

**Conceiving new urban commons to cope with aging and
depopulating society of Japan in the 21st century
(Preliminary summary)**

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Abstract:

Until the middle of this century Japan has to cope with aging and depopulating nature of society not only in economic and sociological terms but urban and regional space usage terms. As well as vacant houses and rooms are tending conspicuous in the regions nowadays, the same will be true at metropolitan areas more severely in the near future. In terms of coping with aging society more positive creation of urban commons supporting aged people not in mere welfare measure terms but more in social organizational terms should be a challenge. In order to complement this mandate overhauling the present urban institutional systems is a logical option. If these are overhauled, planning/building permits avoiding outright freedom of owners' building will should be set at the local level in conforming to the agreed plan/program upon citizen's consent.

Firstly this paper touches upon the situation in the course of Michael Heller's anticommons, such as coordination failure in the urban high street shopping districts in regional cities in Japan, where renewals are badly needed however, incumbent landowners/shopkeepers do not cooperate together, but only making shuttered streets with numbers of vacant premises is a resulting phenomenon.

One the other hand in this paper the case of Marugame-machi shopping street in the center of Takamatsu city is introduced where at the time of redevelopment the longer term-lease is applied for the purpose of sustaining

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spaces and environment by letting landowners participate the renewal project, then executing the area management with choosing appropriate tenants in cooperation with peer stakeholders for commercial feasibility. Although this endeavor is still rare in Japan, such scheme surely subdues the position of landownership and enhances joint-usage of spaces basing potential urban commons.

Lastly, this paper touches upon the old “Garden City” concept and squeezes insights and policy implications. At the end the need of systemic and institutional overhauls is put and some legal changes are proposed.

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Keywords:

Urban commons, aging and depopulating society, anticommons, coordination failure, term lease, separation of use of spaces from ownership, property-right regime

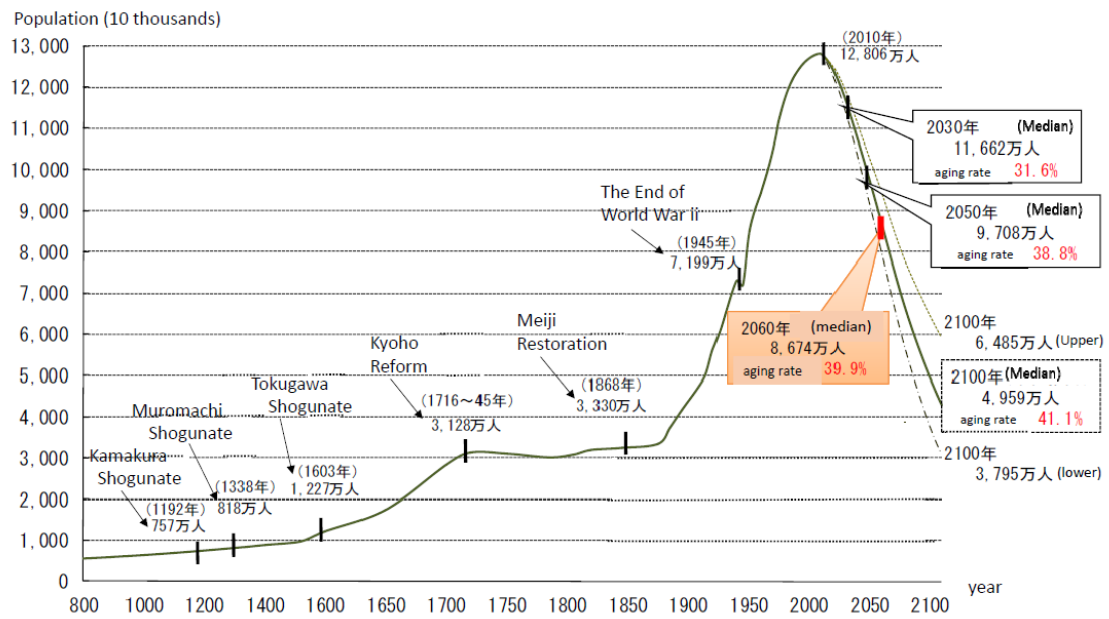
1. Introduction

From year 2010 Japan’s population began to decrease and the country will face squeezing its population by 25% less than the peak at 2050. At the end of this century the population would stand at less than half of a hundred million and in a lower estimated case it would state around one third of the peak. It will be as large as the population of the end of Edo period. (See Exhibit 1-1 and Exhibit 1-2)

Therefore until the middle of this century Japan has to cope with aging and depopulating nature of society not only in economic and sociological condition but in urban and regional space usage terms. As well as vacant houses and rooms are tending conspicuous in the regions nowadays, the same will be true at metropolitan areas more severely in the near future. In terms of coping with aging society more positive creation of urban commons

supporting aged people in addition to generic existing ones should be a challenge. In order to complement this mandate overhauling the present urban institutional systems is a logical option. If these are overhauled, planning/building permits lessening outright freedom of owners' building intention should be set at the local level in conforming to the agreed plan/program upon citizen's consent.

