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RETHINKING THE CITY

Imagine almost any city in the postindustrial US in the 1980s—Detroit, Chicago, New York. Failed urban renewal programs have left most of these places scattered with vacant lots, abandoned by their original owners, and now reclaimed by the city through tax foreclosures. The move of much of the urban population from cities to suburbs is complete. Inner cities are ravaged by a new drug epidemic and escalating crime rates. Now imagine that amid economically and socially fragile communities, neighborhood residents use these vacant lots to construct hundreds of community gardens. Residents sweep away the trash and drug paraphernalia. They plant and cultivate trees, flowers, and vegetables. The gardens become places where residents of different ethnic backgrounds and ages interact, local food is produced, and because the garden participants become the eyes and ears of the community, crime is prevented. The gardens also provide the infrastructure for community interaction—sitting areas with benches and tables, playgrounds, water ponds and fountains, summerhouses—as well as for cultural and social events. These community gardens help to revitalize neighborhoods, once seen as socially and economically fragile, through the self-help of citizens who have transformed these abandoned and underutilized spaces from barren, degraded ones to aesthetically pleasing and productive ones.

Fast forward to the present. Urban revitalization is well under way; many suburbanites who left the city decades ago are now itching to return to the promise of safe, burgeoning city life. Private developers are interested in land once seemingly forgotten. City officials, too, are interested in previously abandoned lots, particularly in selling them to private developers for the construction of new housing and other developments. Toward this end, city officials announce plans to bulldoze hundreds of community gardens and sell off the lots to private developers. Neighborhood residents bring a lawsuit to stop the auctioning of the gardens, to no avail. They argue that the gardens to be auctioned off are predominantly in low-income and ethnic minority neighborhoods and that their destruction would disproportionately deprive those neighborhoods, especially the most vulnerable, of the green space and social and economic resources the gardens provide. In response, city officials characterize the lots as *vacant* which, while legally correct under state law, defies the reality of the transformed land and the value of the gardens to surrounding communities. City officials argue that in the long run the communities where the gardens sit would benefit from the new development and promise to devote some of the newly redeveloped land to affordable housing. In the end, many of the gardens are auctioned off for luxury condominiums and parking lots.

Resident transformation of previously vacant lots into community gardens represents a form of local environmental stewardship. Local environmental stewardship consists of actions taken by individuals, groups, or networks of actors, with various motivations, to protect, care for, or responsibly use valuable or scarce resources in pursuit of environmental and/or social outcomes (Bennett et al. 2018, 3). Stewarding reimagines the relationship between humans and these resources through its commitment to community participation in the restoration practices of these resources that often are proximate to local populations and utilized for their subsistence needs and livelihoods (Barritt 2020, 2–3). The residents' (and others') act of claiming and caretaking of vacant spaces to function as social infrastructure is consistent with these foundational principles of environmental stewardship, particularly in the urban environment (Campbell et al. 2021). Stewardship is also connected to the idea of place making—the "intentional effort into the creation of good public spaces to promote people's well-being" (Murphy et al. 2019, 2).

Transformation of the lots into gardens was also, according to the resident's lawsuit, responsive to environmental justice concerns in low-income and minority communities (Foster 2006). The literature on environmental justice has brought attention to racial, ethnic and class disparities in exposure to environmental hazards and the lack of environmental amenities such as green spaces and fresh food in low-income and minority communities (Cole and Foster, 2001). Underlying these disparities are, for example, pre-existing economic, social, and political inequalities that contribute to the social vulnerability of African Americans and Latinos in the US. Other factors include differences in power and access that can prevent some communities from receiving resources or from participating in crucial planning and other decision-making processes that shape their communities. The environmental justice framing in this dispute links the demand to the gardens and the resources they provide with the imperative of creating socially just *and* ecologically sustainable communities—what Julian Agyeman refers to as "just sustainability" (Agyeman et al. 2003). Socially just and ecologically sustainable communities would provide equitable access to green space, clean air and water, healthy food, affordable good-quality housing, and safe neighborhoods.

In their dispute over the community gardens, to highlight the importance to them of the stewarded resources, residents engage in a rhetorical campaign to situate the gardens as the functional equivalent of parks or *parkland*. Parkland is protected in US law by the public trust doctrine, a legal concept traceable to ancient Roman law (Sax 1970). The public trust doctrine recognizes that certain types of property, particularly valuable resources that are difficult to replace are held by the sovereign in trust for the public and imposes strict limits on the sale, transfer, or use of this property for purposes other than those open and accessible to the public. However, while the doctrine's nineteenth-century origins in the US included the protection of both natural resources and their urban equivalents—namely, city streets, public squares, and roadways—the doctrine has since been considerably narrowed (Kaplan 2012). Most modern courts and legal commentators consider the doctrine to be effectively confined to resources and property having some nexus with *navigable waters*, maintaining strict adherence to the Roman law origins of the doctrine. Unfortunately, the community gardens are neither parkland nor a protected resource under

the public trust doctrine and thus could not benefit from legal protection on this basis.

The rhetorical promotion of the gardens as parkland, as more than just another piece of undeveloped land, also reflects the residents' anxiety and fear that given the enthusiasm for redevelopment in the city, they too will be displaced along with the gardens. Not only do they stand to lose the physical resources provided by the gardens but also their community and the social ties that bind them to a place they have known and lived in for many decades. The residents' concern is reminiscent of Jane Jacobs's critique of the urban renewal slum clearance programs of the 1940s and 1950s in the US, which resulted in not only the destruction of physical neighborhoods but also the destruction of the irreplaceable social capital—the networks of residents who build and strengthen working relationships over time through trust and voluntary cooperation—necessary for self-governance of urban neighborhoods (Jacobs 1961).

The rhetorical tension or battle between the residents and the city reflects two competing understandings of the land on which the gardens are located. The city characterizes the land as atomized space—*vacant*—separate from the social fabric of the surrounding community and the human activity that gives the land its value. Severing the resource from its social and economic function to the surrounding community and the value of the interaction space that it creates, the city is able to turn it into a purely commodified asset to be sold on the market to a private developer. In this way, the city positions itself much as a private property owner would. It can use or dispose of the property that it owns as it sees fit. The city's position is reflected in a quotation from an elected official referring to the acres of city-owned vacant land: "when the city owns the property, we get to call the shots about how land is developed and for whom, which is why these properties are so valuable" (Kinney 2016).

