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## Common Goods from a Landscape Perspective



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## Landscape as a Common Good

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### Abstract

*The statements pronounced by the European Landscape Convention have pointed out the collective dimension of landscape, namely the active role played by communities and the impact produced by landscape quality on life conditions. The opportunity of enjoying landscape represents almost a fundamental right, and the protection and valorisation of landscape goods acquires an interest higher than the individual and private one. This increasingly leads to the collocation of the term "landscape" with "common good". What are the key concepts contained in the meaning of "common good"? What does landscape imply in order to be conceived as "common good"? The Convention, signed and ratified by countries with different civil and legal systems, does not intend to break up the systems in force, but aims at stressing above all the active role of the populations, as well as the task of the Governments to define general principles, strategies and orientations targeted towards the protection, management and planning of landscape. Consequently, it is very important to inform and sensitize the communities, and make them more responsible. In making decisions on long to medium term programmes, it is important to consider the possible integration of individual interest with collective interest, by working out targets which would follow not only the principles of sustainable development, but also those of ecologic protection, urban quality and natural risks safety. The question at hand implies making common perspectives prevail over individual interests.*

*Keywords: participation, protection, management, planning, sustainability.*

### Premise

The European Landscape Convention (ELC) provides that the denomination of landscape must be extended to "... the entire territory of the Parties..." (art. 2), and has underlined the exigency to promote the protection, management and planning of landscapes (art. 5), recognising the existence of a strong connection between landscape quality and quality of life (Preamble). Surely these three propositions

have significant relevance and precise implications. Again, to give relevance to the perception of people and recognise that the landscape "...is the result of the action and interaction of natural and/or human factors" (art.1) means asserting that landscape plays a role in understanding local cultures and leads us to consider the landscape as a primary identity and nerve-centre in the construction of collective identity. To emphasize the collective dimension of landscape and to consider that *to be able to enjoy/to relate to* a good quality territory as a fundamental condition for populations to have a good quality of life, means asserting that it is the right of every person to have the possibility to enjoy the landscape and, if possible, a quality landscape.

These propositions are enough to explain why today, ever more frequently, there is the need to bind the term landscape with "common good". But what does all of that mean and involve?

It is very difficult to define the expression "common good", because it can assume different meanings. It comprises two terms: "good", as a mix of desired and wished things; "common", probably from the Latin expression "*cum munus*", as a task made together, and accomplished together. However it is evident that this doesn't explain the two terms enough and, overall, how the expression could be understood and what it really involves when for example we make reference to landscape.

The multiform crisis that currently grips the modern world leads us to think that there aren't goods that could be reached by everyone but, at most, which could be realised only with other people, or through a limitation of the individual interests respecting the social link with others. Therefore common good isn't simply a material or immaterial common heritage, something owned by many people. It isn't an ensemble of social goods, or the collection of people's rights: all these are characteristics that could belong to the common good, but

they don't form it. Moreover, this expression could refer to a combination of life conditions of society that further welfare and the human progress of all citizens. In general common goods concern resources without access restrictions which are out of the market. Indeed the problem is that they are "non excludable" goods for which we usually think it isn't possible to impose a price.

### *The notion of landscape*

The Convention, referring to landscape, includes the entire territory and states that it is the task of "the competent public authorities" to define "... general principles, strategies and guidelines that permit the adoption of specific measures aimed at the protection, the management and the planning of landscapes". Therefore, the idea to make all people responsible seems evident, according to their competences and potential, without affecting current juridical systems.

The Convention pays attention to the relevance of the population, how it perceives the territory and fits in it by its actions and interactions with the natural system, and to the possible active role that it could/must play in the decisions/actions that concern its own landscape. It is in this sense that the meaning of common good appears suitable to landscape and it surely doesn't appear to me that this underlines the postponement of a collection of real rights. Namely, the Convention doesn't make reference to the population's perception that necessarily requests possibilities for human benefit or direct actions on a portion of a territory. Instead it specifies a better meaning attached to the term landscape, and tries to highlight the pertinent concept. This was more necessary because the term, over time, has had very subjective approaches, also if the forms of protection, at an international level, were very articulated and developed.

To recognise the cultural, natural and social value of landscape leads us to perceive the impending threats towards it, in their totality, which risk endangering it irreparably. To consider the landscape as an integrant part of the social, economic and cultural system leads us rather to underline the importance of carrying out methodologies and actions to ensure the protection, management and planning of landscape, and indeed gives relevance to the important task which the competent public authorities must undertake.

