulthood.

Property and Inheritance: Legal Theory and Practice

Owning property is associated with security, privacy, control and financial value. Liberal individualism leads to the dominant legal theory that transmissible rights to control and to exclude others are the essence of property (see, for example, Merrill 1998). In the case of the shared spaces that are an integral aspect of collective housing, property theorists have difficulty in explaining how different parties can nonetheless own different rights in the same property at the same time. The combination in collective housing of individual and shared property rights, responsibilities and spaces does not fit well with English law’s conceptualisation of property as organised around the right to exclude all others. There is no obvious property law framework for a collective housing site with more than four owners, so alternative legal arrangements have to be created. A corporate entity such as a co-operative (as at Hawthorn Crescent) or a company limited by guarantee (as at Greenvale) owns the whole site, and then grants to individual residents property rights to their own dwelling places along with rights in common (shared with all the other residents) to access and use the common spaces within the site. The residents are also responsible collectively for managing the sites as a whole.

The metaphor of the ‘bundle of rights’ is useful in understanding these concurrent rights and responsibilities. Henry Maine, often acknowledged as the first legal anthropologist, wrote that ‘The rights of property are . . . a bundle of powers, capable of being separately enjoyed’ (1881: 158). The rights in the bundle of property can be separated

out and allocated to different people. They include the rights, sometimes referred to as ‘incidents of ownership’ (Honoré 1961), to access, to use, to manage, to sell, and to pass on property through inheritance, all of which are relevant to self-managed collective housing sites.

However, the right to pass on property through inheritance is a challenge for the property structures of intentional communities. Property law makes a distinction between individually owned property (such as a house) that can be passed on through inheritance, and the shared spaces in collective housing that cannot, being classed as inalienable property that is continuously owned in indivisible shares by all current members of the legally constituted co-operative or company. When a resident’s membership of the co-operative or company ends, their rights over the common property are absorbed back into the indivisible rights of the current members. Individually owned property like the lease for a house at Greenvale can be passed down to descendants, but the co-operative legal framework at Hawthorn Crescent means there is no individual heritable property to pass on.

English inheritance law is an exception to ‘the concept often referred to as “forced heirship” . . . [which is] alien to our legal tradition’ (Law Commission 2011: para. 1.21) (see Selmer, this issue). The cultural importance of testamentary freedom in England is highlighted by dramatic scenes in fiction and film when a will’s unexpected provisions are revealed to the recently deceased’s grieving family. However, it seems that testamentary freedom is seldom exercised in practice. Janet Finch and Jennifer Mason’s large-scale sociological analysis found that the overwhelming majority of English testators left equal shares to their children, and there were very few examples of (grand) children being ‘cut out’ of the will (2000: 77). Houses were usually sold and the value divided equally between the testator’s children.

A later study by Gillian Douglas and colleagues (2011) supported the idea that testators wanted to ‘do the right thing’ by their spouse or partner and by their children. They found English testators who have freedom to decide how to leave their property after death are influenced by three core values. One, ‘blood-ties and lineage’, relates only to genealogical kinship. The other core values identified are ‘sharing and commitment’ and ‘dependency and support’. Both of these are characteristics of the collective life at Hawthorn Crescent and Greenvale, which prompts me to consider whether the values, practices and enduring ‘properties’ of intentional communities, such as mutual support beyond the individual and the household, sharing of rights and responsibilities for common property, and consensus decision-making could be ‘inherited’ in an analogous way that stories passed from generation to generation are inherited in Tokelau (Hoem, this issue). Developing the non-material properties of shared values and a shared way of life is inextricably intertwined with the residents’ development of a site-specific ‘legality’.