Residents, on the other hand, value the land as a collective shared resource rooted in the resource's relationship to the surrounding community and the solidarity borne from the interaction spaces the resource provided. Through the cultivation and stewardship of land, these communities have strengthened their collective capacity and resiliency to survive and thrive, even as their governments pursue urban growth strategies that build up the urban core and downtowns but neglect their neighborhoods.

WHO OWNS THE CITY?

The conflict between residents and the city in the preceding example reflects and highlights the tension between the exchange and the use value of urban land. The tension between exchange and use value, as John Logan and Harvey Molotoch famously argued, most often plays out at the neighborhood level with residents defending the use of land to satisfy the essential needs of everyday life, build informal support networks, establish security and trust, capture agglomeration benefits, and fortify shared identity (Logan and Molotoch 1987, 103). This tension continues today but arguably at a heightened level, in large part because urban land values are at historic highs. The total value of US urban land is estimated to be $25 billion, roughly more than double the nation's overall economic output or GDP (Albouy et al. 2018, 459). Nearly half the total value is packed into just five metro areas: New York, Los Angeles, San Francisco, Washington, DC, and Chicago, with land in and around the urban center being the most valuable. These cities, and their international counterparts, have become what some scholars call "exclusionary megacities" that share a "property-centered approach" to urban growth that "prioritizes the maximization of existing property interests" and "is premised on the drive to maximize the value of land for current owners . . . against the interests of middle- and low-income populations" (Pritchett and Qiao 2018, 474).

The conflict between highly sought-after cities and some of their communities over control of property and resources that are in the public domain brings into view the question increasingly being asked by those who live in and study cities. As sociologist Saskia Sassen provocatively muses, "who owns the city?" in an era of "corporatizing access and control over urban land" that is transforming the "small and/or public" into the "large and private" across so many cities around the world (Sassen 2015). Sassen details a post-2008 pattern in many cities around the world of large corporate entities acquiring "whole blocks of underutilized or dead industrial land for development of high-end luxury commercial and residential space." This large-scale privatization of land in cities, she points out, has an effect (oddly) of "de-urbanizing" city space and creating de facto "gated" spaces with lots of people. Consequently, the scale of spaces that are accessible to the public is shrinking and the population of those displaced

from cities is expanding (Sassen 2014). Her question is shared by many others concerned that public officials are commodifying and privatizing our collective resources in cities, disproportionately harming those who lack private resources and who most depend on public resources.

Of course, not all urban land is valuable. This is particularly true in so-called minimal cities like Detroit that either were on the verge of or have declared bankruptcy (Anderson 2014). For these cities, valuing vacant land for its exchange value is most often borne out of economic necessity. These local governments are actively trying to place the land back into productive use, typically by acquiring title to these properties and placing them in a land bank or public receivership until title is clear for their transfer to a private investor and corporate developers. This complicates but does not resolve claims by residents to *share* these resources with communities that have been cultivating and stewarding land and are apt to view this available urban infrastructure as opportunities for collective bottom-up management of their communities.

Consider what has happened in Detroit, a postindustrial city that has experienced serious decline over the last few decades as its workforce in factories began to wither away and white residents fled to the suburbs, leaving a predominantly Black population to struggle for more equitable housing conditions and political power (Boggs 2012). The majority Black city is still struggling to come back from its 2013 bankruptcy. Shortly before Detroit became the largest American city to declare bankruptcy in 2013, the city began redistributing public property, increasing tax foreclosures, privatizing public services, and increasing private investments into the city (Safransky 2017, 1082). In its quest to raise money in a context in which there is no regional tax sharing with its more affluent suburbs, Detroit has been characterized as a *predatory city*—a reference to the claim that public officials are systemically dispossessing predominantly Black residents of their homes through, for example, illegitimate property tax foreclosures (Atuahene 2020).

Today, Detroit is often referred to as a *tale of two cities*. In one of these cities, private capital is fueling development in the Downtown and Midtown areas, including areas close to some of the city's universities and hospitals, populated by gentrifying young white professionals. The other city consists mainly of Black residential neighborhoods populated by

long-time residents who have not been able to or have not wanted to flee the city during its darkest days (Alvarez and Samuel 2018).

Detroit's land bank program has been a sore point with many of its long-time residents who are not directly reaping the benefits of the city's downtown and midtown revitalization. The Detroit land bank authority holds the title to the majority of the city's 43,000 vacant homes (some estimates are as much as 68 percent) that it has acquired through tax foreclosures and to thousands of vacant lots. Local newspaper stories recount the frustration of many residents, particularly those living in neighborhoods still in decline, trying to acquire property through the land bank. To some observers, the city has had no problem selling hundreds of parcels of vacant lots to large corporations to expand its commercial urban tree nurseries in Detroit, renovate dilapidated homes, and free up land for a car assembly plant (Livengood 2019). Small-scale, long-established Black farms in the city, in contrast, have had difficulty purchasing the land on which they farm from the land bank. According to one account, despite their interest and attempts to purchase the land on which they have stewarded acres of farm sites that serve the needs of food-insecure homes and neighborhoods, Black farmers have been unsuccessful in convincing the city to allow them to purchase the land (Baker 2020, 28–29).

As Sara Safransky (2017) has documented, drawing on original interviews and observations at public meetings, many Detroit community members and activists are concerned about the "top-down re-territorialization" approaches in the city that do not take into consideration historical attachments to these lands, the people that are most impacted, and how those people are included or excluded from the narrative of urban revitalization. Many Black community members believe that this land is "black man's land" and serves as a site of historical and collective memory. There is an emotional and physical connection to Detroit as a product of the Great Migration much as there is an emotional and physical connection to the rural land of the US southern region that Black families left behind for economic and political advancement (Mitchell 2005). For many of these residents, urban agriculture is a means to an end in the long-running struggle for social justice. As Safransky notes, the claim to resident-stewarded land "is one part of a broader struggle to re-appropriate modes of social reproduction to serve the community rather than capital" and part

of grassroots organizing efforts "seeking to undo colonial spatial orders and structures of white supremacy by building new organizing infrastructures, commons-based institutions, decentralized forms of governance, and social and ecological relationships" (Safransky 2017, 1093).

