

# Appendix A

## Backgrounder on the Commons

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## Perspectives on the Commons

Since the 1968 publication of Garrett Hardin's influential paper, "The Tragedy of the Commons" in *Science*, the commons has largely been associated with its demise and mismanagement. The main focus of Hardin's paper is on population growth and the inability of the world's common resources to support a growing population. He uses the metaphor of an open pasture and describes a situation whereby each herdsman will continue to graze ever more cattle on the pasture in order to increase their short term personal gain at the long term expense of the pasture. Hardin concludes that "freedom in a commons brings ruin to all", and stretches this concept to population growth, asserting that "freedom to breed will bring ruin to all" (1968: 1244 & 1248). Up until the publication of Hardin's paper, popular belief, which was influenced by Adam Smith's economic theories, held that individuals would act in their own interest only up to a certain point when they would cease personal gain in order to maintain the public or shared common interest. At the base of Hardin's argument is the idea that this is not the case and individuals will continue to exploit a common resource for their own short-term gain even if it leads to long-term depletion of the resource. He concludes that only privatization and regulation can divert the world from certain peril (Childs, 2004). In the decades following the publication of Hardin's paper, many instances and examples from around the world have been described in these terms. Furthermore, the increase in privatization and regulation of public assets and services in the following decades demonstrate the significant impact of his ideas.

Despite, the strength of his common pasture metaphor as tragedy, there has been a large body of work responding to Hardin's ideas, which provide counter examples where common land and resources have sustained communities, and where people have not destroyed the commons. This literature has also questioned the appropriateness of policy based on the assumption that sharing land and resources necessarily leads to negative consequences. Establishing management parameters for commons, such as clearly defined boundaries, monitoring and conflict resolution can prevent damage to the commons and its resources (Childs, 2004; Ostrom *et al.*, 2002). Some critics argue that the depletion of common land resources is *more* likely when they are privatized and used to produce profit (McMurtry, 2001; Mies and Bennholdt-Thomsen, 2001; Turner and Brownhill, 2001).

## Definitions of the Commons

" 'Commons' are physical places to which a group shares a set of rights. The group may consist of all citizens or some limited set of members. The rights shared could be all those enjoyed by citizens, or some specific right (such as grazing one's cattle after the harvest). The rights may be complexly distributed (and traditionally have been...), yet they are shared in some roughly equitable fashion and, to a significant degree, are subject to the will of the group. In some cases, the space is only a commons during the time that it is used as such. Thus, we may think of a parking lot as a commons while a political rally is being held there, but not when it is used for valet parking. The term may be stretched to cover non-place resources such as intellectual property (public domain) (Childs, 2004: 22).

"COMMON: A piece of land that belongs to local people collectively, and which is open for public use. COMMON LAND: Land subject to grazing rights or other common rights for owners of nearby properties or other open uncultivated land" (Cowan, 2005).

COMMONS AND COMMON LAND: "areas of land which are generally privately owned but which groups of people or the population at large have certain specified legal rights to use or exploit" (Rendell, 1980: 282).

"The term *commons* is used in everyday language to refer to a diversity of resources or facilities as well as to property institutions that involve some aspect of joint ownership or access" (Ostrom, *et al.* 2002: 18).

Air, water, soil and other natural or human-made resources shared by a group are considered “common pool resources” that can be subject to degradation by their overuse (Ostrom *et al.*, 2002). From an environmental perspective, the management of common pool resources is essential for sustaining natural systems. From a social justice perspective, access to common resources is essential for sustaining human life and supporting poor communities. This perspective of the commons is related to the broader anti-globalization movement. Efforts to reclaim the commons are part of a response to increased privatization and profit generation from water to traditionally propagated seeds that have become patented and sold back to the communities who developed their properties in the first place (Klein, 2001; McMurtry, 2001; Mies and Bennholdt-Thomsen, 2001; Turner and Brownhill, 2001).

While there are many ways to frame a discussion of the commons, a spatial understanding of the commons is the most useful for situating our contextual knowledge of the Dartmouth Commons. Commons, understood spatially refers to land, or actual tangible places that are shared to some degree by the community. Commons are part of a place’s public realm. Childs (2004) describes the commons in both social and architectural terms. The social aspects refer to who can access and manage the commons, what the relationships are between those people, how the commons are managed and accessed and what the social purpose and function of a common space is. The architectural aspects refer to the location, the design, access points, and layout, which all reflect and relate to the social use of the space.

Childs (2004: 22) identifies three primary social types of commons: “civic commons”, “community or neighbourhood commons”, and “private or membership commons”. Civic commons are also called public spaces or public places, and are where a broad spectrum of people gather and are free to exercise their rights. People recognize many places as “civic commons” including a plaza, square, place, green, town park, lawn, quad, promenade, pier, public garden, courtyard or commons. Access, control and participation are important measures of how public a civil commons is. Community and neighbourhood commons are places where people often know each other and display stronger social networks and familiarity than in a larger civic commons. Private or membership commons are shared by a limited and defined group, such as a fitness centre shared by a condominium association, which is closed to the general public.