Although the different legal systems may produce a range of complex scenarios related to territorial policies, the definition of measures for protection, management and planning should not lead to the determination of real rights and consequently to particular conflicts and critical situations.

The idea of "good" in a legal meaning, being different from the economic one, includes all the goods legally protected, namely those targeted to meet the needs and requirements of human beings. According to the art. 810 of the Italian Civil Code "goods are the things that fall within the rights", namely those things that man is interested in taking possession of. Thus there would be a crucial interdependence between "good" and the concept of ownership. Consequently it could be stated that there could be things assessed on a legal level that don't deserve to be protected, for which there is no interest in establishing a property relationship, but landscape, according to the European Convention in force, should not be included in the above-said category. Indeed, according to the Code, there are things that are not included in tangible property rights. Art. 810 states that the legal definition of "good" is different from the naturalistic concept of "thing". Namely there can exist things that are not legal goods, since they are not subject to man's power, even if there could exist legal goods regarding intangible goods as well.

Undoubtedly the question needs to be tackled and not only in the domain of landscape. This is



the reason why in Italy a legislative decree bill, for amending Chapter II of Title I of the 3<sup>rd</sup> Book of the Civil Code and other parts, was proposed by the Rodotà Commission in 2007. Apart from the formal introduction of a new category of goods (common goods) besides the categories of “public goods” and “private goods”, it was specified that “... Common goods are to be protected and safeguarded by law, also for the benefit of future generations. The owners of the common goods can be public or private legal entities. In any case the collective use of these goods is to be guaranteed, in the limits and modalities fixed by law...” and “protected landscapes” fall within common goods. Obviously the problem could also be considered from the more general point of view, that of landscape.

Therefore, according to Settis (2013), we could state that we should be able to consider landscape, and the need for landscape as a common good, not only from an aesthetic point of view, but from also:

- *philosophical*, because it deals with nature,
- *historical*, because it deals with the collective memory,
- *ethical*, because it deals with our behaviours,
- *social*, because it deals with the idea of citizenship.

### *Policies for landscape*

The above-made assumptions, which have not been stressed in order to eliminate the present apparatus, lead us to investigate the possible critical situations and conflicts, and how it could be possible to reconcile the legal applications with the concept of landscape introduced by the Convention, as well as to point out the requirements deriving from landscape protection, management and planning hoped for by the Convention.

Probably, on the one hand, it is a question of defining complex systems of protection, en-

abling the institutional subjects to subordinate the particular interests to collective perspectives, and on the other hand, of reconsidering and defining new tools to meet the needs of the established concepts and new requirements.

As is expressed in the “Manifesto per il Paesaggio Campano”, but surely always valid, “... *as regards the cultural and economic value it carries for the community, the protection and valorisation of landscape considered as an asset constitutes an interest greater than that of the individual and of the private sector, whose interests moreover should be restricted when they threaten its integrity, nature, use and valorisation. Recognising landscape as a common good, allows for the potentiality of designing a plan which not only is a regulatory character, with specific prescriptions and which limits the rights of private property relative to its use and permitted developments, but it is also a plan of action and management, supported by a recognition of the value of landscape and the sharing of its importance through cultural and everyday reading*” (point 5).

However, I think that what has happened to the new paradigm of sustainable development in the last few decades should have shown the importance of making people aware of and responsible for the question. As it is impossible to implement sustainable development policies without involving the communities in sharing determined concepts and behaviours, *mutatis mutandis* the same consideration should be applied to landscape.

Already in 1974 Turri in the introduction of his book “Antropologia del Paesaggio”, showing a cutting-edge concept of landscape in relation to his time, pointed out the inability of the contemporary world to understand the landscape. Affirming that landscape reflects society and that in the landscape the society realizes itself, he stressed the importance of knowing it and setting up adequate means and codes. He gave landscape its own value, as an expres-

sion of the relationship of the reciprocal and real relations between nature and mankind. Observing the low interest in landscape, Turri had hoped that all people learn "...to look at it with interest..."; "...to see and understand that everything is organized, everything has its order, nature and man".

After many experiences that were more or less negative, I believe that today this call – surely ignored – should be repeated and that, besides an action targeted to spread the knowledge of landscape, it is necessary to set up modalities of informing the communities, making them aware of and responsible for the importance that high quality landscape can have and the impact produced by some behaviours and actions, but also by abandonment or indifference. It is in this way that an important action of training/education –in the wider meaning of the term- has not yet been done. Indeed, it is not only a question of technical training, but of training involving all the community, which should be allowed to know the value and the peculiarities of landscape, to understand the basic role that everyone can play, though unaware, namely the good or bad impact produced by every action.

