

# The Commons and Environmental Rights Issues in Relation to Urban Open Spaces

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Open spaces are often overlooked in the examination of urban landscapes, but these spaces in fact play pivotal roles in defining the characteristics of the landscape and how individuals relate to it. Paul Gobster claims "Neighborhoods [are] thought to offer a sense of coherence and identity for those living in large cities, making urban life more manageable and meaningful... [Thus] open space forms an important component of the neighborhood landscape" (Gobster 199-200). In an urban context, open spaces were at one time simply looked upon as spaces not being occupied by humans (such as residential and industrial). Through urban strife and redevelopment these spaces have gained a more significant status. Instead of simply being seen as land that is not being used socially, they are now seen as spaces of interconnected, interrelated patches of great importance. Such a landscape has been deemed an 'urban ecology.' This modified idea of ecology proposes that in the built and pseudo-natural environments that comprise metropolitan areas, there still exists a web-like relationship between its various components. Therefore, it can be inferred that by examining these open spaces, one can grasp and analyze both the ecological and social characteristics of the landscape. Using the frameworks of the Tragedy of the Commons by Garrett Hardin and the proposition of the "Case for Environmental Rights" by

Shari Collins-Chobanian, an analysis of urban open space can be completed in order to understand its social and ecological significance, as well as to create a sense of urgency for its preservation.

For the purpose of examining the urban landscape, a level of specificity must be drawn as to the definition of open space. The term 'open space' implies that these spaces would be any land that is not developed in the traditional sense of development (*i.e.* residential homes, commercial businesses...). Most federal and state governmental agencies define open space quite differently. For example, the New Jersey Green Acres program, the agency of the New Jersey state government that acquires and preserves open space, defines it as all parkland, forestland, and greenways. This includes federal, state, and municipal parks and forests, and all riverbeds, coastline, wetlands, and undeveloped corridors (NJ-DEP). This definition selectively excludes other spaces that play key roles in daily interactions with urban landscapes. Joseph Shomon proposes a more comprehensive definition. He asserts that open space is anything

...which promotes or has a tendency to enhance the natural environment: any area of land or water or air, whether reserved or unreserved, any green area, any view horizontal or vertical which improves the appearance of the natural scene or natural environment (12).

This proposition is much more inclusionary and precise. It includes the spaces that often get overlooked in the environment but play important roles in daily life.

These previous definitions provide valid ideas as to what open space is, yet they both exclude the most important component of the urban landscape, people. Cities are extensions of society and their purpose is to serve their inhabitants. A more valid definition of open space would then be the “spaces [that] provide recreational and aesthetic values to residents as well as serving a variety of deeper psychophysiological and spiritual values related to nature...” (Gobster 200). Therefore, for the purpose of examining the urban landscape, open space can loosely be defined as any space with which people can connect in a pseudo-natural manner. (It is referred to as a ‘pseudo-natural’ manner because urban ‘natural’ spaces are planned and managed versions of nature and are consequently man-made natures.) Open space, by this definition can include, but is not limited to, parks, farmlands, rivers, vacant lots, streets, public squares, school grounds and interspaces (the spaces between the components of the landscape).

Open space is an example of a commons resource. In most types of open space there are no private property rights, all types of people use the space, and it will, as Hardin proposed, be degraded if it is not managed correctly. Hardin’s proposition of the tragedy of the commons states that, in a simplistic sense, participating and competing parties will exploit a common/public resource in a market-based economy. The ‘tragedy’ ensues when each party involved desires the greatest gains without regard for the general health of the resource. Hardin uses herdsman as an example-

... The rational herdsman concludes that the only sensible course for him to pursue is to add another animal to his herd. And

another... But this is the conclusion reached by each and every rational herdsman sharing a commons. Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit- in a world that is limited (109).

Urban land is largely owned and/or managed by everyday residents of the landscape. These individuals then become the herdsman mentioned in Hardin's example. In the system that they are locked into, urban residents are the greatest proponents of land usage and, subsequently, commons depletion. Thus, simply through quantity limitations, one can see how land usage, which is the rudimentary basis of open space, is an example of the tragedy of the commons.