Legality and Alternatives to Formal Property Law

The internal rules and processes that characterise the intentional communities at Hawthorn Crescent and Greenvale are constitutive of both legality and collectivity. As

Harriet and Georgina described, self-management of each site involves commitment and attendance at lengthy meetings, where collective decisions are taken by consensus rather than by majority vote. At both sites, internal rules and policies have developed that go beyond the formal legal arrangements, although with a surprising degree of their own formality. Written minutes are taken to record decisions of residents' meetings, to be used as a precedent if the same issue comes up again. The decision-making processes suggest, in different ways, that there is scope for crafting out alternative legalities within the existing legal structure. The Greenvale lease is a living document 'owned' and adapted collectively by all the residents, who might also decide to ignore certain clauses, such as the banning of bonfires. By contrast, the legal framework of the co-operative at Hawthorn Crescent remained in the background, taken for granted by the residents as just a useful legal form that embodies their principles of opposition to private and individual property, which Helen explained to me.

Both these intentional communities have also developed their own rules of property, combining formality with spontaneity to create property relations that are 'processual rather than static' (Strang and Busse 2011: 5), constantly adapting to use over time. In conventional property law, boundaries are important, protected by the law of trespass; many property disputes between neighbours lead to bitter litigation. In contrast, the communal ethos at Greenvale seems to be strengthened through neighbours exchanging parcels of land as Geoff did, or by Gwen appropriating some common land with the consent of the other residents. These activities are not of course 'legal' in the sense of being authorised and recorded by the Land Registry, but form an important part of Greenvale's own legality.

Material property in the form of a house is understood to have a co-constitutive relationship with the family living there (Birdwell-Pheasant and Lawrence-Zuniga 1999). I would argue that this relationship can be extended to shared property. The way that common areas in collective housing are designed, used and talked about helps to form the collective identity of the group; the social effects of architecture and design has long been recognised (Dovey 1999), by the co-housing movement in particular (Williams 2005). The interior spaces at both Hawthorn Crescent and Greenvale, however, did not always contribute to closer social relations among residents. At Greenvale, Geoff was disappointed that two floors of the common house were not better used, while Harriet felt the lounge at Hawthorn Crescent failed to provide the comfortable sociable space she had imagined. Their disappointment is significant, representing a failure of the ideal of communal living, but has to be set against other factors. Importantly, residents at both Hawthorn Crescent and Greenvale consider the common spaces within their sites as 'our' property, combining a sense of ownership with belonging to the group (see Cooper 2007).

Kinship, Kinning and the Inheritance of Property and 'Properties'

Collective ownership produces and demonstrates kin-like property attitudes, such as a feeling of responsibility for looking after the areas of shared inalienable property. This is clearly demonstrated by the example of Greenvale residents taking other people's

children to task for leaving litter around the common green space. Suggesting that this can be equated to kinship, however, seems a step too far. And although some radical collectives set themselves up as alternative families, deliberately rejecting the traditional nuclear form of the family, this was not something I heard from the residents of the Hawthorn Crescent co-operative. However, there are other aspects of the two collective housing sites discussed in this article that help to create a collective identity that is close to kinship.

Trust is a hallmark of both kinship and community, and is the essential feature of Greenvale's very strong origin narrative (Engel 1993), which was repeated to me by several residents. None of the original co-operative members are still living at Hawthorn Crescent, so their origin story has been lost, but the current residents' shared political commitment and activism binds them into a community. Further, 'eating together is a defining feature of community' (Carsten and Hugh-Jones 1995: 42), and at both sites the communal meals are an important ritual. However, Harriet pointed out regretfully that communal cooking is more important than eating; indeed, Georgina felt it was the 'social glue' at Greenvale. Another characteristic of kinship is members' enduring commitment to the group. This is more applicable to Greenvale, whose residents are 'in it for the long haul', as Gwen noted, while at Hawthorn Crescent Harriet was already envisaging that in due course she would move on from there. It is therefore not suggested that self-managed collective housing, however small or radical the site, automatically constitutes a kinship group. However, the *process* of 'kinning', which can apply beyond parent-child relations to 'any previously unconnected person' (Howell 2006: 8), is perhaps applicable to intentional communities.