Bottom-up approaches to land vacancy often focus on greening and urban agriculture as a viable use of the land (Bentley et al. 2016). Increasingly, however, residents are asserting their rights to these vacant structures for affordable housing units, community shelters, health facilities, child-care facilities, artistic or entrepreneurial spaces, and in many cities around the world, housing for the homeless (Alexander 2015, 2019). Beyond vacant land, residents, and communities in many cities around the world view abandoned homes, factories, strip malls, and other structures as opportunities for productive reuse. Residents and communities often desire more control over vacant land and structures—available urban infrastructure—to remake spaces and to meet the basic needs of economically and socially vulnerable populations.

In some US cities, for instance, mothers have led the movement to occupy vacant homes, addressing homelessness and housing instability at a time when the COVID-19 pandemic made paying rent unmanageable for many and despite the risk that they could be removed at any moment by the state or local government. In Philadelphia, over forty people, mostly single mothers, occupied boarded-up vacant homes owned by the Philadelphia Housing Authority (PHA), the largest landlord in Pennsylvania. A coalition of groups such as Occupy PHA, Black and Brown Workers Cooperative, and the Revolutionary Workers Collective argued that the PHA had become indistinguishable from a private developer and planned to let them sit idle until they found an interested buyer, leading to gentrification and displacement while ignoring the needs of the city's low-income residents (Tribone 2020). The coalition argued that instead of being sold to developers who would build market-rate housing, the homes should be transferred to a community land trust that would repair and manage them in perpetuity as affordable housing for the city's poorest residents (Phillips 2020).

In orchestrating the occupation, advocates were inspired by the actions of Moms4Housing, a collective of Black mothers who are homeless and marginally housed in Oakland, California. Moms4Housing occupied an

empty house owned by a real estate company, and they were evicted. Fortunately, a few weeks after the eviction, the real estate company agreed to sell the house to the Oakland Community Land Trust, which acquires land for the benefit of low-income communities (NPR 2020). A similar group of mothers in Los Angeles took inspiration from the Oakland collective in March. Under the name Reclaiming Our Homes, the housing-insecure Oakland families began to move into vacant homes owned by Caltrans, the state transportation authority. They called themselves reclaimers of the property and argued that it was unacceptable that usable homes owned by the state were lying empty when people were homeless and living on the street. None of the reclaimers were evicted and state officials agreed to lease more than twenty of the houses to the city's housing authority, which then allowed a dozen families to live in them for two years, part of a transitional housing program (NPR 2021).

THE CITY AS A COMMONS

The idea that urban land and infrastructure are more than assets for exchange on the real estate market and are more akin to a common resource that can and should be shared with urban residents brings into view the argument and ideas developed in this book. The efforts of communities to access and utilize vacant or underutilized property and other public resources, particularly in structurally disadvantaged communities, have the potential to capture positive value to create goods (both tangible and intangible) that can be shared and stewarded by these communities. The claim to available urban infrastructure, particularly that is in the public domain or under the control of the state, does not rest necessarily on the desire for *ownership* of land or a desire to exploit its exchange value. Rather, it is based on recognition that the built environment constitutes a variety of potentially shareable and stewarded urban goods that can generate essential resources for urban residents lacking those resources.

In thinking about cities and their resources in terms of the potential for shared stewardship by urban communities, we have found inspiration in the Nobel Prize–winning work of Elinor Ostrom (Ostrom 1990). In her groundbreaking work, Ostrom overturned decades of economic thought that suggested that there were only two ways to manage and govern shared

resources: public control or private ownership. Ostrom found examples all over the world of resource users cooperatively managing and stewarding a range of natural resources—uncultivated lands, fisheries, communal forests, groundwater basins, and irrigation systems—using "rich mixtures of public and private instrumentalities" (Ostrom 1990, 182). In Ostrom's examples, resource users devise and enforce their own rules for sustainably using and sharing the resource without overconsuming or depleting it. Importantly, these rules and the community's right to enforce them were recognized by external governing bodies and public agencies.

Ostrom's work explicitly refuted the assumption, most famously attributed to Garret Hardin in his classic essay "The Tragedy of the Commons," that without exclusion rights individual users could not overcome collective action problems and work together to manage resources that were open or shared. Hardin's stylized tale of tragedy unfolds in the context of a "pasture open to all" on which each herdsman is motivated by self-interest to continue adding cattle until the combined actions of all the herdsman results in overgrazing, eventually depleting the resource for everyone (Hardin 1968). Unlimited access to shared resources inevitably leads to overconsumption and complete destruction of the resource. As Hardin argued, absent a system of state management or governance it would be difficult, if not impossible, to restrain the impulse of users to pursue their individual self-interests even when pursuit of those interests results in the degradation or exhaustion of the resource. Hardin concluded that such "freedom in the commons"—that is, the lack of controls on individual behavior and self-interest—"brings ruin to all." Ostrom rejected the public/private binary choice of solutions that Hardin offered to avoid the tragedy, successfully demonstrating that the choice between central government regulation and private property rights does not capture the full range of approaches to managing or governing the commons.

Looking at shared urban infrastructure through the lens of the commons is one way to acknowledge the potential of cities to be generative and its resources shared among communities of users under certain circumstances. Our conception of the urban commons builds on Ostrom's insights and her methodology but is adapted to urban environments on the basis of our observations of the dynamics and challenges specific to those environments. However, as we discuss in chapter 2, there are

important differences between the collectively governed and stewarded natural resources that Ostrom studied and the *constructed* urban resources that are the subject of our research. One key difference that we highlight is the presence of a strong *enabling* state (the local government or public authorities) and *pooling economies* that bring together other actors and resources to support the co-production and co-governance of urban commons. These resources can be stewarded by allocating rights and responsibilities in a way that gives communities decision-making use and control over them in a manner similar to ownership and vests them with the duty of maintaining and keeping accessible (or affordable) the resource for future users and generations. As we discuss in this chapter and the next, institutional arrangements such as community land trusts and limited equity cooperatives, among others, can be vehicles for property and resources stewardship consistent with the idea of the urban commons.

