Recognizing and Eradicating Racism in Environmental Commons:
The Environmental Justice Movement, White Privilege and Commons Scholarship

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Introduction

In this paper, we seek to bring together common property theory and scholarship on the construction of race and white privilege. Our work is inspired by our engagement with the Environmental Justice movement as researchers and activists. The environmental justice (EJ) movement (and politicized EJ scholarship) has made the racialization of environmental commons visible and challenged its legitimacy. In so doing, this movement can help us to critically engage with commons, both environmental and otherwise, and can enrich our theorization of racism.

Exclusion, dispossession and the environmental commons

As property theorists use the term, the commons often has a positive valence. Scholarship on the commons developed in response to a conservative privileging of private property and state property; Hardin's "tragedy of the commons"[1] argued that groups of people could not collectively manage resources sustainably. In this context, demonstrating that collective management is feasible, widespread, and sometimes sustainable was a progressive move.[2] Recent work has looked critically at commons management practices; Agrawal and others[3] have shown that collective managements often distributes burdens and benefits

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[1] Hardin, Garrett. 1968. The Tragedy of the Commons. *Science* 162:1243-1248.
[2] Baland, J M, and J P Platteau. 1996. *Halting Degradation of Natural Resources: Is there a Role for Rural Communities?* Oxford: Clarendon Press. Bromley, Daniel W., David Feeny, and Institute for Contemporary Studies. 1992. *Making the commons work : theory, practice, and policy*. San Francisco, Calif.: ICS Press. Ostrom, Elinor. 1990. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
[3] Agarwal, Bina. 1994. Gender and command over property: a critical gap in economic analysis and policy in South Asia. *World Development* 22 (10):1455–1478. Agrawal, Arun. 2001. Common Property Institutions and Sustainable

inequitably among members.

In moving forward, scholarship should also attend to the implications of the commons for those excluded from membership. If we think of environmental commons as "environmental resources that are (or could be) held or used collectively by communities,"[4] then green space and neighborhoods without dirty industries can be seen as commons along with forests, fisheries, and irrigation communities. The environmental justice movement has made these types of commons much more visible, and activists have raised important question: how have some communities escaped being burdened with pollution?[5] For instance, while clean air is often described as a public good, in most places it is actually a commons. Unfortunately, many people do not live in places where the air is relatively clean, the night is not disrupted by the sounds and smell of trucks passing through, and the water is safe to drink. Access to these benefits is strongly linked with race and class status, as a large body of empirical research has demonstrated in the United States and elsewhere.[6]

Exclusion and dispossession have been central to the formation of environmental commons, and these processes have been and continue to be deeply racialized. The scholarship of Laura Pulido[7] and Jeff Romm[8] demonstrates how the constitution of certain commons was and is a racialized process. For instance, Romm's work shows how the practices of land grant policies, the Freedman's Bureau, the California Constitution and the Chinese Exclusion Act interacted to produce a racialized national forest system. In California, leading environmentalists including Pheland, Pinchot, and Muir built and established an exclusive management system for these forests that was the provenance of white male elites like themselves. Pulido shows how racial exclusions and subordination were inherent in the processes that constituted suburbs as white, and develops an understanding of white privilege that attempts to add to existing definitions of institutional and overt racism. Even when there are few visible traces of racial bias in the institutions, structures and practices that govern contemporary management, racism is still embedded in these commons. The works of Roderick Neumann[9] and Charles Geisler and Essy Letsoalo[10] suggest that these exclusions and dispossessions are constitutive of protected areas in general. We argue that commons scholars need to be attentive to the racial and other exclusions constitutive of most commons.

Governance of Resources. *World Development* 29 (10):1649-1672. Molinas, José R. 1998. The impact of inequality, gender, external assistance and social capital on local-level collective action. *World Development* 26 (3):413–431. Varughese, George, and Elinor Ostrom. 2001. The contested role of heterogeneity in collective action: some evidence from community forestry in Nepal. *World Development* 29 (5):747-765.