Both governmental and private enterprises have been successful in acquiring and managing open spaces in an urban environment. The New Jersey Green Acres Program is a good example of the usage of government intervention in common land depletion. Established in 1961 and re-evaluated in 1977 and 1999, this program provides grants, matching funds, and review committees for acquiring open space. The 1999 program re-evaluation set a goal of one million acres of open space and emphasized the concentration of open space acquisition funds in urban and ex-urban areas (NJ-DEP). Perhaps a more controversial method to open space preservation is using the intervention of the private sector to acquire, develop, and/or manage a 'public' open space. As with all other economic ventures, privatization raises issues of exclusion and economic inequity. While these are valid problems with this method, privatization does avoid and, in some cases, remedy the tragedy of the commons. This proves successful largely due

to the removal of individual ownership/management, which, as mentioned previously, is a large proponent of commons depletion.

To solidify this point one might examine the redevelopment and restructuring of New York City parks in the 1980's and early 1990's. The majority of these parks, numbering in the teens, were projects of privatization. Private enterprises from around the city used their political power and funds to remodel and, to some extent, reinvent 'public' parks. (The word public park is in quotes in order to incorporate the issues of exclusion and inequity mentioned previously.) The most striking example of this turn-around is Bryant Park. Located behind the New York Public Library on West 24<sup>th</sup> Street, this park was first designed in 1934 by then Parks Commissioner, Robert Moses. The parks condition, according to Julia Vitullo-Martin, who had an office overlooking the park in the early 1980's, was described as "...a haven for drug dealers that was the site of 150 reported cases of robberies and 10 rapes a year... and a murder every other year. As a public park it was so mismanaged that it held down property values surrounding the park" (Vitullo-Martin). After seven years of negotiations, starting in 1980, the Bryant Park Restoration Corporation was created. The park, since its remodeling and reopening in April 1992, has been a complete success. An average 10,000 people per day use the park and property values around the park have soared (Zukin 133).

In some respects, open space acquisition and preservation is a means to avoid the tragedy of the commons. This is done, as previously illustrated, through both governmental and privatization techniques. In both

cases, administrative management is the key component in avoiding common open space depletion. The success of both governmental and privatized interventions can be attributed to following Hardin's suggestion that "Freedom in a commons brings ruin to all" (Hardin 109). Therefore freedom of participation in park activities is still viable but individual freedoms on how the park can be used (and subsequently abused) have been modified to preserve the characteristics of the landscape. If freedom to develop the landscape is removed, the landscape can be preserved. These freedoms are removed in a relatively voluntary manner. This is in opposition to Hardin's suggestion that the main way to get the public to concede to losing freedoms is through coercion. Conversely, it supports his ideas that if coercion is to be used, it should be a "mutually agreed coercion" (Hardin 116). In virtually all cases people will voluntarily give up their personal freedoms, regardless of whether it is done coercively or not, for the benefits that are received both socially and personally. Such is the case with Bryant Park. The city's administration and the park's patrons acknowledged that the park would be better managed and maintained if it were privately controlled. This has undoubtedly proven true.

Public lands, regardless of who manages them, have vast significance to residents of urban areas. Thus we arrive at the question as to why urban residents desire, or on some level, need, open spaces to interact with? One can easily see that limited open space access due to safety concerns and the like, can stifle its significance, but that is a topic for further discourse.

It can be asserted that open spaces are what Shari Collins-Chobanian deems an environmental right.

Environmental rights, she concludes, are “rights to clean air, water, and soil... and they carry a duty for all people and groups to not interfere with others’ clean air, water, and soil” (Collins-Chobanian 145). Open space is not, in itself, one of these basic rights, but it acts as a means to promote these rights through its inherent qualities. Generally, if open space is preserved, environmental rights are preserved. This statement excludes issues that arise from management or mismanagement, but generally it is a valid argument.