Common spaces are not all outdoor plazas and greens. Public institutions such as schools, libraries, town halls, airport lounges and transit terminals are all indoor places that allow public access and provide access to public resources (Childs, 2004). Private spaces can also be important locations for gathering and can act a centre of a community. Oldenburg (1989: 16) developed the concept of “the third place” to describe the “core settings of informal public life”, which “host the regular, voluntary, informal, and happily anticipated gatherings of individuals beyond the realms of home and work”. In today’s society third places may be outdoor commons, plazas, squares, or parks, or they might be cafés, book stores, churches, malls, or pubs. The third place concept highlights the importance of function and use of a public space, not just what it is called or whether or not it is technically publicly, or governmentally owned and managed.

### Definitions of the Commons

“Despite its ubiquity, the commons is hard to define. It provides sustenance, security and independence, yet... typically does not produce commodities. Unlike most things in modern industrial society, moreover, it is neither private nor public: neither jealously guarded private plot nor national or city park. Nor is it usually open to all. The relevant local community typically decides who uses it and how” (Fairlie *et al.*, 1994: 109)

“The *civil commons* refers to any institutionalized human agency aimed at ensuring for all members of society the essentials of life and its development, or... *life goods*. The civil commons has innumerable expressions, from vernacular language itself to public health care, regulated clean air and water, universal education, public art and architecture, open environmental spaces, nutritious food, adequate shelter and effective interaction (Turner and Brownhill, 2001: 806).

“Outstanding community commons provide focal points for public gatherings and accommodate a variety of social activities, from concerts to art fairs to just plain conversations” (McGinnis, 2001: 1).

There are similarities and distinctions to be made between commons and parks. Places that were historically designated as “commons” may now be called parks and provide spaces for leisure, recreation, public gathering and other common uses. Newly created parks may not have the historic designation of “common land” or carry the title of “commons”, but these parks provide access to land and resources for the public, and thereby function as a commons. Whether a piece of land carries the history of common use from a certain cultural tradition and time period does impact upon current day perspectives over the use and ownership of that land. For example, where there is a history of legal or traditional access to certain common lands, new development can be seen as encroachment on the public land and an infringement on people’s rights. The concept of a commons, which supplied land and resources necessary for survival, pre-dates the concept of parks, which primarily provide spaces for leisure and recreation. Understanding the history of the commons is therefore useful for understanding the meanings ascribed to common places in our cities today.

### **History of the Commons**

Many European settlements and the colonial developments that echoed European places were clustered around a central “nucleus”, such as a church, market, castle, fortress, fort, plaza, square, parade ground, or natural feature, and later train stations and hotels (Childs, 2004; Kostof, 1991; Markham, 1980). Common spaces were centrally established during settlement, such as plazas in Spanish villages, throughout Spain’s former colonies, and sprinkled throughout North America. During the colonization and early development of Alaska, wide public squares arranged in rows were part of the initial plans (Childs, 2004). Ostrom (1990) outlines examples of access to and management of common land and resources such as agricultural cultivation and irrigation systems that were maintained for centuries in Switzerland, Japan, Spain, and the Philippines. Settlement patterns and resource use reflect the cultural values and economic practices of societies throughout time. Common land use and resource management are part of the history of many cultures, albeit in varying physical forms and with different systems regulating access.

### ***British Roots of our Understanding of Common Land***

Our understanding of common land can be traced back to the medieval period in Britain. In the British tradition, common lands were central in the physical layout of villages as well as playing a central role in the provision of resources and the development of local economies. During the feudal period land was held privately, primarily by nobility, or it was considered property of the ruling King or Queen. Certain parcels of land held by the Crown were designated for common use, and the local nobility assigned rights of access and management responsibilities. Feudal British society was sharply divided along classist lines and land holdings were important signifiers of wealth and social status. Common land was no exception to these social divisions. In some locations only nobility and peasant landowners could access the commons, in other places these rights were extended to landless tenants, but not in all cases (Rendell, 1980; Stigloe, 1982).

English common law recognized the following rights to common land:

- Common of pasture - the right to graze livestock on common land
- Common of estovers – the right to harvest wood for construction or fuel for personal use, but not to sell.
- Common of turbary – the right to dig turf, including peat for fuel or roofing.
- Common of piscary – the right to fish in freshwater.
- Common right to remove sand or stone for personal use, but not to sell.
- Common right to collect or cut bracken for cattle bedding or fuel
- Common right to common land for air and exercise (recognized in later time periods) (Campbell, 1973; Rendell, 1980; Stigloe, 1982)

Rights to common land and the resources therein were accompanied by responsibilities. Each landowner had to take turns herding all of the livestock at pasture on common land for example.

As the profitability of British woollen mills increased, the nobility placed pressure on the Crown to reassign common agriculturally productive land to private owners. Privatization of common land and its “enclosure” into separate large farms took place over several centuries in Britain as agricultural practices evolved, scientific advancements were made and the economy became more complex (Campbell, 1973; Rendell, 1980; Stigloe, 1982).