[4] International Association for the Study of Common Property. "Mission Statement"

[5] Laura Pulido (2000:13-14) writes, "Instead of asking if an incinerator was placed in a Latino community because the owner was prejudiced, I ask why is it that whites are not comparable burdened with pollution? …. How did whites distance themselves from both industrial pollution and nonwhites?" Pulido, Laura. 2000. Rethinking environmental racism: White privilege and urban development in southern California. *Annals of the Association of American Geographers* 90 (1):12-40.

[6] Turner, Robin L, and Diana P Wu. 2002. Environmental Justice and Environmental Racism: An Annotated Bibliography and General Overview, Focusing on U.S. Literature, 1996-2002. Berkeley, CA: Berkeley Workshop on Environmental Politics, University of California-Berkeley.

[7] Pulido (2000); full citation provided in footnote 5.

[8] Romm, Jeff. 2002. The Coincidental Order of Environmental Justice. In *Justice and Natural Resources*, edited by K. M. Mutz, G. C. Bryner and D. S. Kenney. Washington, DC: Island Press.

[9] Neumann, Roderick P. 1998. *Imposing Wilderness: Struggles over Livelihood and Nature Preservation in Africa*. Berkeley: University of California.

[10] Geisler, Charles, and Essy Letsoalo. 2000. Rethinking land reform in South Africa: an alternative approach to environmental justice. *Sociological Research Online* 5 (2)

While documenting these processes is an important project for environmental scholars, in this paper we draw upon existing work in this vein to make a different argument. We seek to apply common property theory to the analysis of race and racism. While critical race scholars have examined white privilege as being treated as a form of private property,[11] our central point is that white privilege can and should be conceptualized as a commons (a common pool resource). This is a commons that we seek to dismantle. Boundaries are necessary to the effective functioning of commons. While this may be good for fisheries, it is not good for people. White privilege reproduces restricted access to goods and opportunities that should be public and open access. As environmental justice activists argue, all people, regardless of race, ethnicity, or income should enjoy access to a safe and healthy environment.[12] While this is a difficult goal to attain, accepting exclusion is not a morally defensible option.

Before moving further, it may be helpful to offer some working definitions of terms used throughout this paper. Our definition of the commons (see above) was taken from the IASCP web site.

We define racialization and racism in the following manner. Following Omi and Winant, racialization is "the sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed."[13] The formation of racial categories involves both social structures and cultural representation. These racial categories have no necessary or essential content; racial categories are those which create a divide in a collective (the population, the society, the nation) so that the it is understood to be constituted by multiple types of people.[14] Racial categories vary across places and over time; Melissa Nobles,[15] Mahmood Mamdani,[16] Clara Rodriguez[17] and many others have traced development and change in racial categories over time.

Drawing from Ruth Wilson Gilmore, racism is the production and exploitation of group-differentiated inequality and systematic undermining of group well-being.[18] Racism introduces divisions into a collective (the population, society, the nation) previously conceived in the singular. It operates through structures, discourse, and practices. Much of our discussion will focus on whiteness and privilege in the United States; however, many colonial and postcolonial

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[11] Crenshaw, Kimberlé, Neil Gotanda, Gary Peller, and Kendall Thomas, eds. 1995. *Critical Race Theory: The Key Writings that Formed the Movement*. New York: New Press.

[12] First National People of Color Environmental Summit. 1991. Principles of Environmental Justice. Washington, DC: First National People of Color Environmental Summit. http://www.ejrc.cau.edu/princej.Html

[13] Omi, Michael, and Howard Winant. 1994. *Racial Formation in the United States*. New York, London: Routledge, p. 55.

[14] This discussion draws from Foucault's attempt to theorize race in his 1976-1977 lectures at the Collége de France. "What in fact is racism? It is primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die. … / It is, in short, a way of establishing a biological-type caesura within a population that appears to be a biological domain. This will allow power to treat that population as a mixture of races, or to be more accurate, to treat the species, to subdivide the species it controls, into the subspecies known, precisely, as races." Foucault, Michel. 2003. *Society must be defended : lectures at the Collège de France, 1975-76*. Translated by D. Macey. 1st ed. New York: Picador. (2003: 254-255).