Cities and much of their infrastructure share some of the classic problems of what Ostrom and other economists refer to as a "common pool resource"—an economic term that signifies the difficulty of excluding people from a resource, which leads to rivalry for its resources and the need to design effective rules, norms, and institutions for resource management and governance. Today, as has been true in the past, all kinds of people flock to cities to create and to re-create their lives by accessing and exploiting the physical, social, and cultural resources that are uniquely found in dense and diverse urban environments. It is the very openness of cities and many of their resources that makes them intensely rivalrous—subject to competition for land and other resources. As law and economics scholar Lee Fennell posits, "the city analog to placing an additional cow on the commons is the decision to locate one's firm or household, along with the privately-owned structure that contains it, in a particular position within an urban area" (Fennell 2015, 1382). Cities represent a particularly challenging collective action problem, Fennell argues, in figuring out how to achieve the benefits of proximity among people and land uses while curbing the negative impacts of that same proximity. As a consequence of the rate of urbanization around the world, cities have a "participant assembly" problem that requires finding the right trade-off between the positive spillovers of agglomeration or proximity and the negative impacts of congestion (Fennell 2015).

Hardin's "tragic" tale can easily be told about cities and the different kind of shared resources within them. Because of the difficulty of excluding people, a city can easily become heavily congested, its resources strained and eventually diminished. City streets, urban parks, cultural resources, vacant land, and even neighborhoods can mimic the kind of "tragedy of the commons" resulting from the self-regarding actions of others that lead to the degradation or destruction of the resource. The tragedy of the (urban) commons arguably sealed the fate of many American cities in the 1970s and 1980s due to the lack of sufficient management and governance of shared urban resources amid declining public resources to properly care for them. Roy Rosenzweig and Elizabeth Blackmar's history of New York City's Central Park, for example, recounts how, after years of opening the park to permit a wide variety of events and groups to use the park, Central Park quickly became a space in which access to the "whole community" posed inevitable conflicts and competition between users (Rosenzweig and Blackmar 1992). Many saw the park as deteriorating rapidly due to its openness to various events and a potpourri of users, resulting in increased maintenance and cleanup costs that the city was not able to absorb. This deterioration escalated with the onset of the fiscal crisis in the 1970s and the decline in city appropriations, which devastated the entire urban park system, leaving many parks and recreational areas unsafe, dirty, prone to criminal activity, and virtually abandoned by most users.

The "tragedy" of urban parks thus unfolded during a period of "regulatory slippage," which is a significant decline in the level of local government control or oversight of the resource, for whatever reason (Foster 2011). When local governments abdicate control or stewardship over common resources, often due to declining tax bases and limited resources, these resources can resemble less a public good (nonexcludable and *nonrivalrous*) and more a traditional common pool resource (nonexcludable and *rivalrous*). Without proper stewardship of the resource by central authorities these resources become contested or rivalrous through the competing demands and uses from a variety of actors, whether they are ordinary pedestrians, opportunistic criminals, or frequent park users. Such users might be tempted to use or consume the common resource in ways that rival and/or degrade the value or attractiveness of the resource for other types of users and uses. Competing user consumption and demand may

overwhelm or confound the ability of government to manage this competition and lacking such management, the increase in certain types of uses of common space such as excessive loitering, aggressive panhandling, graffiti, or littering will eventually begin to rival other users and uses of this space.

A similar "tragic" story can be told about the *neighborhood commons* in many urban communities. The quality of a neighborhood commons—of its street life, culture, sidewalks, open or vacant spaces, and public parks—might begin to decline through increasing and competing demands by different users and uses of the space. This kind of urban tragedy can result from an increase in what Robert Ellickson (1996) called "chronic street nuisances"—excessive loitering, aggressive panhandling, graffiti, or littering—that eventually begin to rival, if not overwhelm, other users and uses of open spaces. Overuse or unrestrained competition in use of the space creates conditions that begin to mimic the type of commons problem that Hardin wrote about—that is, such resources become prone to degradation and decline. On the other hand, deterioration in the quality of a residential neighborhood might occur because of the failure of property owners to make repairs that would be economically rational only if other owners took steps to improve their structures as well (Oakerson and Clifton 2017, 416). In some cases, we might view neighborhood decline as the consequence of a failure of residents to collectively govern their common pool resources, perhaps because of a lack of adequate capacity among residents to self-organize or a failure to sustain mutual assurance because of holdouts, for example, homeowners who refuse to cooperate, allowing the neighborhood to deteriorate regardless of what their neighbors do (Oakerson and Clifton 2017, 422).

The rise of many place-based governance institutions like business improvement districts (BIDs) and park conservancies are often in response to the "tragedy" of the urban commons—the general decline of city streets, parks, and commercial areas under conditions of regulatory slippage, which call into question the ability of public administrations to steward these collective resources. Park conservancies, BIDs, and other public-private partnerships in the 1980s and 1990s in US cities are widely credited for the revitalization of urban parks, streets, and commercial areas at a time when those resources were suffering from public neglect and

during times of fiscal strain on local governments. These sublocal entities work with local park agencies, police departments, and other city officials to enable private property owners and other local interests to manage and govern shared community resources with a high degree of operational autonomy. We discuss these institutions in somewhat more detail in chapter 2. For now, we note only that in some ways they resemble the kind of "nested" enterprises that Ostrom found in the natural environment, in which resource users work with government officials, agencies, and other stakeholders to collectively manage and govern a shared resource. In other ways they resemble a privatized city in which the responsibility for public spaces is placed in the hands of corporate and commercial interests that increasingly invest in and manage common shared resources like parks and street-level amenities.

While the long-term sustainability of these place-based governance institutions is often a virtue in an environment of "regulatory slippage," we must be mindful of the dark side of these institutions—the risk that shared resources can be captured, co-opted, and enclosed in ways that undercut the very public nature of the resource. Some enclosure and even exclusion of others from a resource might be necessary to maintain it and keep it accessible to some populations and communities. But how much, by whom, and toward what ends are questions that require us to scrutinize institutions, such as some BIDs and park conservancies, that manage large-scale public resources or commons for heterogeneous users. In some circumstances, institutionalized forms of small-scale user governance can create new social problems and divisions, particularly when "insider" group norms designed to maximize group welfare do so at the expense or exclusion of nongroup members (Ellickson 1991, 169). These collectively governed institutions created to solve social and economic problems can become what Brigham Daniels has called "tragic institutions" that develop or expand their "grip" on common resources in antidemocratic or exclusionary ways (Daniels 2007).