Changes within society at large, including changing use and access rights to the commons increased wealth for some, restricted access to resources for many, and ultimately further reinforced the hierarchical structure of society. The landless and peasants with lower social status often migrated to towns as their access to agricultural land decreased. Responding to public discontent over common land enclosure, in 1845 the *General Inclosure Act* established that when common lands were enclosed for private agricultural production, allotments for recreation and gardening had to be provided elsewhere. Britain developed additional legislation to protect specific commons in metropolitan London and other laws that continue the right of public access to common land, although primary use has shifted from agriculture to recreation and ecological conservation (Rendell, 1980; Stigloe, 1982).

### ***The Commons Come to North America***

Common land use in North America was a cultural import of British settlers. British colonial settlements in maritime Canada and New England were settled along the Atlantic coast and rivers where there were natural grasslands and open spaces suitable for common pasture, which reduced the need to clear the existing large stands of forest (Bird, 1955; Stigloe, 1982; Wynn, 1987).

New England settlements were nucleated villages with lots and houses clustered around the puritan meetinghouse and village common, or square (Kostof, 1991). This village structure mirrored the settlers’ puritan beliefs about close-knit community and symbolized the centrality of their religious convictions. Central village commons were used to enclose livestock, which were then driven by herdsman to common pastures outside of the village. Larger commons were used for pasturing cattle, grazing horses, performing military drills (Stigloe, 1982; Zaitzevsky, 1982). Town residents regulated the use of the commons in town meetings, and performed maintenance duties regularly, such as clearing rocks and trees, erecting and mending fences (Fleming, 1982).

British settlers brought hierarchical social organization with them to New England. While their puritan beliefs promoted charity, landowners and elders asserted their status by retaining control over the commons and regulating who was able to access the land, how many animals were allowed to graze, as well as which crops were to be grown and where. Settlers who deviated from religious conformity and rules set by the elders were restricted from accessing the commons or were cast out of the community (Stigloe, 1982). The practice of only allowing specific households to have specific rights of access to common land and its resources can be understood according to Childs (2004) concept of a private or membership commons.

The first settlers guarded their exclusive privilege to use the common lands as more settlers arrived in New England. In most settlements new settlers were prohibited from using the commons, and even decedents of first settlers were restricted from using the resources of common land. The imported system of commons was highly restrictive and only lasted a decade or two after the initial settlement. Common land was redistributed as private property, given to institutions such as schools or fire houses, or left as open space for the common use of town residents (Stigloe, 1982).

Central town commons and livestock enclosures also became more important either as commercial spaces or military training grounds. Taverns and inns located near the village meetinghouse early on. Gradually other businesses began locating around and on the common; the road network also reinforced the town centre. In some villages burial grounds were located on the commons, however by the late 18<sup>th</sup> century they were located on town outskirts and away from the central green to avoid encroachment on land used for military purposes and public

gatherings. With these changes in management and function came changes in the perception and appearance of the commons, as town residents started beautifying these spaces, adding trees, military monuments, bandstands and other features to transform the village commons into the public green and town centre. Beautification efforts were thought to improve morality, and numerous village improvement societies were formed throughout New England to plant trees on the greens (Fleming, 1982; Stigloe, 1982).

In the early settlements in Eastern Canada town plans reserved spaces for market, church, and military parade squares (Hodge, 2003). Early settlements in Nova Scotia with designated common land were Halifax, Chester, Claire, Dartmouth, Digby, Lunenburg, and Newport (*Lunenburg Common Lands Act*, 1999; Markham-Starr, 2000).

Space solely reserved for public recreation use was not conceived of in Britain until 1840s, and shortly after in the United States and Canada (Hodge, 2003). The early public recreation movement was driven by the belief that recreation could serve as an antidote to social ills, and provide space within increasingly overcrowded cities. The British government enacted legislation to prevent the enclosure, or development of common land near towns, in order that this land could be used for air and exercise. If development on common land was permitted, an equivalent area had to be designated for neighbourhood use (Markham, 1980). Shortly after, in Canada, land was transferred from the central government to local governments for parks, generally on the outskirts of communities. Large parks, such as Halifax's Point Pleasant Park for example, was established in 1866. Neighbourhood parks did not emerge until the turn of the 20<sup>th</sup> century, when provinces began encouraging their development through legislation (Hodge, 2003).

### ***Traditional Commons in Hindsight***

The commons provided a central shared open space that provided land and essential resources to a group of people as determined by the local elite. Over time, with changes to social and economic structures, access to basic resources, such as soil, turf, and grazing land became less necessary for survival. Common lands that were not converted to private agricultural land increasingly became places for public assembly, interaction and recreation. Common lands have not necessarily been as open and widely accessible as perhaps believed. Access to common land and resources were modelled according to social hierarchy and were rarely completely open to all residents of a given place. Commons in both Britain and North America evolved along with changes in society and were privatized and enclosed over time. In New England in particular, common land turned to private hands within only a couple of generations. Land that remained designated for common use has changed over time. Certain developments and uses retained a public community function, such as schools, churches, military parade grounds, and other civic and institutional uses, while other commons were redeveloped for public gathering and recreation.