[15] Nobles, Melissa. 2000. *Shades of citizenship : race and the census in modern politics*. Stanford, CA: Stanford University Press.

[16] Mamdani, Mahmood. 2001. *When victims become killers : colonialism, nativism, and the genocide in Rwanda*. Princeton, N.J.: Princeton University Press.

[17] Rodriguez, Clara E. 2000. *Changing race : Latinos, the census, and the history of ethnicity in the United States*, *Critical America*. New York: New York University Press.

[18] This definition draws from that developed by Ruth Wilson Gilmore. Gilmore, Ruth Wilson. 2002b. Race and Globalization. In P.J. Taylor, R.L. Johnstone, M.J. Watts, eds. *Geographies of Global Change*, 2nd Edition. Oxford: Basil Blackwell, Ch. 17, p. 261.

practices throughout the world qualify as racist in the sense that we have defined it. Colonialism is deeply sedimented in many environmental landscapes, as Roderick Neumann's research on Tanzania[19] and Jane Carruther's work on South Africa[20] demonstrates.[21] White privilege is not the only type of privilege, nor is it the only source of exclusion, subjugation, and dispossession.

Property theory offers a set of useful analytic tools for thinking about whiteness and privilege. We view property as a set of social relations. We use "property" to refer to any "bundle of rights" to which an actor assumes secure possession.[22] Land, and other resources, may be owned by a person (real or corporate), by the state, by a collective body, or by no one.[23] The term common property refers to property that is owned by a defined group of people who set the terms of its use.

Eliminado: Fortmann, Louise, and John W. Bruce, eds. 1988. *Whose Trees? Proprietary Dimensions of Forestry*. Boulder: Westview Press.

Access refers to the ability to obtain or use a resource; it may be de jure (through ownership or contract) or de facto.[24] During apartheid, for example, white people with money for the entrance fee had access to Kruger Park; the Makuleke who had lived in the area for a long time were excluded.[25] Their access was constrained by rules against hunting, fishing, and other extractive uses of park resources. Although Hardin treated common property as if it were open access – as if there were no restrictions on usage -- Ciriacy-Wantrup and Bishop assert, "Common property is not 'everybody's property'."[26] Control is the ability to set the terms of use, to determine who can use what at what times under what conditions. Property rights (de jure ownership) to a resource are *sometimes* consonant with de facto control over the resource.

White Privilege and Property

Rights generally associated with property, whether private or public, or common property, include rights to use and enjoyment (access); reputation and status, and rights to disposition and the right to exclude (control). In the U.S., the court system has conferred each of the above listed rights to those recognized as white. This conferral establishes a legal basis for

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[19] Neumann, Roderick P. 1998. *Imposing Wilderness: Struggles over Livelihood and Nature Preservation in Africa*. Berkeley: University of California.

[20] Carruthers, Jane. 1995. *The Kruger National Park: a Social and Political History*. Pietermaritzburg: University of Natal Press.

[21] Also see the following. Griffiths, Tom, and Libby Robin. 1997. *Ecology and empire : environmental history of settler societies*. Edinburgh: Keele University Press. Geisler, Charles, and Essy Letsoalo. 2000. Rethinking land reform in South Africa: an alternative approach to environmental justice. *Sociological Research Online* 5 (2)

[22] "Property" is often used to refer to possession of formal rights to and responsibility for a resource, that is, state-recognized entitlements. "Tenure security" refers to secure possession of sufficient access to a resource over time. Our use of property encompasses tenure security. Bruce, John W. 1998. A Review of Tenure Terminology. Madison, WI: Land Tenure Center, University of Wisconsin-Madison.
Possession is never entirely secure; Moore, Kosek and Pandian Moore, Donald S, Jake Kosek, and Anand Pandian. 2003. The cultural politics of race and nature: terrains of power and practice. In *Race, nature, and the politics of difference*, edited by D. S. Moore, J. Kosek and A. Pandian. Duke University Press: Durham, NC. demonstrate the substantial work involved in producing and maintaining access and control.

[23] This is not meant to be an exhaustive list of possible property regimes. Louise Fortmann's article on trees describes an amazing array of ways in which property rights can be allocated (Fortmann 1988).

