ENVIRONMENTAL ETHICS

AND

LAND-USE

3 Papers Presented at the Conference

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Environmental Ethics and Land Use - The case for conservation.

What is so important about preserving species? J. Stan Rowe.

If the beauty, health and productivity of the earth's landscapes and seascapes are diminished, so are we. If the environment with its variety of organisms goes down, we go down with it; not just physically but also in spirit.

Such thoughts were articles of faith for only a few in past centuries. The revolution came in our day, in the 1960's and early 70's, and it is interesting to reread the environmental literature of that time when the full realization broke. The message was new, urgent, stimulating, and in its wake came an outpouring of creative insights concerning the humanity-biosphere relationship.

A mere two decades later, the shine seems to have worn off. Those who spoke so prophetically are silent; blasé, cynical or numb. There is little challenge now that everyone proclaims himself an environmentalist, from federal ministers (admitting on the side that the main job is stimulation of economic development) to the presidents of mining and oil companies working in the north, and commissioners recommending the speedy adoption of nuclear energy in the south. Ecology - once termed the subversive science - has been coopted by the establishment and absorbed into systems' technique. Ecosystem studies breathe hope that with a little more mechanistic understanding humanity will find a way to eat up the world cake and have it too. Not unexpectedly, environmental research is revealed as a willing servant, handsomely rewarded for allaying the dust thrown up by cyclonic industrial development.

Lest this sound too pessimistic, let me hasten to add that the ecological conscience has not been entirely smothered. Enlightened ideas about the need for a radically new attitude toward the earth continue to sprout up here and there. The problem is to find a place where they can grow and get translated into action. Ecological land use planning may be the place.

Land Use Planning and Ethics

The planning of uses of the earth's surface occupies a strategic position relative to the swirling storm of development; it is, so to speak, in the eye of the hurricane. On the surface a quiet world of ideas, land use planning reaches out into the surrounding turmoil and influences decisions on apportioning resources, on building industrial plants, on constructing transportation corridors, on founding or expanding communities. It seems a likely pivot around which to exert leverage, given the social will, in order to slow and redirect the enormous energies currently brought to bear on resources and people.

Land use planning, as a place to begin putting ecological insights into practice, has an advantage in that it brings together the humanities and the sciences to confront the one big question: How and to what extent shall we remodel our home? The answers determine not only future economic activities but also social patterns and behaviour, culture and the quality of existence. In the long run, land use will determine the kind of people that we will be.

Given the landscapes of British Columbia, of Canada, of the world, what areas shall we develop with what goals in mind? What shall we conserve and preserve? The answers depend on what we value, on the sense of importance attached to ourselves, to our artifacts in the built environment, and to the planet from whose surface the building materials - the resources - are drawn. Not least they depend on whether we view ourselves as finished products of evolution or, with more humility, as mere beginners on the path to wisdom. Actions are motivated by values, mostly unexamined because we have been born to them.

Questions of land use are therefore rightly linked by organizers of this conference to ethics, having to do with moral judgements of good and bad, of right and wrong conduct. Such judgements are carried over into institutions and actions that accurately mirror codes of social values. Thus forest groves were once sacred, we are told, safe from the axe because they were animated by the good spirits whose homes they were. Having written off spirits as valueless, moderns may now without compunction extract the woods that are the forest's only remaining goods. There can be no wrongs to the uses of the world's property when all the rights are private, pertaining only to humans.

The Scope of Ethics

Much evidence suggests that "ethics" has only to do with humanity; that its scope is exclusively inter-personal and intra-social. Insofar as ethics involves the reasoned screening of potential conduct by reference to a moral code, it does seem to be

humanity's preserve. But altruism - concern for the welfare of others - is not exclusively human; there have been numerous reports of dolphins helping one another, and even helping other species including people. Academic biologists assure us, however, that mutual aid among whales, elephants, apes and other social animals is really disguised selfishness, prompted by wiley genes that will go to any lengths to perpetuate themselves. This casts our own ethical behaviour in doubt. Is it too a kind of introverted self-ishness? Are human ethics at base unethical?

To my mind the question is a time-waster, like the similar question as to whether individualism or symbiósis prevails in the more inclusive organic world. Perhaps nowhere in science can we see more clearly the reliance of "objective" and "impartial" minds on particular world views, theories, paradigms, unconsciously brought to their subjects of study. Atomistic theories abound for those who wish to find nature individualistic and selfish; they determine the mind-set, the hypotheses framed, as well as subtly directing attention to the data that are appropriate. Holistic paradigms, on the other hand, present a more congenial world to explore, and I for one choose to believe in them. What then of the scope, the purview, of human ethics?

In the western tradition, we are clearly the chosen animals. The Golden Rule, the highest ethical admonition, is to love one's neighbor as one's self. Consideration of the sad and uncertain future of generations down the line, those who will be trying to be human in a world that we have impoverished and rendered radio-active, led Georgescu-Roegen to set a more fore-sighted goal:

"Love thy species (in the future, as well as now) as thyself." It still doesn't come up to the standard set by the dolphins. Some of the old-time naturalists - Pythagoras, Saint Francis, Thoreau - strove to widen the circle of humanity's kin. Their influence so far has not been great.

Aldo Leopold, an almost-contemporary, argued the need for a land ethic, meaning extension of moral standards to the inclusive non-human nature. Reflecting on a lifetime of exposure as a wild-life biologist to the outdoor world, he concluded that the land is a community to which people belong rather than a commodity that belongs to people. Thus the reason for an ethical extension from humanity to the enveloping landscapes is that we are in essence earthlings, children of mother earth. The life-filled skin on the planet, the biosphere, miraculously brought forth and continues to sustain the human race. We cannot survive without the earth. On the contrary, the earth could get along without us and in much better health.