What has been stated in the ELC is still almost the domain of the insiders, despite the "political measures" (art.6) defined at the time. Nowadays there is a great awareness of the basic role played by communities for a better application of the governing tools over the territory. Therefore awareness-raising should represent a crucial goal, as well as encouraging responsibility. Only a trained community, i.e. a community being aware of its past and present, tends to be projected to the future and could assume responsible behaviours. Only a well-considered and motivated "landscape planning" should lead to define uses and ways of valorisation which reach quality aims according to sustainability, namely actions that don't infringe on individual rights even if they allow common perspectives.

Assuming the strict interdependence between actions carried out by people and landscape, it is easy to understand the importance of protection, management and planning aimed at involving the communities, which undoubtedly will have previously been informed, made aware and been made responsible.

From this point of view the concept of participation, as regards landscape, gains particular values and features. In this case participation no longer means only to deal with "informed subjects", but subjects seen as an "active part". Man, from being considered a simple user (almost with an obsolete predatory mentality) is by now also considered as manager of the goods. Participation is also increasingly seen as a reply to the governability crisis and as a new spur to look for ways of collaboration and interaction between administrators and communities. Obviously, all of this should not become a kind of a general "do-it-yourself", but it asks for the coordination of the fragmented social agents and the awareness of the role played by each component within the general process.

Therefore it is crucial to start an educational action and afterwards set up training projects for those who will be appointed to define and guide the protection, management and planning actions. Indeed, to refer to protection, management and planning of landscape, exactly by virtue of the acknowledgement of landscape as a common good and with the need to follow sustainable principles, the following basic steps are required, such as:

- to interpret the community's feeling towards its own landscape, aiming at finding a kind of aesthetic, ethical and knowledgeable "compromise";
- to harmonize the community's aspirations to the progress, taking into account the landscape peculiarities and identities;
- to integrate the individual interest with the collective one;

- to assemble the participation of the individuals within a communitarian view;
- to make medium-long-term planning choices;
- to work out goals that will be not only in accordance with sustainable development, but also with ecological protection, urban quality and safety from natural hazards (Manifesto per il paesaggio Campano, point 9).

To work for the protection of landscapes should mean doing our best not only to preserve the quality and the peculiarities of a given landscape which the populations assign a great value to, but also to attract attention to those territorial areas that show: "... *the vision, the perception and the character of a community towards the past, the present and the future...*" (point 2).

Landscape management will have to stimulate the knowledge system to define forms of "... *protection, recovery, valorisation and development of the tangible and intangible resources, identifying the cultural values, defining objectives, methods and tools (legal, technical and financial), as well as adequate strategies and actions aimed at improving the quality of the landscape*" (point 13).

Planning, indeed, will work within a complex framework full of questions and duties. Landscape is a "never-ending building site" and in everlasting transformation. Planning landscape requires, on the one hand, reconsidering the idea of space and conceiving again a set of thoughts, actions, duties and participation, and on the other hand, thinking about "... *new urban, technological, architectural and legal tools capable to renegotiating the idea of space and time, as well as place and situ*" (point 6).

It is not always a question of defining and setting up new tools, but first of all of making people aware and responsible. The informed communities are more prone to be recep-

tive, namely able to understand the eventual effects produced by their actions and so to understand their own responsibilities. In fact everybody knows the role played by the community's actions on landscape and how, apart from the effectiveness of the projects, people's behaviour is crucial in the course of time. It is very important, apart from working out plans and tools able to improve the communities' peculiarities and to harmonize the respective expectations, to try to realize consensus over the plan's indications, according to individual and collective interests, namely trying to re-compose and integrate the participation of the individuals within a common point of view.

Therefore, plans should give adequate indications for meeting individual and common needs, on the one hand, while on the other hand, they should aim at encouraging behaviours propelled towards time. It is just in virtue of this new meaning of landscape that the time dimension gains more value and becomes a crucial element of the context and its development.

The acknowledged strict interdependence between landscape quality and quality of life, i.e. the widespread hope to improve quality of life, lets us look to the future with more confidence. When interests of well-being are at stake, in the broader sense, nowadays it is easier to find an agreement and to encourage responsible behaviours.

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