It is not enough, in other words, to enable new forms of collectively governed institutions throughout a city that manage public or shared resources. We must also be able to assess whose interests are served by those institutions and how easily they can be captured and their value extracted in ways that aggravate and deepen social and economic inequality. As

David Harvey has noted, many different social groups can engage in local self-governance of shared resources for many different reasons—"the ultra-rich, after all, are just as fiercely protective of their residential commons as anyone, and have far more fire-power and influence in creating and protecting them" (Harvey 2012, 74). Harvey offers the example of a new or revitalized urban park, such as New York City's famous High Line, which is easily capitalized upon by surrounding property owners who capture the value of the common good through drastically increasing surrounding property values and the extraction of rents. The result is to make unaffordable and inaccessible for most of the city the housing that surrounds the park. Thus, although "open and accessible" to all, some kinds of new urban commons can have an exclusionary effect, "radically diminish[ing] rather than enhanc[ing] the potentiality of commoning for all but the very rich" (Harvey 2012, 75).

CONSTRUCTING URBAN COMMONS

The types of collectively governed enterprises we refer to as *urban commons* emerge less from the "tragedy of the commons" and the need to simply create another layer of institutional management for public or shared resources. Instead our embrace of the commons as a framework for urban resources stewardship resonates with the idea of a "constructed commons," which is the result of emergent social processes between resource users, communities, and other stakeholders (Madison et al. 2014). Constructed commons grow not out of the "tragedy" of shared common resources but rather out of what legal scholar Carol Rose (1986) refers to as the "comedy of the commons." The comedy of the commons involves granting access to resources that the community values and that increases the solidarity between urban residents. Rose found that some British courts considered as "inherently public property" resources such as land, open space, and roads that were customarily used by the public for gatherings or other activities valued by the community. These were activities in which "increasing participation enhances the value of the activity rather than diminishing it" (Rose 1986, 768). Instead of tragedy or overconsumption in these spaces, Rose argued that we are more likely to find "comedy"—the "more the merrier." The more that people come together to interact, Rose observes, the

more they "reinforce the solidarity and well-being of the whole community" (Rose 1986, 767–768).

Under certain circumstances urban resources are sufficiently available in supply to present a "comic" scenario in which open access or shared resources are less the site of a potential "tragedy" and more a platform that enables actors to enjoy and produce reciprocal positive spillovers that generate increasing returns to scale. On this theory, it is urban "interaction space" that renders many public spaces and resources so valuable (Fennell 2015). In other words, interaction space facilitates a host of other goods—knowledge exchange, social capital accumulation, solidarity, access to material resources such as recreation space or food—that accrue to individuals in close proximity to one another. Capturing the positive gains of urban "interaction space" occurs in collectively created, produced, and stewarded resources like community gardens, as in the opening example, or in the construction of informal settlements on the urban periphery of many major cities in the Global South, referenced later in this chapter.

Beyond the positive spillover effects that shared urban spaces and infrastructure can have for social interaction and solidarity, we are chiefly interested in the ways that these spaces and resources can be used to construct new resources and services for disadvantaged populations and communities. As such, we define constructed urban commons as those that result from a process of bringing together a spectrum of actors that work together to co-design and co-produce shared, common goods and services at different scales from existing shared urban infrastructure.

In US cities, for example, vacant or abandoned land and structures is more ubiquitous than most people realize. This is true whether we are talking about resurgent or declining cities, or their suburbs. Vacant land constitutes anywhere from 15 to 20 percent of older so-called *legacy* cities such as Philadelphia and Detroit and consists of thousands of vacant lots which are often concentrated together in a pattern of "hypervacancy" (Mallach 2018). There are more than 120,000 vacant lots in Detroit—nearly forty square miles, a third of the city. Philadelphia has an estimated forty thousand vacant lots with no known use. Even so-called *magnet* cities like New York, Seattle, Los Angeles, San Francisco, and Washington, DC, have their fair share of vacancy, with rates ranging from 5 to 15 percent, even as these cities experience unprecedented growth (Mallach 2018).

Vacant land and structures are often concentrated in neighborhoods that suffer from a history of neglect and underinvestment, creating both an opportunity and a risk for residents that undertake to construct new urban resources or goods that may not be sustainable given their precarious claim to the resource. As studies have shown, high vacancy rates are positively associated with displacement and gentrification (Morckel et al. 2013), a risk that is particularly strong in neighborhoods with clustered residential and commercial vacancies because they attract new investors and catalyze redevelopment (Lee and Newman 2021). For this reason, residents often desire control over this land to rebuild their communities and to stave off the threat of displacement and gentrification. They also desire to utilize vacant land and structures, as indicated previously, to provide critical goods and resources and to cure the social and environmental injustices that these communities have lived with over decades.

Community land trusts (CLTs) are one kind of constructed commons that are flourishing around the world as a vehicle to allow community control of land toward stabilizing communities vulnerable to being displaced by market forces. CLTs are often used to acquire and develop available urban land and structures to create affordable housing, commercial space, and green and recreational resources in urban communities that lack those resources. CLTs are emerging in cities and urban communities all over the world as a form of land stewardship to preserve housing and other land uses as affordable and accessible for future generations and to promote development without displacement (Davis 2010). Local public authorities often facilitate these resident and community governed institutions by making available vacant urban land and structures, and by expending public dollars to subsidize these arrangements.

Consider what occurred in the Dudley Street neighborhood of Boston in the late 1980s and early 1990s, which was known at the time as one of the poorest areas of Boston. Neighborhood residents worked with city and state officials to acquire and utilize over fifteen acres of city-owned vacant lots and fifteen acres of privately owned, tax-defaulted vacant lots to revitalize Nubian Square (formerly Dudley Square). Residents and various community-based institutions planned to create an "urban village" consisting of affordable housing, urban farms, community gardens, and other neighborhood amenities (Medoff and Sklar 1994). Dudley Street

Neighbors Initiative (DSNI), the nonprofit formed to oversee the process of creating the urban village, set up a community land trust into which the over one thousand parcels of land were placed. The land trust controls over thirty acres of land and is currently trying to acquire additional land (Smith and Hernandez 2020, 288). We return to the Dudley Street example in chapter 2.