Although some parts of Leopold's rationale are questionable, his thesis makes sense because it jibes with much experience and current ecological knowledge:- The long evolutionary history that relates mankind not only to other organisms that share the biosphere - and in whose bodies we see reflections of what we used to be - but also to the environmental matrix itself: the seas, the air, the soils, and indeed even the sedimentary rocks that are life's products. Also, the numerous visible ties between us as dependent animals and those other animals, plants and microorganisms from which we draw food, clothing and shelter. Then there is the

philosophical insight that each human is a focussed organism-and-environment "field", a nothing without the reciprocating world, rather than an ego enclosed in a skin. And the medical discovery that the fount of health lies more frequently outside the body than within. The related intimations of psychologists who find in the child's early exposure to the non-human world sources of later adult creativity, and who find in wildlands and parks the sources of therapy (called re-creation) for deranged urban dwellers. And finally, there are the moments of rich experience that come to us all too infrequently, moments of insight and joy when the self merges with what envelops it, bringing the sense of Paradise Regained which, according to Northrop Frye, is the goal of all great literature.

Having now cleared some of the brush away, the question "Why preserve?" can be asked. Why should we, or ought we, to protect other organisms, species, and by extension the communities, habitats, landscapes, natural areas, ecological reserves and wildernesses that alone can sustain them?

The simple answer, the honest answer, the only fundamental answer (given the ecological realities) is: Because it is the right thing to do. This is an expression of what Ehrendorf calls the "Noah Principle": - Everything that exists has a right to exist.

Bald statements such as these may not convince many. The world is attuned to facts and hard-headed reasons, and they are expected to back all declarations. That part of ethics known as deontology, dealing with ethical imperatives and absolutes, must be at least balanced by teleology that points to future pay-offs. Therefore I will give some reasons often proposed in support of

preservation. Let us however broaden the focus from species to ecological reserves or natural areas, for these constitute the life-support systems of wild species.

Why Preserve Species in their Natural Areas?

Natural areas with their particular complements of organisms, climates, soils, water, are attuned by long evolution to the particular earth-space they occupy. They are self-regenerating systems, running on year after year without any input from man, producing greenery and animals, purifying water and air. They stabilize the landscape and represent "money in the bank" for humanity, providing many values and options - some known, many yet to be discovered - for the future. The ecologist, Eugene Odum, suggested that about one third of Georgia ought to be maintained in natural areas, to assure a healthy future for that State. The dedication of large tracts to the "state of nature" may indeed be necessary to counteract the disrupting and polluting effects of humanity's artificially propagated systems.

Natural areas provide many recreational values for an increasingly urbanized society. Hunting, fishing, camping, berry picking - a return to the hunting-and-gathering life of our forebears - is increasingly attractive. In such settings too the artist is inspired, and everyone's imagination is stimulated. There is sensory joy in the beauties of alpine meadows, butterflies and flowers, rarely seen animals, imposing landforms and geological structures. Nature appreciation, like sculpture and painting, is also an art; it is the first of the humanities.

Natural areas preserve the great diversity of organisms, genetic resources that may be useful in the future. Sometime mankind may need to reconstitute destroyed habitats, to rebuild self-maintaining communities on abandoned industrial sites. For this the preserves will be invaluable, providing not only the appropriate organisms but also the template for structuring viable ecosystems.

Such needs of the future as well as those pertaining to present wildland management justify scientific attention. To carry on research there must be long-term preservation of ecological reserves. Furthermore, the science of land and soil management requires unchanging standards against which to judge the results of human manipulations, and natural areas can provide the necessary bench-mark sites. A natural companion of research is teaching; the "outdoor laboratories" will also serve to inspire and educate students of all ages.

The common thread in all these arguments is utility to the human race. Taken together they should be reasonably convincing. In actual fact they have not been. True, British Columbia is known Canada-wide for its Ecological Reserves Program, initiated and pressed forward by Vladimir Krajina, but even in this province of glorious scenery and diverse biological resources the road has been rough and the results niggardly. Where do the arguments fail?

Utility is Not Enough

Let us examine more closely a few of the arguments.

1) Natural areas will serve as benchmarks against which to judge the long-term effects of land use?

This seems reasonable until we inquire about the relevancy of a "natural" standard. To take the extreme example, what kind of a natural benchmark can help the urban planner to decide whether or not mistakes are being made in city land uses? Outside the city, does it matter how plantation forests compare to wild "benchmark" forests or how agricultural croplands compare to natural grasslands? To discover by comparing prairie and wheatlands that 50 percent of the original organic matter has been lost from the soils in 60 to 80 years of cultivation causes mild surprise but nothing more. The native grasslands are irrelevant as a standard simply because they are relatively unproductive. Some officials have labelled them a "liability". When ploughed, seeded to exotics and fertilized they are said to be "improved".

2) Natural areas have value for scientific research?

There is truth in this argument, but only as long as decisions have been made on other grounds to preserve wildlands. In fact the main thrust of industrial society is to remodel the biosphere to the end that more and more of its energy and resources can be channelled to proliferating humans and their proliferating wants. Thus science applied to wildlands becomes less and less important. If we attempt to salvage the science value by arguing that knowledge is its own justification, worthwhile even though divorced from the practical R & D needs of the nation, we will find ourselves at odds with the Minister of MOSST and certainly will get no federal funds.

3) Natural areas will preserve genetic resources?