[24] Ribot, J. C., and N. L. Peluso. 2003. A theory of access. *Rural Sociology* 68 (2):153-181.

[25] Harries, Patrick. 1987. 'A Forgotten Corner of the Transvaal': Reconstructing the History of a Relocated Community through Oral Testimony and Song. In *Class, Community and Conflict: South African Perspectives*, edited by B. Bozzoli. Johannesburg: Ravan Press. Reid, Hannah. 2001. Contractual National Parks and the Makuleke Community. *Human Ecology* 29 (2):135-.

[26] Quoted in McCay, Bonnie J., and James M. Acheson. 1990. Human Ecology of the Commons. In *The Question of the Commons: The Culture and Ecology of Communal Resources*, edited by B. J. McCay and J. M. Acheson. Tucson: University of Arizona Press., 8)

white privilege. Pulido argues, "The *full* exploitation of white privilege requires the production of places with a very high proportion of white people." [27] Until recently, these benefits were explicitly linked to whiteness. The case of *City of Euclid v. Ambler Realty Co.* (1926)[28] sought to use the policing power of the state to create protective use zoning that was explicitly racially exclusive. During the 1930s and 1940s, federal agencies advised against racial integration, supported racial covenants, and excluded Black and integrated neighborhoods from mortgage insurance.[29] Although governments have retreated from an exclusive linkage between property rights and whiteness, the courts have continued to protect sedimented property rights in whiteness.

A classic case of a court-recognized right to use and enjoyment of benefits in whiteness is the Bakke case, where the court ruled that special admissions or affirmative action violated the rights of whites. Harris demonstrates that "the special admissions program violated equal protections standards only if whites as a group can claim a vested and continuing right to compete for 100 percent of the seats at the medical school, notwithstanding their undue advantage over minority candidates. This advantage results from illegal oppression and race segregation".[30]

Environmental privileges and benefits that accrue disproportionately to whites (and elites) include green spaces such as clean parks and playgrounds, schools with adequate facilities, clean air, clean water, and adequate public services. In apartheid South Africa, and in gated communities, access to these types of services and benefits is explicitly linked to membership. While the racial boundaries for service provision are not as explicit in most parts of the contemporary U.S., systematic differences between the quality of services that whites and non-whites receive have been documented. One study of federally subsidized rental developments "found that virtually every predominantly white-occupied housing project was significantly superior in condition, location, services and amenities to developments that house mostly blacks and hispanics".[31]

With regard to reputation and status, the 1896 *Plessy v. Ferguson* case explicitly recognized a property interest in being recognized as white. "If he be a white man and assigned to a colored coach, he may have his action for damages against the company for being deprived of his so-called property. Upon the other hand, if he be a colored man and be so assigned, he has been deprived of no property, since he is not lawfully entitled to the reputation of being a white man."[32] *Brown v. Board* I and II reversed *Plessy*, finding that separate was not equal. However, these decisions failed to provide redress for the material harms and reputational indignities imposed upon blacks by segregation. Names are another of the ways in which status rights are

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[27] Pulido (2000 : 16); full citation provided in footnote 5

[28] Cited in Dubin (1993)

[29] Dubin, Jon C. 1993. From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color. *Minnesota Law Review* 77 (739). Pulido, Laura. 2000. Rethinking environmental racism: White privilege and urban development in southern California. *Annals of the Association of American Geographers* 90 (1):12-40.

[30] Harris (1993: 1772). Harris, CI. Whiteness as Property. *Harvard Law Review* 106: 1709-1795.

[31] The study was conducted by the *Dallas Morning News* Dubin.
Greenberg and Schneider (1994) also show that services that suburbs take for-granted – garbage services, ambulance services, street cleaning and respectful policing, for instance -- are not as available to urban areas. The forsaking of these places by public services creates landscapes where all people inhabiting them are more vulnerable to premature death. Greenberg, M. and D. Schneider. 1994. Violence in American Cities - Young Black Males Is the Answer, but What Was the Question. *Social Science & Medicine* 39 (2):179-187.

