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Viewpoint

Pandemics, planning and property

The current pandemic brings concepts of property to the foreground. Stay-at-home orders, social distancing, commercial closures, draconian border control, the interruption of air travel (to use just a few examples) are about how space is to be used, about new mandates for (most commonly) restrictions to commons, public and private property, and often very intense social controversy over who gets to set the rules for property use. How property is understood and treated in the planning process will now be one of our key issues going forward.

In April 2020 we started a conversation on how the planning community will struggle with the spreading of the new coronavirus and its mid- and long-term consequences. Above all, we were wondering about the ways the pandemic would impact spatial planning, particularly with regard to its relationship with common and private property. At one point we decided to ask members of the AESOP, PLPR and ALPS communities for their opinions.¹ We invited a group of scholars to contribute to a YouTube project which is titled *Pandemics, Property, and Planning*. Each contributor was asked to distil their thoughts into three minutes of video, which was then edited into an 18-minute movie. We received enthusiastic responses to our invitation and had submissions from colleagues in Australia, Brazil, Canada, Germany, Greece, India, Japan, Lebanon, the Netherlands, Northern Ireland, South Africa, Spain and the United States (including multiple submissions from some countries).

The movie was completed in May and is available for free viewing and use (<https://youtu.be/cwS65jUw2vo>). What was surprising was that submissions evidenced a clear set of themes, even though invitees were given no direction other than to share their thoughts on pandemics and their implications for property. While all submissions spoke to the issue of pandemics and property, many also spoke to the

¹ AESOP = Association of European Schools of Planning (<http://www.aesop-planning.eu/>); ALPS = Association for Law, Property & Society (<https://www.alps-law.org/>); PLPR = International Academic Association on Planning, Law, and Property Rights (<http://plpr-association.org/>).

implications for planning policy and planning practice. Here we summarise some of these themes.

- We all know that COVID-19 is a public-health disaster, but it is also a social and legal disaster. Throughout history societies have experienced significant disasters (for example, the pandemic has reawakened discussion about the bubonic plague and the 1918–1919 so-called Spanish flu pandemic and the lessons to be drawn from these experiences). Since the end of the nineteenth century, industrialised societies have, for example, experienced disasters of a spatial, ecological and industrial nature that have resulted in significantly revised social relations over property as it is managed through the planning process. In the case of private property in developed countries, these disasters most often resulted in constraints put upon property owners, and an increased arena of activity on behalf of the public (Jacobs, 2020). There is every reason to believe that this disaster will lead to the same outcome.
- COVID-19 has emphasised the ambiguous nature of common and public property in cities and city plans. On the one hand, the spread of the virus seems a classic example of Hardin's tragedy of the commons (Hardin, 1968). Public gatherings in markets, schools, churches, courtrooms and other public spaces and, above all, the shared use of ambient air have been identified as the source of the pandemic's spread. And yet it is precisely the commons and public spaces that people seek out so desperately for relief during lockdowns. So is the commons the problem, a solution, or both? Regardless of how we view this question, multiple forms of common and public property – markets, parks, greenways, bicycle and walking paths – have become highlighted during this pandemic and are now an active part of public discussions. Revised and future city planning is likely to find new roles for these spaces. While sometimes thought of and referred to as 'amenities', commons and public spaces are likely to take on new and appreciated roles as vital and central to city life, and thus be viewed in new ways.
- The virus has clarified how the lack of access to secure property by the most vulnerable in society – the poor, the homeless – leaves them in a precarious position vis-a-vis exposure and the likelihood of getting sick and sustaining their health (Blomley, 2020). As such, COVID-19 emphasises matters of inequality and property. Over a billion of the global population live in slums and informal settlements. The ability of these slum dwellers to shelter at home – including their ability to wash their hands for twenty seconds – is for most non-existent. Slum dwellers cannot escape the conditions which facilitate the virus's spread (Pellissery and Lødemel, 2020).

And during this crisis we have images from around the world of the coexistence of those in precarious shelter situations alongside empty buildings. Often these buildings



Figure 1 The new liminality redefines property – here a public playground in Bielefeld
 Source: © Benjamin Davy (2020)

are owned as private property, sometimes as speculative private property, sometimes as commercial private property (hotels), sometimes as the property of expatriates. Regardless, the rights of these owners are being privileged over the obviously pressing social-justice concerns of large segments of a population (Fawaz, 2016).