Surely reserves can be justified as repositories for the safekeeping and display of microorganisms, plants and animals that some day may prove useful to humanity? This is one of the strongest arguments, with overtones of admission that man still has much to learn if he is to grasp the full potential of nature. But like the benchmark and the science-value arguments, it too is strained. When so little attention to or use of the native flora and fauna is made in our agriculture, plantation forestry, and pharmacy, why do we project such promise for tomorrow? Can anyone believe that more than a very few components of the natural world will find a useful place in the built environment? Science fiction - the future revealed - indicates if anything a strong aversion to the organic. Zoos, seed banks, genetical engineering and other technical know-how will adequately meet the needs of the future, so the technological optimists tell us. Preservation on the off-chance that somewhere, sometime, something useful may turn up is not only fuzzy thinking; it ties up resources that ought to be utilized now!

4) Natural areas have cultural, historical, education and aesthetic values?

Such arguments may strike a responsive chord; they have a nice ring but they are hard to substantiate. In a world dedicated to progress, defined as growth and change, remnant landscapes cannot be all that significant. What we call history and culture are concerned mostly with events that center on the built environment and on the artifacts of society; ecological relationships are peripheral. In what way then can fragments of wild nature be

valued in a cultural or a historical perspective? In a similar vein, what of posited educational and aesthetic values in exposure to the "primitive" world? Obviously nature study has little relevance to daily living with its social problems in towns and cities.

Conclusion

Although there is some truth in all the arguments for preservation, they suffer from the weakness inherent in utilitarianism. That weakness stems from the comparative nature of utility which, in a society dedicated to resource transformation, put preservation with its "do nothing" stance at a great disadvantage. The tendency to make economists and cost/benefit artists the arbiters of utility is fatal.

The fall-back position, the only wholly defensible position, is the ethical argument. Nature should be preserved because we are of her. The world is one organism of which humanity is a functional part; nature made conscious and therefore a conscience for the world.

The foregoing is a statement of faith, backed to be sure by certain facts. With it goes another faith (with less factual foundation) that a clear enunciation of humanity's place in nature will resonate with and bring to social consciousness the appropriate generous ethical response. If in Loren Eisely's words "Man lies under the spell of a greater and a green enchantment - the spell of the natural world from which he sprang", then perhaps the changed consciousness that ecologists predicted twenty years ago

will flower in the near future.

Why preserve species? For what they symbolize as well as for what they are. Strict preservation of everything that wildlands hold is a powerful symbol of non-utilitarian values, an antidote to crassness, a sign that humility still lives, a signal that not all the world is subjugated to economic values. The fact that there are strong forces for preservation in our society holds out hope that an ethical ecological imperative will indeed inform human institutions and actions soon, before time runs out.

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Text of Conference Presentation:

ENVIRONMENTAL ETHICS AND LAND USE

Panel Three (Part 1)

LAND USE AND POSTERITY:
THE CASE FOR CONSERVATION

William J. Huot
B.C. Heritage Conservation Branch

October 15, 1981
Vancouver, B.C.

When greatgrandfather was a gay young blade, and greatgrandmother was his bride
They found a lot, a perfect little spot, over on the old North Side.
It sloped down to the river, from River Avenue.
Greatgrandma said that it would give her such a lovely view.
So they took a look in Goodie's Ladies Book to see what they could find.
And they found a house - a jolly little house
With a Queen Anne front and a Maryanne behind.

Now greatgrandfather was a handyman who never wasted any time.
He found a crew, who knew just what to do, with white pine, common brick and lime.
He said, "I'll build a big veranda, where Amanda can perch,
And I'll sit there myself on Sunday morning, when everybody else has gone to church."
The neighbors said, "He's crazy in the head. He's surely lost his mind."
But he built that house, that jolly little house
With a Queen Anne front, and a Maryanne behind.

Well greatgrandpa at last was laid to rest, and greatgrandmother at his side.
Old Aunt Amanda said "My land a vacant house I can't abide.
I'll start a ladies' seminary - it will be very select.
Of course it will be very necessary that all my girls be circumspect."
As you may guess it was a big success. The girls were so refined.
In that self-same house, that jolly little house,
With a Queen Anne front and a Maryanne behind.

When Aunt Amanda's work at last was done, and she had gone to her reward
Appeared a sign that bore the line announcing simply "Room and Board."
The old house soon was filled with roomers of every degree.
Red flannel underwear and bloomers hung out for everyone to see.
The old porch stoop had started in to droop. The house looked so resigned.
That self-same house, that jolly little house
With a Queen Anne front, and a Maryanne behind.

The poor old house got to looking worse and worse, and so did River Avenue.
And wooden shacks, across the tracks, spoiled greatgrandma's lovely view.
Then several very pretty ladies moved in there one day.
They were such charming Sues and Sadies, but a wagon came and took them all away.
And one old dame said, "Isn't it a shame. My girls were so refined."
But they closed that house, that jolly little house
With a Queen Anne front and a Maryanne behind.

Queen Anne Front
Bob Schmertz, Architect
Recorded by Pete Seeger

The song needs another verse. What happens to the house now? A happy ending might involve a family moving in - three kids, a dog and a cat. The roof gets mended, the porch replaced, and soon the yard is again littered with hockey sticks and tricycles.

A more realistic final verse for Vancouver would be that a man and woman move in - they may or may not be married. He's an architect; she's a lawyer. (It takes two incomes to be able to afford to buy a house in Vancouver these days.) The house gets restored to its earlier fashionable elegance, but with the addition of a few new stained-glass windows and a hot tub.

But the most realistic final verse, for most cities in Canada, would be for the house to be bulldozed. Then, after several years as a parking lot, a new and not-too-well constructed apartment building or townhouse complex is erected in its place.