Community land trusts also are emerging in informal settlements in Latin America that are facing rising land values and impending gentrification in neighborhoods once considered to lack significant market value. Recently, a collection of eight neighborhoods in San Juan, Puerto Rico, became the first informal settlement use the community land trust as a response to this challenge (Algoed et al. 2018). The CLT was founded to preserve and develop informal neighborhoods along the Caño Martín Peña Canal and to protect them from involuntary displacement and gentrification in the now collectively controlled over 270 acres of land that previously belonged to government agencies. The CLT worked jointly with NGOs, universities, foundations, the municipality of San Juan, Puerto Rican public agencies, and US federal agencies to dredge the nearby river. The land is now owned and managed by the CLT, which as of 2019 included approximately fifteen hundred low-to-moderate-income households, whose purpose is to ensure the availability of permanently affordable housing and "serve as an instrument for the generation and redistribution of wealth" (Hernández-Torrales et al. 2020). There is a similar effort to place favelas, or informal settlements, on the outskirts of Rio de Janeiro, Brazil, in a CLT as a response to threatened gentrification and land insecurity in these well-established communities with long histories of cultural production and community investment (Williamson 2018).

As we describe in the next chapter, the use of community land trusts and other limited equity mechanisms for holding and governing urban land and infrastructure is a way of keeping these resources accessible and affordable to a broad range of users while allowing communities of users to steward these resources over time. They do so by taking these resources off the speculative market and separating land *ownership* from land *use* while creating the possibility for users, such as housing occupants, to *sell* their interests back to the trust or cooperative for limited equity. Land trusts and limited equity cooperatives are examples of constructed urban commons

because they are collectively created and governed by their users, and they are decommodified to the extent that keeps them accessible and affordable to communities vulnerable to expulsion from urban land markets (Huron 2018). Although they are similar to other kinds of shared, collectively governed property such as condominiums and traditional co-ops, their purpose is distinct—namely, to remove the profit motive from land use. Instead of being valued for their potential exchange value on the market, the land is valued and operated according to its use value to the surrounding community (Huron 2018, 7).

In addition to CLTs, our work and that of others has identified numerous other examples of constructed urban commons that result from residents working together with other public and private actors to generate new forms of common goods using the existing infrastructure of the city. The examples include wireless mesh or broadband networks, energy microgrids, and other essential social infrastructure. Community-created and user-managed *mesh* networks, for example, are decentralized wireless access points connected to each other in a defined geographic area (De Filippi and Tréguer 2015). These networks have been established in many European and US cities, utilizing existing urban infrastructure and the combined efforts of many local actors—including public and private property owners who grant access to buildings and other structures to mount the access points—to create a solution to the *last-mile* connectivity gap. The goal of these networks is to bring internet service to communities and populations that lack high-speed wireless or broadband access, increasingly seen as a necessary public good or *fourth utility*. In this model, no one owns the entire infrastructure (open and free access), but everyone who wants access can contribute with their own resources to run the network, which is managed and governed by the community. The *digital stewardship* in places like Red Hook, Berlin, and Detroit are often grounded in *digital justice* principles including equal access, participation by historically excluded populations, common ownership through cooperative business models or municipal ownership, and healthy communities that promote economic development from within and expand educational opportunities and environmental justice (Detroit Digital Justice Coalition n.d.).

We explore many examples of these kinds of constructed *urban commons* throughout the book. Some of these collectively produced and governed

efforts are longstanding enterprises or institutions dating back many decades. Others are fairly new and experimental. Some face predictable risks and challenges in sustaining themselves in thick urban environments.

URBAN POOLING ECONOMIES

The social, legal, and political complexity of many contemporary cities makes it challenging for communities, especially those with fewer resources, to steward land and other urban resources. In part, the reason is that it is difficult to completely sidestep the market and state actors. In other words, communities cannot operate as completely independent authorities over urban land or infrastructure. Local governments often have proprietary *and/or* regulatory authority over their infrastructure including vacated or abandoned land and structures in the public domain. As such, constructing urban commons and sustaining these efforts in most cases require an important state role. Local and provincial government actors often need to aid and form a solid alliance with communities to advance collective governance of shared urban resources as well as to scale those efforts across a city.

Consider the construction of informal settlements in and on the periphery of many cities in the Global South. In a process that Teresa P. R. Caldeira calls "peripheral urbanization," new migrants utilize urban land to build their own homes and their communities step by step "according to the resources they are able to put together at each moment" (Caldeira 2017, 5). Caldeira argues that in places such as Sao Paulo, Istanbul, Mexico City, and Santiago, urban residents are agents and not just consumers of urban spaces developed and regulated by others, claiming the city as their own. In a complex process involving many actors, she describes the creation and development of these peripheral urban areas as involving several layers of improvisation and irregularity, as well as negotiation between many actors and agents involved in the process. Although residents are the main agents of the production of the current space in peripheral urban areas, the state is also present in numerous ways as it "regulates, legislates, writes plans, provides infrastructure, policies, and upgrades spaces," frequently after these spaces have already been built and inhabited (Caldeira 2017, 7).

The state role in the bottom-up management of urban land and other infrastructure can become complicated when local governments are forced to compete with or heavily rely on mobile capital to finance development activities. State actors may end up being more accountable to developers or mobile capital than to local communities. At the same time, it is a challenge for disadvantaged communities to create urban commons that can be stewarded in ways that are not co-opted by the market and yet are able to leverage private actors and their resources. In contexts in which the state is weak because of either corruption or lack of resources, communities often need to collaborate and manage resources with other actors such as knowledge institutions, civil society organizations, and the private sector. In some situations, market actors may emerge as the most feasible means to enable the pooling of human, economic, cognitive, and other kinds of resources needed for collective action and collaborative management of urban resources, particularly constructed urban resources. The market could subsidize the commons if proper legal structures, participatory processes, and accountability measures were put in place and there were sufficient social and political capital among resource users to negotiate with market actors.