As such, the pandemic further highlights the relationships of property and human rights within the planning process (Boggenpoel, 2016). Once again, land reform needs to be an active and prominent part of planning and public-policy discussions. We need a discourse about revising centuries-old forms of property for fundamentally new social, ecological and institutional conditions.

As we do begin a new planning and policy discussion, one thing that is clear is that the national, regional and local state has the ability to radically modify property rules during times of crisis. Throughout the developed and developing worlds legislative bodies have adopted stays of evictions, relief from rent and mortgage payments and related measures. These modifications are not new. In the United States, for example, they have precedent from at least the time of the Great Depression in the 1930s.

As part of these actions, decades-old controversies over property and its management – the legitimate reach of the state in its adoption of rules and regulations – are being upended by COVID-19. For example, long-standing defenders of private property rights are now willing to entertain constraints of the rights of some (non-resident) owners in the interest of protecting the property rights of ‘permanent’ owners within these communities. As the pandemic ebbs (assuming it does), it is unclear whether participants in future dialogues will maintain their past positions or reconfigure themselves into new alliances and positions. Past alliances and positions have had significant impact on the planning process and the shape of plans; new alliances and positions, whatever their configuration, will also.

Urban planning and other instruments of land management will have to account for a new liminality. The pandemic has changed the meaning of many boundaries. Political boundaries – boundaries between countries, but also boundaries within countries – have shaped the territorial impact of laws and regulations addressing the COVID-19 crisis. Urban planning must help coordinate between different territories’ policies for fighting the pandemic to avoid grotesque disparities (like divided towns in Belgium and the Netherlands, where Dutch restaurants were allowed to reopen in mid-May while Belgian restaurants remained closed). Social distancing (as spatial or physical distancing is called almost exclusively by epidemiologists) also contributes to the new liminality. If persons must stay apart six feet (two metres) from each other, urban planning must provide for wider sidewalks and bicycle lanes. If, for example, the sidewalk width in a city previously has been calculated on the basis of personal space requirements, a new sidewalk must be planned with a considerable increase of personal space (from four to six feet) in mind. And planners, of course, must develop plans for using existing sidewalks under the new rules of social distancing (in many cities, streets have been closed to car traffic to give pedestrians more space to distance socially). The redefinition of homes as spaces for working from home, homeschooling and sheltering in place is a considerable modification of the boundaries between the public and the private. If large companies (such as Twitter and Microsoft) resort to home office work in the future, vast office spaces in inner cities will become redundant, and planners will be part of discussions about new uses for vacant office buildings. But if households in apartment buildings start to form ‘social bubbles’ as new units of mutual aid during the pandemic, this redefines the boundaries of traditional notions of households. Planning must support the new enclavism, yet limit enclaves emerging during the COVID-19 crisis to self-help localism, not a new form of gated communities.

Each of these examples of the new liminality – the modification of political, social, economic or legal boundaries – demands responses from the urban-planning community. Many of these responses must rethink the relationship between urban planning and private and common property. In this process, planning must be considered not

only as a constraint on property, but also as an instrument for the definition of the public best, which includes the best use of private and common property. Property, after all, is a social function, not based on inflated individualism, but on social responsibility and human interdependence (Davy, 2020). We notice a growing tension between the new liminality (directed at closing existing and establishing new borders) and the enormous interdependence between humans around the globe (which apparently connected a Chinese food market with potentially everywhere worldwide). This tension can only be addressed through responsible and responsive cooperation.

As devastating as the current pandemic has been, and may yet be, it is likely only a rehearsal, admittedly a dramatic one, for what is coming. Societies and cities, and thus planners and planning, have the reality of climate change facing them. As climate change becomes ever more evident, it will, like COVID-19, present fundamental challenges to how societies and planners have thought about, institutionalised and recommended the use of property – private, public, commons and other property forms – to realise planning goals (Van Streelan et al., 2018). Planning, and planners', challenges will only be heightened in the future.

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