I have been asked to speak on "What is so important about preserving old buildings?" Some old buildings are more important than others. Every community has a relatively few landmark buildings which are unique or notable for having special architectural or historical significance. An example would be the Marine Building here in Vancouver. It is one of the finest Art Deco buildings in the world. It is one of this Province's greatest works of art. It is an accomplishment of our society, and one of which we should be quite proud.

Another building with outstanding heritage importance, although for its historic rather than architectural merits, would be a representative of the few remaining shacks from the Japaneses internment camps of the Second World War. Such a building does not represent a part of our past ~~of us~~ of which we are proud. It is ~~something~~ a part of our heritage that we find easy to forget; but something we should remember.

The Marine Building stands as a reminder of what our society is capable of ~~producing~~ accomplishing. The New Denver internment shack also stands as a reminder of what our society is capable of doing.

In this talk, I will not be primarily focusing on the need to preserve these important buildings. Our land-use decision-making process basically runs on "automatic pilot" with the ocassional "manual over-ride" by politicians. I am primarily concerned about the workings of the "automatic pilot". The heritage conservation movement may not be very strong politically, but it does have enough clout to attract the attention of politicians when important heritage buildings are threatened. The heritage conservation movement will always "win some and lose some" of these important buildings. Many poor choices will be made, but at least society's representatives will give some consideration to both sides of the question - what we stand to gain and what we stand to lose. Those communities, which want to retain their outstanding heritage buildings, have the tools to do so, and will do so with some prodding. I am more concerned about the many structurally sound, useable, attractive but undistinguished buildings which are being destroyed because of government ~~regulations~~ policies which actively encourage their demolition. The "automatic pilot" is set to destroy our past.

Buildings, like wild animals, exist in a "survival of the fittest" world. But fitness is not just determined by factors of engineering such as costs of operation and maintenance, buildings' structural stability, or their usefulness in today's changing world.

Fitness is influenced by a climate of government regulation and taxation which encourages re-development and new construction, and discourages re-habilitation. Most older buildings are private property. These buildings are rarely threatened by insensitive owners who would enjoy seeing their cornices and gables knocked to the ground. Most owners appreciate their old buildings -- they tend to be well-constructed, attractive and "likable." It is amazing that buildings built before telephones, electric lighting, central heating, automobiles, let alone our current energy crisis, can be eminently useable for the 1980s. Buildings are built for durability and flexibility of use. They tend to be able to adapt to changing needs. A well-made Canadian building should have a physical life expectancy of 100, 200, even 300 years.

However, to a property owner, a building is not just a building; it is an investment. Property management decisions are based on all of the economic factors involved.

Our income tax laws provide more favourable treatment to an owner who demolishes a building than if he were to donate it to a charitable institution. Income tax laws provide much better treatment for writing off capital costs of new construction than for building rehabilitation. The MURB tax shelter and rent-control laws which apply to old but not new buildings, both encourage construction of new apartment buildings rather than rehabilitating dilapidated ones.

Many older areas have been purposely zoned to more profitable uses in order to invite higher-density redevelopment. Often, this is a hold-over in the zoning regulations from our 1960s

infatuation with urban renewal. Other times it is based on the belief that the newer buildings will increase the municipality's tax base. But with current real estate prices reflecting people's appreciation of the heritage character of many older areas, these are no longer the run-down "incipient slums" that they were once thought to be. Yet much community planning still tends to treat all older areas as a form of urban blight which should be eliminated.

Property taxes on land are based on a site's potential for re-development, not on the value of its existing use. So the owner who keeps an old building in use on a site which is zoned to allow re-development pays a tax penalty for doing so.

If, in spite of all this, an owner seeks to make improvements to an older building, he will quickly find that the Building and Fire Codes actively discourage him from doing so. If a building is to be upgraded or if its use changes, it must be brought up to the full Code standards, which are based upon the level of safety which is expected in a brand new building. It is the equivalent of not allowing the owner of an older car to get his engine overhauled unless he also restores the rest of the car to "as new" condition. Not being "up to Code" does not mean that a building is necessarily unsafe -- it just means that it does not meet the rules which have been set for new buildings in Canada.

The lower mainland may have a housing shortage, but not necessarily a building shortage. I would estimate that there is over 4 million square feet of vacant building space in the City of Vancouver alone. Much of this is not being used because it cannot economically be brought up to Code standards. If only half of this space could be made habitable, it could provide homes for about 2000 families. Most of this would inherently be low cost

housing; none of it would require a government subsidy.

Our Building Codes have set a high minimum standard for Canadian buildings. But this makes housing more expensive. I believe that the new buildings which we build in this generation -- which we will pass on to our children and grandchildren -- should be as safe as we can reasonably expect to make them. But should we reject the useable buildings that our parents and grandparents made for us because they do not measure up to our current building technology? And to what extent should we be ruling out inexpensive housing, to provide "safe" housing?

In Ecomomics 101 I was taught to think of buildings as a form of capital investment. They are a part of the wealth of our nation, not just the property of individual owners. We are a capital-short country -- many of our economic problems are caused by our dependence on foreign capital markets for new investments. One would expect that we would want to get maximum use out of the capital that we do have. Our policies at all levels of government should encourage, not discourage, the rehabilitation of useable old buildings.

While so far this has basically been a pitch for new government policies, I have also started to answer the question "What is so important about preserving old buildings". These buildings are our capital, and it is important to us to use our capital efficiently. A similar but slightly different argument, also based on economic efficiency, is that we should be using our natural resources wisely.

Heritage conservation is a conservation movement. One cannot see a useable building being demolished without being aware of the waste. It takes more than labor and skills to create a building -- it also takes raw materials and energy.