More recently, Nikhil Pazhoothundathil and Ajay Bailey (2021) have shown how kinning at an old people's home is performed through daily activities, including particularly commensality. Similarly, at Greenvale and Hawthorn Crescent, the residents share tasks and convivial meals that contribute to the process of kinning, along with the procedures designed to ensure that a potential new member fits into the existing community. Greenvale allows recruitment by self-selection but, as Gwen explained, the lease is relied on as a proxy for 'vetting' potential purchasers because it legally requires them to comply with the principles of co-housing. Harriet's description of the lengthy and active joining procedure at Hawthorn Crescent more convincingly represents a form of kinning. Here, all the residents are involved in the process of assessment over six months or more, after which they must reach consensus on whether to accept the new resident as part of the group.

Inheritance practices formally acknowledge and cement kinship. If we accept that 'kinning' is taking place at intentional communities, what exactly is being passed on to the new members or residents? The family home is usually the most valuable asset passed on to the next generation. At self-managed collective housing sites, property rights extend beyond the individual right to a dwelling, to include an indivisible share of the common rights to the shared spaces. These rights are acquired through a formal legal process. At Hawthorn Crescent, a newly accepted resident signs a document to become a member of the co-operative, along with their tenancy agreement. At Greenvale, a new purchaser signs their lease together with the documents to become a member and director of the residents' management company. However, as Veronica Strang

and Mark Busse (2011: 4–5) point out, ‘property relations can only be temporarily [and I would add unsatisfactorily] crystallised through legal artefacts’ such as a lease or tenancy agreement. My research suggests that alongside these legal formalities that create property rights and obligations, the ‘properties’ of the collective housing site are also being handed on to the new resident. These intangible properties encompass the expectations, norms and rules of the site, its ethos and values, its ambience, design and physical state, and the character of the community established there. These factors have been built up over time by past and present residents. They attract new residents to a particular self-managed housing site and will be ‘inherited’ by that new member through a process of kinning.

Discussion

These insights from the ethnographic research at Greenvale and Hawthorn Crescent contribute to a richer understanding of law, legality and property. In the sub-discipline of legal anthropology, ‘law’ means the rules, processes and norms that regulate social life, going beyond formal law just as the socio-legal concept of ‘legality’ does. I suggest that contemporary legal anthropology, following the ‘trouble cases’ approach developed by the pioneering legal anthropologists Llewellyn and Hoebel (1941), is limited by a continuing focus on conflict and disputes (Merry and Canfield 2015). ‘Property’ is defined by legal anthropologists as relationships between people through things (Hann 1998), which dovetails with contemporary legal property theory (Morris 2022); however, conflicts remain the key focus. For example, Maja Bruun and colleagues (2019) use conflicts between formal property rights and lived property relations to illuminate the concepts of property and ownership. All forms of collective housing have the potential to become very problematic, with residents pitted against each other over seemingly trivial issues such as pets or noise, but I was interested in places that run reasonably smoothly. I chose sites that, although not problem-free, were generally harmonious. This approach has enabled me to investigate the processes involved in creating and maintaining stable self-managed communities. Thus different aspects of law and legality, with formal property relations seen as a backdrop to the development of community ‘properties’, could be brought to light.

Collaborative housing differs from country to country, with many different legal forms in existence. Henrik Larsen argues that ‘tenure forms can be of key importance for how effectively co-housing ideas are realised in actual communities’ (2019: 1350). All forms of housing in which residents share space and the management of their housing site present a challenge to the accepted understanding of property as ‘possessive individualism’ (Macpherson 1978). Anthropological research in co-operatives emphasises the fragility of this challenge. Bruun (2018) shows how financialisation has transformed the moral economy of Danish housing co-operatives, whose history goes back over a century, and the consequent loss of *faellesskab* (community). Research into market-rate New York co-operatives found that residents felt distanced from their elected governing boards, yet relied on them for conflict resolution rather than informally sorting out disputes together (Low et al 2012). The Greenvale residents are relatively

affluent owner-occupiers, while those at Hawthorn Crescent are much less wealthy tenants who reject individual ownership, but both these intentional communities are characterised by a commitment to collective living and self-governance, successfully challenging the idea of property as individualistic and exclusionary.