However, because these conditions are often lacking and communities are often no match for powerful political and economic interests, stewarding urban resources requires pooling the efforts of many urban actors or sectors with the state operating in a supportive and facilitative role. The co-production of goods and sharing practices are spreading in cities all over the world through what we refer to as *pooling economies* (Iaione and De Nictolis 2017). Pooling human capital, efforts, and resources is a crucial feature of the networked economy and the commons, as scholars such as Yochai Benkler have argued (Benkler and Nissenbaum 2006; Benkler 2016). Pooling economies foster peer-to-peer approaches involving users in the design and production process of constructing common goods and services. Peer-to-peer or user-to-user initiatives result in enterprises that are collectively owned or managed and democratically governed and do not extract value out of local economies but rather anchor jobs, cultivate respect for human dignity, and offer new forms of social security. The concept of a pooling economy is closer to what others have

referred to as the *solidarity economy* or *collaborative economy*. As such, we use the concept of pooling to capture the collective creation of new kinds of goods and new economies in the city that are distinct from *sharing* economies that rest too often on the commodification of shared goods. Pooling economies are often catalyzed and fostered by community-led initiatives in which residents and resource users partner with various actors to share expertise and resources.

Public authorities play an important role in facilitating a variety of these distributed and co-governed enterprises within a city, enabling urban inhabitants to actively take part in the regeneration of their neighborhoods, create shared goods to sustain themselves and flourish, and develop and nurture the communities to which they belong. State actors—centralized or higher-level authorities—can support a variety of distributed, co-governance enterprises and urban commons throughout their territory. One of the ways that central governments can support these efforts is to reduce the costs of cooperation and help relevant actors to leverage their efforts to achieve high economic and social payoffs from their collective action. This support might include regulatory changes and fiscal or technical support that remove barriers to cooperation or make it more beneficial or convenient for individuals to engage in cooperative behavior.

Whether through regulatory "nudges" like the collaboration pacts adopted by some cities, discussed in the introduction and in chapter 3, or the transfer of financing or physical resources to community land trusts, local authorities are incentivizing and increasing the capacity of communities and other stakeholders to engage in co-design activities and co-governance projects. One recent example is the effort to catalyze the creation of community land trusts in major cities through legislation and public financial support. For example, in 2017, New York City passed legislation that allows the city's Housing and Preservation and Development agency (HPD) to enter into agreements with community land trusts where the CLT is a recipient of city funding, property or a tax exemption (N.Y.C. Admin. Code § 26-2001). The city also appointed a director of CLT initiatives at the HPD, the city's housing agency. Subsequently, HPD allocated a $1.65 million grant to support the development of community land trusts around the city as well as a learning collaborative to build the capacity of nascent CLTs. An additional $870 million was allocated in

2019 to incubate and expand CLTs to develop permanently affordable housing and curb displacement in low-income NYC neighborhoods.

Another way that local authorities enable resource pooling and the creation of urban commons throughout a city is by providing settings and institutional platforms like city-based urban labs. Urban collaborative labs or urban living labs bring together urban stakeholders to participate in the co-design and co-construction of solutions to neighborhood or city-based challenges and more generally to experiment, innovate, and scale those solutions (Chronéer et al. 2019). Mexico City's Lab for the City (Laboratorio Para La Ciudad) is one standout among the many city labs that have emerged over the last decade. The Lab was created in 2013 at the request of the newly elected mayor of Mexico City (CDMX) and operated until its dissolution at the end of the mayor's tenure in 2018. It was led by a young, multidisciplinary team, most of whom had no prior governmental experience, who wanted to abandon a top-down approach to urban governance and orient the new administration toward co-creation of the cityscape. The Lab was designed to be the space where residents, civil society organizations, nonprofits, knowledge institutions, the private sector, and other government departments could pool ideas and resources to realize neighborhood plans that could be capitalized through governmental programs such as the Participatory Budget and the Neighborhood Improvement programs. The Lab's projects tackled a range of issues including sustainable mobility, pollution, public security, road safety, and revitalization of public spaces, especially those that were the most blighted.

In a similar fashion, the NYCx Co-Lab initiative was designed to create a more distributed series of *neighborhood innovation labs* in underserved neighborhoods throughout New York City to leverage smart city technologies to co-design and co-develop impactful technologies with residents in those communities. Funded by the Mayor's Fund to Advance New York City, a nonprofit organization that facilitates public-private (and community) partnerships throughout New York City, the co-labs emerged out of the Mayor's Office of the Chief Technology Officer (MOCTO). Community members are expected to identify the most pressing problems and define the potential solutions that will help historically disenfranchised communities to keep apace as the city's economic and technological prospects evolve. In each co-lab, residents and community-based organization

are expected to work alongside civic technologists, startups, tech industry leaders, and city agencies to ensure that the most vulnerable ethnic and low-income communities are placed at the center of the development of a smart city. The outputs of the various co-labs would propose and test new solutions to modernize public infrastructure, support community-driven development, and bridge the digital divide in low-income and ethnic minority areas of the city. The lab's goals also include the creation of pathways for individuals from low-income neighborhoods to become civic leaders through engagement with the technology and the innovation economy that is rapidly changing their communities.

In theory, these labs are designed to nudge urban governance away from a neoliberal model of development that is overly reliant on market-based solutions that privatize public services and commodify urban spaces (Cole et al. 2018). In practice, they are more often entry points into the co-production of a variety of urban goods and resources, mediating the relationship between district- or neighborhood-level institutions and community residents. In this way they are part of an ecosystem of distributed, polycentric systems of decision making within a city or metropolitan area. We discuss urban labs in more depth in chapter 4.

ENABLING A POLYCENTRIC SYSTEM OF URBAN CO-GOVERNANCE

The idea of the state as a facilitator of pooling economies and collective resource stewardship is part of the move from a centralized system of *government* to a system of urban *governance* that redistributes decision-making power and influence away from the center and toward independent and autonomous self-organized units of resource management. Elinor Ostrom (1990) and others referred to this kind of distributed ecosystem of autonomous governance units as *polycentric* to capture the idea that although higher-level governments or officials might take the lead on a large-scale problem, the care and responsibility for shared goods can operate at different levels. Although the central government authority remains an essential player in facilitating, supporting, and even supplying the necessary tools to govern shared resources, in polycentric systems multiple governing entities or authorities operate at different scales with a high degree

of independence to make norms and rules within their own domains (Ostrom 2010a). Polycentric systems can unlock what Ostrom called "public entrepreneurship"—opening the public sector to innovation in providing, producing, and encouraging the co-production of essential goods and services at the local level without privatizing those goods (Ostrom 2005b).