Lumber is not just wood (a precious enough natural resource in itself). But energy resources are used up to cut the trees, to transport it to the construction site, and to put the pieces together into something we call a building. A similar expenditure of raw materials and energy is made for every other material that goes into a building -- concrete, bricks, linoleum, plaster, roofing material, window glass, everything. An existing building is a use of this energy and these raw materials. A demolished building is rubble; and it takes more energy to remove it from the site, and another expenditure of energy and raw materials to replace what was just destroyed.

A number of recent studies have been done which demonstrate that building rehabilitation is generally (not always, but generally) more energy and material efficient than redevelopment. A major U.S. government study indicates that rehabilitation can be up to five times more efficient over the estimated lifespan of the building. If the prices of new energy and raw materials were not purposely held below replacement cost, there is little question but that we would be seeing far less new construction, and far more building rehabilitation.

New construction techniques minimize the use of labor, both on-site and in the fabrication of building materials. Rehabilitation, on the other hand, is labor intensive. Much of the cost of new construction goes to buying pre-finished materials, usually from outside of the Province -- glass, steel and plastic are not strong B.C. industries. In building rehabilitation, most of the cost is in on-site labor using materials which, for the most part, are supplied by this Province's manufacturing industry. Therefore, the impact on our local economy from money spend on building rehabilitation is much greater than from spending comparable amounts on new construction. From an economic perspective, it is just as valuable to find ways to keep money from leaving our Province, to be recirculated in our communities creating jobs, as it is to attract new money to our Province by building new industries or selling our material resources.

Building rehabilitation not only creates more jobs than new construction, it creates better jobs. New buildings are designed to simplify the construction process. Essentially, most new construction involves assembling pre-fabricated components with a minimum of shaping and fitting. This is efficient building design, but it does not present a very challenging or creative task to the tradesmen. New techniques have brought to the construction trades the same repetative and unchallenging routine which characterize the assembly line. After 20 years on the job, a drywaller or carpenter may not have 20 years of experience, but have one year of experience 20 years over.

Building rehabilitation, on the other hand, inherently involves problem-solving and the challenge of "how to do it?" not only from the architects and engineers, but from every tradesman on the job. Each building presents a new set of problems; each day a challenge to one's

creative abilities. This is the kind of work which can restore to the construction trades, a pride based on a person's skill as a craftsman rather than a pride which is based on how much he/she is paid.

Being in the heritage conservation business, I have had some opportunity to consider the value of our heritage buildings. I find that I would be very uncomfortable answering the question "What is so important about preserving old buildings?" with an argument which is based solely on economic efficiency.

As with each of us, my perspective and my biases are shaped by my experiences. I can claim some expertise in two disciplines -- economics and urban planning. In both disciplines, twenty years ago we were confident that we knew enough about the dynamics of human society that government policies could be based upon our models. In both, twenty years ago we were wrong.

The shortcomings of Keynsian economics have become obvious. New approaches -- "voodoo economics" -- are now being tried in Britain and the U.S. in a desperate attempt to repair the damage of years of economic policies which did not work. And in urban planning, twenty years ago we had confidence that the social problems of the slums could be alleviated by urban renewal. We believed that the poor would be better off if they were removed from their older, dilapidated established neighbourhoods, and put in new, high-density housing. The large, expensive social housing programs of the 1960's which were built all across North America, many of which were widely acclaimed as being well-designed according to the criteria of their day, have proven to be dismal failures.

Thus, in both of my professions, the government policies and programs that were based on our claims to understanding of twenty years ago seem to have brought more harm than good to many peoples' lives. We know more now, but do we really understand how our economic system works? How our cities work?

During World War II the British Houses of Parliament sustained considerable damage through enemy bombing. After the war, when they were to be repaired and renovated, it was suggested that the Chamber of Commons be enlarged, furnished with desks, and generally made to be a more comfortable meeting place. Winston Churchill argued that any changes in the hall would result in changes in style and decision making effectiveness of the commons. He did not know what these changes would be, but he argued that Parliament was too important an institution to experiment with. One statement he made on this matter is still widely quoted, "We shape our buildings, and afterwards our buildings shape us". (repeat) The Prime Minister was persuasive, and the chamber was rebuilt as it had been before the bombing.

I am convinced that we still do not understand how our cities work. We still do not understand what ingredients are essential for over a million poeple to live together, at densities of 100 and more people per acre, and still retain what we value in our Canadian culture. We do not know what elements of our physical environment are important to our social stability; to our identy; or to our aspirations and our dreams. Therefore, we are not able to assess, when changes are made in our urban physical environment, what social changes will result.

I can only suspect, not prove, that old buildings are among those things that are important to our culture. Over several generations our communities have grown and adapted to changes in technology, tastes and

land-use needs. This evolutionary nature of our urban development has left us a legacy of diversity. Our society has changed rapidly over the past 100 years; so have our building functions and architectural styles. Buildings, for the most part, have tended to outlast their makers. Therefore, we can still experience bits and pieces of the environments made by our parents, our grandparents and our great-grandparents. We have a record, before our eyes every day, of the development of our communities and of our culture. We have a constant reminder that we are not the only generation: We benefit from the achievements of our forebearers, and the consequences of our actions -- the good and the bad -- will be around long after we are gone. I believe that these factors are important, whether we are aware of it or not, in shaping who we are and what we believe.

I am not suggesting that there should be a redevelopment freeze until we understand the relationship between our culture and our environment. I suspect we never will understand, and I rather hope that we never will. For better or worse, our culture is linked to our environemnt. As our technology and our society continues to change, our cities must adapt. And as our environment changes, our culture will change. It has always been this way. But in the past environmental changes have been evolutionary, in response to society's changing needs. Now the environmental changes come first, expedited by government policies which are based neither on economic efficiency nor an understanding of the social changes which they will bring about.