Further ethnographic research into different types of collaborative housing and their different legal frameworks across different jurisdictions is needed to address the question of whether property frameworks and legal relations make a difference; for example, could a process of kinning take place among tenants in shared space that is rented from an external landlord? Further research is also needed into my suggestion that the anthropological concept of kinning can stretch to the process of making and sustaining a community, generating intangible ‘properties’ of that particular site that can be ‘inherited’ by new residents.

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SARAH BLANDY is Professor Emerita at the School of Law, University of Sheffield. Her socio-legal research and publications focus on property in land, particularly the social effects of law relating to multi-occupied housing. Email: s.blandy@sheffield.ac.uk; ORCID: <https://orcid.org/0000-0001-6717-5647>.

Notes

1. I researched fifteen sites when conducting socio-legal research projects about the tensions and interactions between property law and everyday life.
2. See <https://www.housinginternational.coop/housing-co-operatives-worldwide> (accessed 20 October 2022).
3. See UK Cohousing Network, <https://cohousing.org.uk/> (accessed April 2023).

References

- Birdwell-Pheasant, D. and D. Lawrence-Zuniga (eds.) 1999. *House life: space, place and family in Europe*. Oxford: Berg.
- Bouma, J. T., W. A. Poelman and A. I. M. Voorbij 2009. *The influence of changes in the physical and technical design on social interactions in a cohousing community* (<http://www.irbnet.de/daten/iconda/CIB14290.pdf>) Accessed 15 February 2020.