[32] This quotation and our discussion of the Plessy, Brown, and Mashpee decisions are drawn from Harris.

enforced or policed. As the study by Bertrand and Mullainathan (2002) shows, equally qualified candidates with Black-sounding names were less likely to be interviewed as candidates with white-sounding names.[33] The most recent reports by the National Fair Housing Alliance[34] and the Urban Institute[35] found that significant discrimination in housing markets still exists for tenants and potential homebuyers for all minority groups, including Blacks, Latinos and Asian and Pacific Islander Americans.

While rights of use and enjoyment and reputation and status concern access to benefits, the rights of disposition and exclusion engage with the crucial issue of control. State practices have frequently left control in the hands of whites. *Brown v Board II* left the control over school segregation and integration up to local school districts, which were white-dominated. The right and exclusion encompasses the establishment and protection of membership boundaries.

Another aspect of white privilege has been the ability to categorize others. Until recently, racial designations on the census were *assigned* to each person by a census-taker, thus reinforcing the rights of white census-takers to impose racial categories on the rest of the population. Another example is the Mashpee case in which the Court denied the Mashpee the right to sue for ancestral tribal lands based on the Court's ruling that the Mashpee had no standing as a federally recognized tribe at the time the suit was filed. This external definition of who may qualify as a tribe undermines the ability of people to self-identify as native or indigenous. This right is clearly not absolute. As the growing literature on whiteness has documented, the boundaries of whiteness have changed over time in response to complex interactions between groups trying to police, access, or escape a designation of whiteness.[36]

Most of the scholarship exploring the relationship between white privilege and property has relied on understandings of property relations as private or public. This focus limits our understanding of white privilege, for it is neither the exclusive, fully alienable property of individual actors nor is it solely state property, something that exists outside and independent of individuals and organizations. Rather, white privilege is common property, something that is jointly owned, maintained, produced, and policed. We believe that inserting the scholarship on common property into an analysis of white privilege will provide additional insight into understandings of white privilege. At the same time, examining white privilege as *common* property challenges us to examine some of the detrimental aspects and inequitable outcomes of exclusionary commons.

The scholarship on community based natural resource management shows clearly that commons cannot exist in isolation: they require some sort of outside support; but also a lot of work of group members to enforce the "rules" of any commons.[37] As much of the scholarship

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[33] Discussed in Krueger, Alan B. 2002. What's in a Name? Perhaps Plenty if You're a Job Seeker. *New York Times*, December 12, 2002..

[34] National Fair Housing Alliance. 2003. *2003 Fair Housing Trends Report*. Washington, D.C., National Fair housing Alliance. www.nationalfairhousing.org

[35] Turner, M.A. and S.L. Ross. 2003. *Discrimination in Metropolitan housing Markets: Phase 2 – Asians and Pacific Islanders.* Washington, D.C. The Urban Institute Metropolitan Housing and Communities Policy Center. Contract No. C-OPC-21304; Report submitted to U.S. Department of Housing and Urban Development.

[36] Ignatiev, Noel. 1995. *How the Irish became white*. New York: Routledge. Rodriguez. Roediger, David R. 1999. *The wages of whiteness : race and the making of the American working class*. Rev. ed. London ; New York: Verso.

[37] Agrawal. Campbell, Bruce, Alois Mandondo, Nontokozo Nemarundwe, and Bevlyne Sithole. 2001. Challenges to proponents of common property recource systems: Despairing voices from the social forests of Zimbabwe. *World Development* 29 (4):589-600. McKean, Margaret A. 1992. Success on the Commons: A Comparative Examination of Institutions for Common Property Resource Management. *Journal of Theoretical Politics* 43 (3):247-281. Ostrom.

already cited demonstrates, the state was instrumental in creating and supporting conditions of white privilege. Other scholarship, such as how certain groups "became white" show that this process of racial identification and transformation requires a lot of internal group work.[38] This highlights a important aspect of scholarship on white privilege and racism: that white privilege is best considered in terms of group dynamics and group vulnerabilities, as opposed to narrow definitions of racism that include only individuals.