Finally, I come to what I believe is the best reason as to why it is so important to preserve our old buildings. Unfortunately, it is the one upon which I am least qualified to speak. I am comfortable arguing economic efficiency -- better use of our limited capital, our natural

resources and our human resources. I am in my area of expertise when I suggest that building rehabilitation can contribute to an economic strategy to keep money from leaving our regional economy. And I can speak with considerable familiarity when I build a case based on ignorance -- our shared ignorance of the importance of old buildings to the survival of important cultural values.

Eight years of post-secondary education in the social services has not eliminated my emotional response to that which I study, but it has inhibited my ability to understand these responses, to analyze them, and to articulate why they may be important.

The fact is, I like old buildings. Other people I talk to like old buildings. I suspect that just about everybody likes old buildings. They give character to our communities. They are attractive -- built with a sense of proportion, complexity and human scale that we find pleasing. They communicate a sense of warmth and invitation. They are the product of an earlier generation, and show us a sense of individuality and craftsmanship and communicate a value system which we may never see again.

We feel at home in familiar surroundings. Familiarity does not breed contempt -- it breeds more familiarity. Buildings gain something with age (aside from cracked plaster and peeling paint) a richness which cannot be seen or measured. Buildings are anchor points for our memories. A walk among the structures that housed our past awakens our emotions; a movie theater with lingering ghosts of Saturday matinees and first dates; grandma and grandpa's house; the corner gas station when 29 cents once bought a gallon instead of a litre; and the railroad station where so many goodbyes have been said. These are not necessarily important buildings -- but the community would be a poorer place without them.

Nostalgia is not a cheap emotion. We pay a heavy price for our fond memories.

I enjoy driving through the older residential areas around Victoria -- Oak Bay and Fairfield. They are not so much a part of my memories, as of my dreams. I know that I will probably never be able to afford to buy any of the handsome old homes that I admire. But my dreams stay alive while the buildings still stand. They are an important part of my community.

Cities work on two scales. First, there are the practical systems -- those factors which can be objectively studied and analysed. This is the side of the city which planners are trained to understand and to improve upon. This objective reality of the city is important if it is to thrive and survive.

Cities also have a subjective reality -- how we respond to a city -- how we feel in it. This side of how a city works has little relationship to how efficiently it is laid out, or how its services function. The "livability" of a city is not only determined by its efficiency.

Planners such as myself, are taught to bring objectivity to our land-use decision-making process. But I can think of nothing more important than preserving that which we like about our communities. In the words of Lewis Mumford: "All sacrifices that have helped bring the city into existence come to nothing if the life that the city makes possible is not its own reward. Neither augmented power nor unlimited material wealth can atone for a day that lacks a glimpse of beauty, a flash of joy, a quickening and sharing of fellowship."

Not all of the old buildings can be saved, or should be saved. Buildings, like people, eventually come to an end of their days of usefulness. But we do not need to hurry their demise.

When future generations look back at us, what will their judgement be? A dark age which destroyed the accomplishments of earlier generations, and replaced their works with buildings which even we must admit are for the most part shoddy and unattractive? Or perhaps, a generation of simple humans, intoxicated by the power created by a technology and government structures which grew faster than our ability to control them. However they view us, they are likely to regret all that is lost during our period of stewardship over our communities.

This conference is not yet over, but I suspect that most of us will leave here with less, rather than more confidence in our present land-use decision-making processes. We are clearly a long way from understanding what we want as a society. Yet, we face immediate problems -- immediate opportunities -- and decisions which cannot wait until we have sorted our our values and objectives.

Since we do not know what it is we want our cities to be, nor do we really understand how our cities work, our ability to analyze our way to a solution is hampered. We must use our judgement, wisdom and our hearts in shaping the future of our communities. And we should be looking not just at how we can accommodate new development, but at how we can make the best use of what we have.

Foxhole Philosophy

A Planner's Notes on Land-Use Policy, Economics and Rights

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Environmental Ethics and Land Use Conference
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I am morally bound to acknowledge the assistance of Ted Sebastian in preparing these notes.

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Economics and Rights

Introduction

It is indeed an honour to be asked to participate in this opening panel. Having had a hand in planning this conference, I have more than an average interest in seeing it is a success.

I am in distinguished company in having a philosopher and an economist as co-panelists. The philosopher is in an enviable position. His discipline goes back thousands of years. He is concerned with fundamental truths. It could be said he knows better than anyone where the world should go. The economist is also in an advantageous position. His discipline is younger but it is robust and influential. He knows where the world will go ... in the long term and given certain assumptions.

The planner is more of a pragmatist. He decides where it does go. We have a hand in land use regulations that determine the distribution of urban activities. Our discipline doesn't have a solid and imposing theoretical foundation. We are civil servants and arbiters rather than academics.

At the end of a very bad week, one of my colleagues characterized a planner as a foot-soldier in a small fox-hole midway between two well established and heavily armed trenches. One trench is manned by developers and the other by the public. Even under normal circumstances there's a lot of fire exchanged between the two lines. It gets worse whenever the planner, for whatever motivation, crawls out of his fox-hole. If he starts crawling toward the developers' trenches, the public thinks he's taking sides and start shooting. Some of the developers remember something a different planner on a different front did to them once and out of a vague feeling of hostility they start shooting too. Of course, if the planner crawls toward the public trench (not trough), the developers shart shooting. Under these conditions it's hard to do your job of making sure nobody gets hurt while the two sides are brought together. Whenever the planner tries to get down in the foxhole to collect his thoughts, the politicians who share the foxhole kick him in the butt and order him to quit lazing around wasting time and money and to get out there and do his job.