- Bourdieu, P. 1991. *Language and Symbolic Power*. Cambridge: Polity Press.
- Bruun, M. H. 2018. 'The financialization of Danish cooperatives and the debasement of a collective housing good', *Critique of Anthropology* 38: 140–155.
- Bruun, M. H., P. J. Cockburn, B. S. Risager and Thorup M. (eds.) 2019. *Contested property claims: what disagreement tells us about ownership*. London: Routledge.
- Carsten, J. and S. Hugh-Jones 1995. *About the house: Lévi-Strauss and beyond*. Cambridge: Cambridge University Press.
- Cooper, D. 2007. 'Opening up ownership: community belonging, belongings, and the productive life of property', *Law & Social Inquiry* 32: 625–664.
- Czischke, D. 2018. 'Collaborative housing and housing providers: towards an analytical framework of multi-stakeholder collaboration in housing co-production', *International Journal of Housing Policy* 18: 55–81.
- Czischke, D., C. Carriou and R. Lang 2020. 'Collaborative housing in Europe: conceptualizing the field', *Housing, Theory and Society* 37: 1–9.
- Douglas, G., H. Woodward, A. Humfrey, L. Mills and G. Morrell 2011. 'Enduring love? Attitudes to family and inheritance in England and Wales', *Journal of Law and Society* 38: 245–271.
- Dovey, K. 1999. *Framing places*. Abingdon: Routledge.
- Ellickson, R. C. 2008. *The household: informal order around the hearth*. Princeton, NJ: Princeton University Press.
- Engel, D. 1993. 'Origin myths: narratives of authority, resistance, disability and law', *Law and Society Review* 27: 785–782.
- Ewick, P. and S. Silbey 1998. *The common place of law: stories from everyday life*. Chicago, IL: The University of Chicago Press.
- Finch, J. and J. Mason 2000. *Passing on: kinship and inheritance in England*. London: Routledge.
- Hann, C. (ed.) 1998. *Property relations: renewing the anthropological tradition*. Cambridge: Cambridge University Press.
- Honoré, T. 1961. Ownership, in A. G. Guest (ed.), *Oxford essays in jurisprudence*, 107–147. Oxford: Oxford University Press.
- Howell, S. 2006. *The kinning of foreigners: transnational adoption in a global perspective*. Oxford: Berghahn Books.
- Jarvis, H. 2015. 'Towards a deeper understanding of the social architecture of co-housing: evidence from the UK, USA and Australia', *Urban Research and Practice* 8: 93–105.
- Larsen, H. G. 2019. 'Three phases of Danish cohousing: tenure and the development of an alternative housing form', *Housing Studies* 34: 1349–1371.
- Law Commission 2011. *Intestacy and family provision claims on death* (Law Com No 331). London: Law Commission.
- Lietaert, M. 2007. *The growth of cohousing in Europe*. Wheat Ridge, CO: The Cohousing Association of the United States.
- Llewellyn, K.N. and Hoebel E.A. 1941. *The Cheyenne Way. Conflict and Case Law in Primitive Jurisprudence*. Oklahoma: University of Oklahoma Press.
- Low, S., G. T. Donovan and J. Gieseeking 2012. 'Shoestring democracy: gated condominiums and market-rate cooperatives in New York', *Journal of Urban Affairs* 34: 279–229.
- Macpherson, C. B. (ed.) 1978. *Property, mainstream and critical positions*. Toronto: University of Toronto Press.
- Maine, H. J. S. 1881. *Village-communities in the East and West: six lectures delivered at Oxford*. 4th edition. London: John Murray.
- Merrill, T. 1998. 'Property and the right to exclude', *Nebraska Law Review* 77: 730–754.
- Merry, S. E. and M. C. Canfield 2015. Law: anthropological aspects, in J. Wright (ed.) *International encyclopedia of the social & behavioral sciences*, 2nd edition, 535–541. Amsterdam: Elsevier.
- Moore, S. F. 1973. 'Law and social change: the semi-autonomous social field as an appropriate subject of study', *Law and Society Review* 7: 719–746.

- Morris, M. L. 2022. 'Property's relations: tracing anthropology in property theory', *Alabama Law Review* 73: 767–782.
- Pazhoothundathil, N. and A. Bailey 2021. "“This place is (now) my own home. It is my home till my death”: older adults (re)creating home through daily rhythms and kinning in formal care settings', *Geoforum* 124: 207–216.
- Strang, V. and M. Busse (eds.) 2011. *Ownership and appropriation*. Oxford: Berg.
- Weeks, J., B. Heaphy and C. Donovan 2001. *Same sex intimacies: families of choice and other life experiments*. London: Routledge.
- Williams, J. 2005. 'Designing neighbourhoods for social interaction', *Journal of Urban Design* 10: 195–227.

Les maisons en propriété collective : parenté et héritage

Résumé : Cet article étudie la relation entre propriété, loi et vie quotidienne dans deux habitations en propriété collective dans l'Angleterre contemporaine : une maison coopérative et un projet de co-habitation. Dans chacun de ces sites, les résidents sont liés par une structure légale de propriété commune, de par l'environnement construit et de par les espaces qu'ils partagent et administrent ensemble. Les résidents ont développé des légalités alternatives, leurs propres normes informelles et non applicables légalement qui sont transmises aux nouveau résidents en forme d'héritage. L'article offre une approche nouvelle sur la propriété partagée et l'appartenance à un collectif, dans le cadre d'une culture du logement largement constituée sur la propriété individuelle. On y développe l'argument que les concepts de parenté et d'héritage peuvent être « étirés » pour prendre en compte les « propriétés » intangibles générées par les résidents de communautés d'intention. L'article contribue ainsi à la fois aux études socio-légales et à l'anthropologie légale.

Mots-clés : habitations collectives, propriété, loi, parenté, héritage