Take Bryant Park for example. Through proper management, it provides space for people to interact and relax in a peaceful setting. Furthermore, it provides people with a haven of clean air to breathe. Other larger and less trafficked parks, like Warren Park in London, England not only provide a haven for cleaner air but also possess an area of community gardens, providing the community with clean soil (Gobster 206). Environmental rights are the basis of the ecological significance of open space. “Plants and trees actively filter air as well as providing oxygen and storing carbons. They also help to improve water quality and run-off” (Nicol and Blake 202). If an open space were plagued with mismanagement, a great deal of validity to preservation would be lost. Open spaces that have been degraded by mismanagement or no management at all can actually produce a number of negative effects. Among those effects are pollution, waste, clutter, and eyesores. These negative attributes act as a strong push for dynamic and effective management. Regardless, it becomes apparent that open spaces, when properly managed, actively contribute to clean air, water, and soil. Therefore open space can indeed be deemed an environmental right.

However large, the ecological significance of open space is just one reason why people desire it. Social, economic, and psychological/personal benefits are among the other motivations to preserve open space. As noted previously, "Neighborhood open spaces can provide recreational and aesthetic values to residents as well as serving a variety of deeper psychophysiological and spiritual values related to nature..." (Gobster 200). Recreation is the most tangible of open space benefits. Parks and the like provide areas for people to participate in a wide variety of recreational activities. Recreation and places of peace and quiet are often cited as the key proponents to psychological well being of residents (Shomon 48). It becomes apparent that open spaces that are not properly managed often contain features that reduce the attractiveness of the space. This stands as another vote of confidence for proper management.

Other social and personal reasons for open space preservation relate to economics. "Open spaces, including parks, tend to enhance an area's socioeconomic desirability. As well as enhancing property values, they also confer positive psychological benefits on owner-occupiers and tenants" (Nicol and Blake 203). In a market-based system, if a program like open space preservation provides economic benefits, such as raising property values, it is viewed as successful. Such is the case with many of New York's redeveloped parks, notably Bryant and Central parks. Again, as with most economic ventures, issues involving inequity and exclusion become apparent. In this case, higher property values limit low-income families from becoming residents, which consequently limits their access to open space.

A plausible remedy for limited open space access lies with the type of space being preserved. Enhancing low-profile open spaces, like schoolyards, streets, and interspaces, can physically, ecologically, and socially enhance an area's desirability, as well as provide more viable accessibility. Like other more formal spaces, dynamic management practices provide the rudimentary basis for effectual open space.

The ecological, social, psychological, and economic benefits that arise provide relevance and viability to the preservation of open space. Thus, the urgency of open space preservation can be analyzed in these terms with a little help from Hardin and Collins-Chobanian. As mentioned at the start of this essay, there exists an 'urban ecology' within metropolitan regions composed of web-like relationships between various components in the landscape. Included in these, as examined in the earlier discussion of how open space is defined, are not only different types of spaces, but also people. Therefore this 'urban ecology' acts as a comprehensive frame by which one can view the balance between the environment, the urban landscape, and the people who interact with it. This interrelationship between variables explains the benefits that are conferred when open space is preserved. Nicol and Blake noted in their conclusion, "With neighbors both the premier supporters and critics of open space... it behoves us to better understand why neighborhood open space relationships matter" (Nicol and Blake 208). Thus a balance is struck between social, personal, and ecological principles through the interactions between them.

Furthermore, a number of conclusions can be reached as to why open space preservation should be an urgent

priority of urban areas. Its urgency can be explained in a three-fold manner using notions of urban ecology, the 'tragedy of the commons' and environmental rights. First, as explored earlier, open space preservation is a means to avoid ensuing issues related to the depletion of common (land) resources, as explained by Garrett Hardin. Second, as seen from the discussion on environmental rights proposed by Shari Collins-Chobanian, the preservation of open space, coupled with efficacious management, is a means to promote environmental rights over a broad base of people. Finally, open space preservation, in the aforementioned context, can become a priority if notions of urban ecology are fully explored and adopted. Consequently, a feedback loop becomes apparent in the system. The feedback loop is such that the more urban ecology is explored, the more dynamic management is instilled, and the more open space is preserved, the more benefits will be received. In other words, the more urgent the priority of open space preservation becomes, the more common land can be put aside, the more environmental rights can be shared, and, most importantly, the more benefits will be shared by urban residents. These benefits, personal and impersonal, tangible and intangible, will produce a landscape that truly will make "...urban life more manageable and meaningful" (Gobster 199).

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