That's an exaggerated and pessimistic view of a planner's job but it might help to explain the approach I've adopted for this workshop. I think trench warfare provides an analogy for the close connection between land-use policy, economics and rights. In my view, land-use policy is one of the bridges between the dictates of the economic marketplace and the bundles of individual and collective rights we share. As such, land-use policy is a form of regulation. A regulation is a result of a political decision; it is backed by sanctions and is expected to generate a benefit. Our society invents regulations whenever an issue cannot be resolved in the general sense and therefore must be arbitrated in specific cases. Before starting to address the questions this panel was asked to consider I'd like to elaborate a bit more on the context of land use regulation:

- First, regulation is only one form of government intervention in the market. Government provides services which are not or are poorly supplied by the private sector. It offers incentives and disincentives to actors within the market. The argument about government involvement in the market must then look well beyond direct regulatory mechanisms.

- Regulations are seldom considered to be acceptable by any group. The actors regulated are obviously unhappy with the limitation placed on their actions, the civil service often considers the administration of regulation a chore and few interest groups consider regulations to be tough enough.

- It is not a pleasure to formulate or enforce regulations. This is especially true for land use regulations since so many small owners are affected. The quest is always for the least onerous but most effective regulation possible. Planners recommend new regulations reluctantly, not with the chortle of glee often imagined by people in the private sector.

If it's true that nobody is perfectly happy with regulations and civil servants are reluctant to impose them, it's reasonable to ask why are there so may regulations spelling out in so much detail what is allowed. My basic premise is that the more complex

a society the more complex the regulations affecting the behaviour of its members. Hence, we had few regulations before our economic system became sufficiently powerful and complex to threaten the natural environment, the public interest or individual rights. It seems there are two philosophical foundations for regulatory action:

The first is mutual coercion, mutually agreed upon put forward by Garret Hadrin in his famous essay "Tragedy of the Commons." He paints a vivid picture of the situation in which individuals maximizing their personal short-term gains destroy the natural resource on which their survival is dependent. The solution is for all of them to agree to a regulation which will limit their total utilization of the resource. The principal of mutual coercion extends to other areas: when there were only two cars on the road the drivers could look after themselves. Now we have a complex system of traffic laws, one way streets, etc. that frustrates everyone a little but is accepted by most people as worthwhile and functional. In this example and in situations where a common resource is harvested, regulation is accepted by almost everybody almost all the time.

The second foundation for regulation is the correction of "market imperfections." When the pricing system operates without cost and parties are willing and able to negotiate, the market allocates resources efficiently in the long-run. When there are catches in the pricing system, where parties do not have equal negotiating strength or where short run impacts or distributions are inequitable, regulation is often a response. The volume of regulations will increase as more goods are produced, as the discrepancy between the economic power of the individual and the firm grows and as the awareness of externalities increases.

In discussing land use regulation we must keep in mind that it shares all aspects of regulation in general. It is not loved by developers, administrators or, in many cases, the general public. Like most forms of regulation, land use controls have become increasingly complex. And, they gain their legitimacy from a mutual agreement to restrain behaviour and desire to minimize the negative impacts of land uses.

With this background, let me address myself in point form to the questions set for the panel.

Is there a basic moral right to "decent" environment?

- Morality is defined by society in response to a given set of social, cultural and environmental circumstances.

- Most traditional societies depended on a "decent" (ie. productive and non-toxic) environment for survival, but they lacked the power to destroy the environment so regarded it with awe and respect.

- Even the industrial era had a concept of environmental rights in that common law includes the right to be free of damage from uses of your neighbour's property. But the environment was considered limitless in its capacity to absorb waste.

- We are still adjusting to the realization, 20 years ago or so, that we now have the power to severely damage if not utterly destroy our global environment and mankind with it. This has brought us round full circle to the traditional view of man as the moral link in a sacred chain.

- We do have a right - increasingly recognized at law - to a decent environment in the sense of clean air, water and soil. But individually we still may take actions which pollute - driving cars and flushing toilets. Unlike other moral questions, environmental morality allows me as an individual to be a bit of a polluter, whereas I could not be a bit of a murderer or a bit of a virgin.

If so, what parameters are involved and what counts as a minimum level of decency?

- This is established by society. Right now, I'd say our society believes we have a moral right to air and water of defined minimum quality. Personally, I would like to see a minimum level of soil cleanliness added to the list.

- The standard on which the minimum levels are based should be such that prolonged exposure to air, water or soil does not lead to ill-health.

- To this basic "sticker price" model of a decent environment could be added a great many extras which would be optional at extra cost. Many are associated with the built environment and are discussed below.

How would such a right impact on land-use policy?

- Only indirectly in most cases, because land-use policy deals with the distribution and form of land use, not its environmental externalities.

- Land-use policy can, however, be used to reduce negative environmental impacts by separating incompatible uses such as heavy manufacturing plants and residential areas, and it can also help protect environmentally sensitive areas such as ground water recharge areas and wildlife habitat. But the environmental values involved here go far beyond the basic set I outlined earlier; the protection of basic values must rely on more direct forms of regulation.

Do we have a moral claim to raising a family in one's own urban single-family dwelling with a fenced backyard?

- I don't think our moral claim goes this far, although with only modest stretching of the words "urban" and "yard" we could be said to enjoy this option. We do not guarantee it in a particular city or province or at an acceptable cost, however.

- Land-use controls can provide only necessary conditions for the achievement of ths option; the sufficient conditions lie beyond their scope.