Common property scholarship, by often emphasizing the social relations aspect of property, would also ask scholars of white privilege and racism to consider rules and norms that govern group membership and access to the benefits of a commons. Rules and norms that reinforce white privilege include who one sells one's house or property to, who one dates, marries and associates with, not acknowledging the existence of whiteness as a privilege (colorblindness)[39], or silence and self-imposed ignorance on racism.[40]

Work is not always divided evenly in a commons. Nor is it the case that every member always consents to each decision. But the strategies used to maintain the commons influence its character. Zoning and litigation are two of the means through which white privilege has been reinforced and recreated. In these cases, all members of the group may benefit, regardless of their own feelings about the situation, or judgment. Other ways in which white privilege has and continues to be secured include the activities of the Ku Klux Klan and other white nationalist groups: cross burnings (witness the burning cross that was set on a lawn when a Black family moved into an all-white neighborhood in Northern California in 2003![41]). White working class fisherman set fires to Vietnamese fishermen's boats in Monterey, CA and Seadrift, TX as recently as the 1980s and 1990s, reminiscent of the fires that burned in Chinatowns across the United States and Hawaii at the turn of the century. The internment of Japanese Americans in WWII was also related to a land grab, and Mexican land grant communities were similarly harassed and cheated out of communally held lands in the U.S. Southwest after the treaty of Guadalupe-Hidalgo.

In the common property literature, many of the people and groups who are seen as managers of the commons are historically marginalized, often vis-à-vis nation-states, and in post-colonial contexts. Another set of literature explores successful commons management in European contexts. In both of these cases, commons are seen as successful arrangements that provide a benefit to a group of people, without severe negative consequences for non-members of the group. White privilege is an example of a commons managed by elites in a national and global context that has had extremely detrimental results for those excluded from the benefits of

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[38] Ignatiev (1995) *op cit*. Pulido (2000) *op cit*. Roediger (1999) *op cit*.

[39] Harris (1993: 1768). Full citation provided in footnote 30.

"Thus, at the very historical moment that race is infused with a perspective that reshapes it, through race-conscious remediation, into a potential weapon *against* subordination, official rules articulated in law deny that race matters. Simultaneously, the law upholds race as immutable and biological. The assertion that race is color and color does not matter is, of course, essential to the norm of colorblindness. To define race reductively as simply color, and therefore meaningless, however, is as subordinating as defining race to be scientifically determinative of inherent deficiency. The old definition creates a false linkage between race and inferiority; the new definition denies the real linkage between race and oppression under systematic white supremacy. Distorting and denying reality, both definitions support race subordination. As Neil Gotanda has argued, colorblindness is a form of race subordination in that it denies the historical context of white domination and Black subordination. This idea of race recasts privileges attendant to whiteness as legitimate race identity under "neutral" colorblind principles."

[40] Eliasoph, Nina. 1999. "Everyday Racism" in a Culture of Political Avoidance: Civil Society, Speech, and Taboo. *Social Problems* 46 (4):479-??

[41] U.S. Department of Justice. 2004. Anderson man indicted on cross burning. Sacramento, CA. January 15, 2004.

that commons, with uneven results for those considered or racialized as members of the "in" group. In this case, we argue that the existence of a property privilege in whiteness has restricted to a smaller group the resources, benefits and opportunities that ought properly remain as open access for all people. The existence of white privilege as an example of commons managed by elites also might prompt us to ask what other sorts of commons are managed by elites, and to what effect?

Conclusion

Exclusion and dispossession have been central to the formation of environmental commons, and these processes have been and continue to be deeply racialized. While critical race scholars have examined white privilege as being treated as a form of private property, white privilege can and should be conceptualized as a commons. This is a commons that we seek to dismantle. White privilege reproduces restricted access to goods and opportunities that should be public and open access. As environmental justice activists argue, all people, regardless of race, ethnicity, or income should enjoy access to a safe and healthy environment. While this is a difficult goal to attain, accepting exclusion is not a morally defensible option. The existence of white privilege as a commons managed by elites also might prompt us to ask what other sorts of commons are managed by elites.

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