Polycentricity is a response to the critique of *monocentric*, top-down governments that exercise monopolies over authority and decision making in complex resource environments. This top-down style of governing is in many cases less efficient and less democratic in the sense that it denies "opportunities for regular citizens to engage in local problem-solving" (Ostrom 2014). Ostrom, her husband, political scientist Vincent Ostrom, and others found that polycentric governance systems are not only capable of successfully and efficiently governing but in many cases are *better* at performing their governance objective than other more centralized, less fragmented governance systems (Gibson et al., 234). In her early study of polycentric police units serving US metropolitan areas in the 1970s, for example, Ostrom concluded that small police units could be just as efficient and often even more so than larger police units (Ostrom et al. 1973). In these early studies, the only actors participating the polycentric systems under review were government actors; non-state actors, such as NGOs, private businesses, community groups, or other actors typically associated with multilevel systems were not featured. Instead, these studies on polycentricism more closely examined questions surrounding the scale of government, and specifically, the most efficient way of organizing *governmental* actors.

Ostrom's later study of common-pool resources, which revealed that individuals are capable of self-governing and working cooperatively in the absence of state or private control, has blinded many to some of the nuances in her work, one of which involves highlighting (not rejecting) the important role played by the state in the creation and maintenance of these self-organized governance units (Ostrom 1990, 133–142). The role of the state is particularly important in complex political, social, and regulatory environments and in the case of large-scale resources. In these settings autonomous units of resource governance, including those that are self-organized, can be "nested" within higher-level state structures. Participants in complex resource systems can benefit from being part of

overlapping, nested organizational arrangements. One of the benefits of such arrangements is that they are creatures of experimentalism, adaptation, continual renewal, and "ceaseless innovation" (McGinnis 2016, 10). Although not unique to polycentric systems, the ability to self-correct as they go is one of their often-cited advantages (Ostrom 1998). The ability to self-correct is inextricably linked, at least in part, to another advantage, the "freedom of entry and exit" (Aligica and Tarko 2012, 246). The ability for individuals and ideas to freely flow in and out of the system ensures a constant flow of new updated knowledge, which helps push these complex systems to improve.

But perhaps the key takeaway lesson from a robust body of research on polycentricity is that, at least for large and complex resource systems, "higher levels of state action or support are often necessary to make the lower levels work well" (Mansbridge 2014, 10). An illuminating study by Sarker (2013) on polycentric water irrigation systems in Japan found that whereas operational autonomy is required for the effective operation of a polycentric system, so too is the "financial, technological, statutory, and political support" of the state. Sarker characterizes properly formed polycentric systems as "state-reinforced self-governance" systems, a phrase that captures their need for operational autonomy (self-governance) *and* their equally critical need for state support (state-reinforcement) (Sarker 2013, 739). Fung (2004) came to a similar conclusion in a study of local school districts in Chicago: while the local participants in an education-related polycentric governance "devised the specific means for cooperation and the details of implementation . . . the state at the higher city level provided support, monitoring, and sanctioning for defection" as well as "information sharing across the several local sites" (Mansbridge 2014, 9).

Nevertheless, there are reasons to be critical or cautious about offering polycentric governance resource regimes, even as a partial answer to rising inequality of resources in cities today. The dangers of decentralization are certainly present—the capture of smaller units by economic elites, or the enclosure or privatization of public goods and spaces. Other shortcomings include transaction costs, temptation for free-riding, and the possibility that the coordination effort required for their upkeep will outweigh their potential benefits (Carlisle and Gruby 2019). Most salient for our purposes are questions of power, social-economic conditions that

constrain certain participants, and the inclusiveness and fairness of some institutional arrangements. As Gustavo García-López's work has warned, polycentric systems must be attentive to the possibility that key actors are often omitted from collaborative arrangements in which powerful actors tend to prevail and that outcomes are often unequally distributed in ways that reproduce existing power inequalities and injustices (García-López and Antinori 2017; Tormos-Aponte and García-López 2018).

Polycentric structures that are embedded in bottom-up initiatives, researchers observe, present opportunities for more robust participation from historically underrepresented groups and can facilitate experimentation and innovation while overcoming institutional "blockages" at different levels of governance (Tormos-Aponte and García-López 2018). This suggests that it may matter from where and how polycentric systems emerge—from the bottom up, at the community level, or from the top down, a result of state-created institutional structures. We explore this tension between top-down and bottom-up state-facilitated governance arrangements in chapters 2 and 3. Nevertheless, there is a range of ways that the state can be supportive of a polycentric system of co-governance while also checking the opportunistic and exclusionary behavior of individuals and groups, providing a backstop to the failure of internal conflict resolution, helping to monitor compliance with democratic values, and sanctioning noncompliance (Mansbridge 2014, 138–139). This is true even if there are no guarantees in any system against disparities in power, social conflicts, and the unequal distribution of resources that can frustrate even the most well-designed polycentric system.

In short, the state's role in facilitating smaller units of resource governance is critical to realizing the benefits that can flow from a well-constructed polycentric governance system: adaptive flexibility, institutional fit, overcoming coordination problems, building social capital and trust necessary for cooperation and collaboration, and maintaining fairness and equity (Araral and Hartley 2013; Baer and Feiock 2005; Carlisle and Gruby 2019.) At the same time, the complexity and diversity of many urban environments can also magnify the risks inherent in bringing together actors very differently situated in these environments. Some have argued that this kind of system of distributed co-governance simply creates a *third sector* of both informal and formal organizations (or collections of individuals)

outside of the state or market, shifting the onus on already vulnerable and overburdened communities to provide for the well-being of urban residents.

We do not equate polycentric governance with devolution of responsibility by the state to provide for the basic welfare of city residents. Rather, the distributed urban co-governance system that we envision and embrace is intended to share the resources of the city to enable communities, particularly those with few resources, to steward common goods responsive to their needs. This sharing requires the state to invest in its neighborhoods and communities as productive units of inclusive social and economic development. The city-based policies described in the following chapters reflect the ways that local governments are moving away from a top-down-oriented resource governance system in which the state monopolistically controls urban resources to a horizontally organized one in which autonomous and collaborative resource governance arrangements become nested within the institutional framework of the city. These initiatives, as we demonstrate throughout the book, can scale with the support of local policies and public resources to create a polycentric network of constructed urban commons in the city.

Co-Cities

Innovative Transitions toward Just and Self-Sustaining Communities

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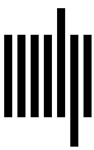

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