- Whether we have a moral claim to this option or not, it is obviously a strong preference for many people and it enjoys underspread public policy support through such things as the capital gains tax exemption for single family homes. There are some important trade-offs here which we might get back to during the discussion.

When would any such claim be overridden by the need to preserve the prime agricultural land surrounding many of our urban centres?

- I don't like the assumed "either - or" dichotomy behind this question. Greater Vancouver is the most land-short urban region in Canada, yet we have 20,000 acres of vacant land zoned for urban uses, (Table 1), which is enough for 10 years of building new single family houses. There's lots more land in urban reserves in the GVRD and up the valley, all of it outside the Agricultural Land Reserve.

- The question also raises the implication that agricultural land protection can only be achieved at the price of very high prices for single-family housing. But there is no shortage of buildable land now, and the introduction of the Agricultural Land Reserve in 1973 was followed by five years of relative stability in house prices.

- Basically, the erosion of agricultural land is a form of the tragedy of the commons on a global scale.

- The usual allocation mechanism - the market - can't take full account of spatial and political dimensions and long-term consequences. The capacity to grow food is not evenly distributed on a global scale and we know that our growing population, increasing food transportation costs and diminishing potential food imports will force us to make a moral decision to protect our agricultural land.

- In almost any one's hierarchy of rights, I think the right to an adequate diet would rank above the urban single-family house with a fenced yard.

TABLE 1

LAND USE AND LAND AVAILABILITY
GVRD, CFVRD, DARD - 1980

Regional District	(acres) Vacant Land			(acres) Farm Land
	Designated			
	URBAN	URBAN-2	URBAN RESERVE	AGRICULTURAL
Belcarra	50			
Burnaby	1880			670
Coquitlam	3290		1960	1950
Delta	1100			26150
New Westminster	270			
North Vancouver City	340			
North Vancouver Dist.	2240		1300	
Port Coquitlam	730			2160
Port Moody	1200			
Richmond	980			15020
Surrey	3050	16700	800	25750
Vancouver	910			740
West Vancouver	2790			
White Rock	50			
Electoral Areas	440		720	1460
GVRD TOTAL	19240	16700	4780	73900
Dewdney-Alouette Regional District	3872	-	8050	52868
Regional District of Fraser Cheam	1463	-	1024	133425
TOTAL	25175	16700	13854	260193

How would a morally-sensitive land-use policy impact on the economy?

- The Economic Council of Canada considered this question in their recent report on regulation,[1] and concluded as follows:

> "Urban growth in every province has been marked by regulations designed to conserve aesthetic and qualitative elements. Generally there has been little debate about the objectives or the results; rather, criticisms have centred on the process itself and the consequent higher costs of serviced land. To these complications have been added the further delays of public hearings and interaction with community associations. The Council considered whether municipalities ought to adopt formal time limits for their planners to approve or reject completed development plans submitted by developers, with the presumption clearly in the developer's favour. The process, however, would clearly be so complex - involving a series of submissions to several levels of government along with adequate opportunities for public intervention - that we adandoned the idea. At any rate we would expect that, for the sake of working efficiency, municipal and provincial land-use regulators would adhere to schedules wherever possible. Beyond that, it is not at all clear where the balance of efficiency lies. It is certainly true that the delays in meeting and obtaining approvals have hurt some individual contractors and developers. And it is probably true that the standards of land use and building construction in most parts of Canada are considerably higher, and somewhat more costly, than might have been the case in a less regulated situation."

The nub of this argument is that the principal problem with land-use policy is not that it is out of sync with the moral views of society, but that the process of applying it leads to unecessary and inequitable frictional costs. The Council's inability to come up with positive solutions places it in the same predicament as a good many inquiries and task forces which have attempted the same thing. I put it to you that most development approvals go through with a minimum of delay in most

[1] Reforming Regulation. Economic Council of Canada, Ottawa, 1981, p. 130.

municipalities. The ones that are delayed usually require the resolution of some issue which the regulations may be well or poorly equipped to deal with. While such cases may cause hardship, they are part of the reason we have regulations in order to arbitrate in specifics what cannot be resolved in generalities.

- There is no question that citizens want to protect their neighbourhoods from encroachment. In these circumstances, all the people I've talked to would put the regulatory bird-in-the-hand well above the theoretical two-birds-in-the-bush of increased economic efficiency with less regulation.

How can the private land market be sensitive to such factors and still function effectively?

- The existence of land-use regulation indicates that society does not think the private market can maintain such sensitivity without help.

- The market seems to function quite well in a regulated environment. We have high-quality well-built communities and the costs of this accommodation in real terms have not accelerated significantly.

- This is not to say that the distribution of housing, for example, is optimal. The urban land market is undoubtedly distorted by the tax system, by the way in which development costs are paid, and by zoning. But the private market seems to function effectively within this framework.

How can the distorting effects be overcome of speculation in the land market due to the uncertainties of public zoning and private land banking?

- Public planning and zoning should provide a source of certainty rather than uncertainty. While a certain evolution in zoning is often desirable, this should be within the context of a plan which provides a long-term shape to such decisions.

- Private land banking is a natural function of the market rather than a distortion.

Conclusion

We can never expect every one to be satisfied with any system of land-use policy which attempts to bridge the gap between the marketplace and the rights both of individuals and of the public as a whole. This is particularly true in the complex, fractious society we have in Canada today.

As a practitioner working within the system, my observation is that, while there is always room for improvement, it doesn't do a bad job at a very difficult task. If the Province of British Columbia's proposals for new system of planning legislation ever see the light of day and are implemented, we may well look back with wistful nostalgia on the simplicity of the present arrangements.