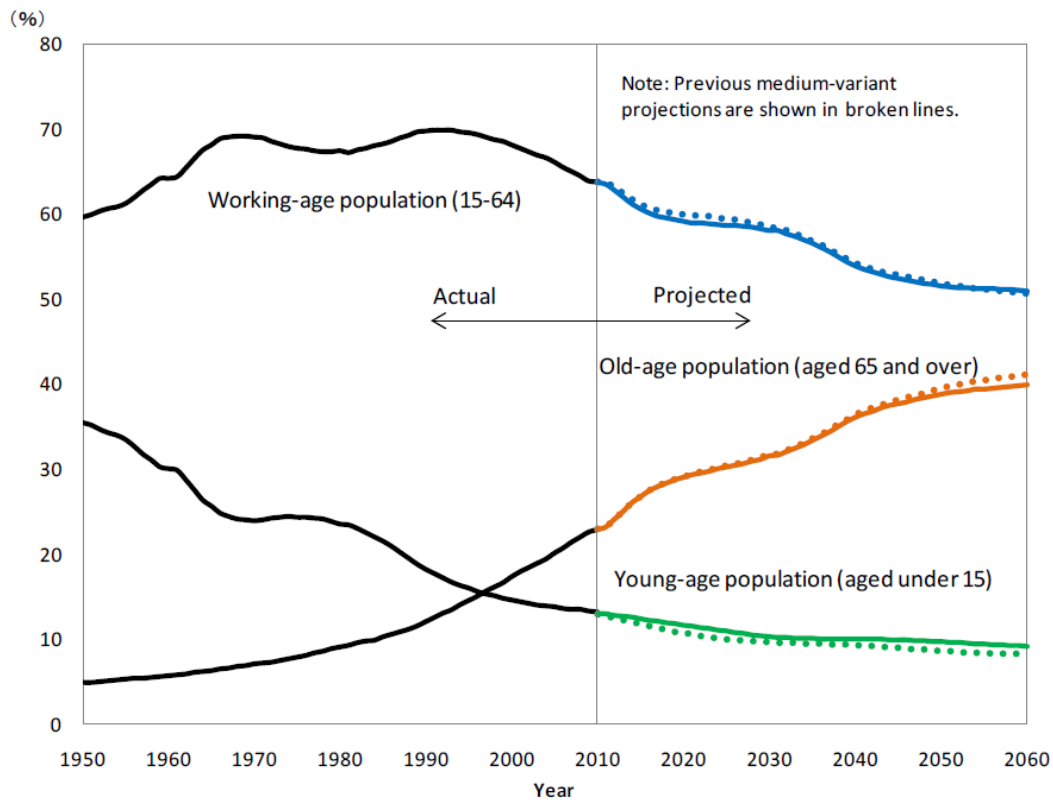
Exhibit 1-1 Past Trend and Long-term Projection of the Population in Japan



(Source) Cabinet Office, Government of Japan (2014)

Exhibit 1-2

Trend and Projection of the Proportion of Three Major Age Groups in Japan



(Source) NIPSSR (2012)

2. New and expecting phenomena

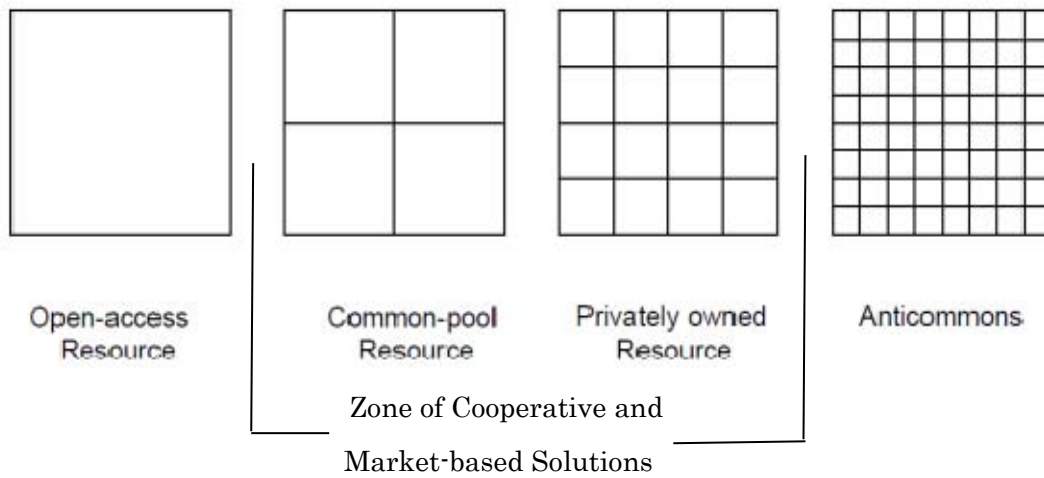
2.1 The tragedy of anticommons

According to Michael Heller's proposition (1998) about anticommons, where multiple owners are each endowed with the right to exclude others from a scarce resource, no one has an effective privilege of use, the resource is prone to underuse --- a tragedy of anticommons. The tragedy of anticommons goes because of a kind of coordination failure, in which a single resource has numerous rights-holders who prevent others from using it, frustrating what would be a socially desirable outcome. It creates a mirror image of the tragedy of the commons. (See Exhibit 2)

Exhibit 2

The full spectrum of property – the tragedies of commons/anticommons -

Heller's classification of Resource/Ownership types in spatial term



(Source) Heller (2008)

2.2 Shuttered high streets in Japan

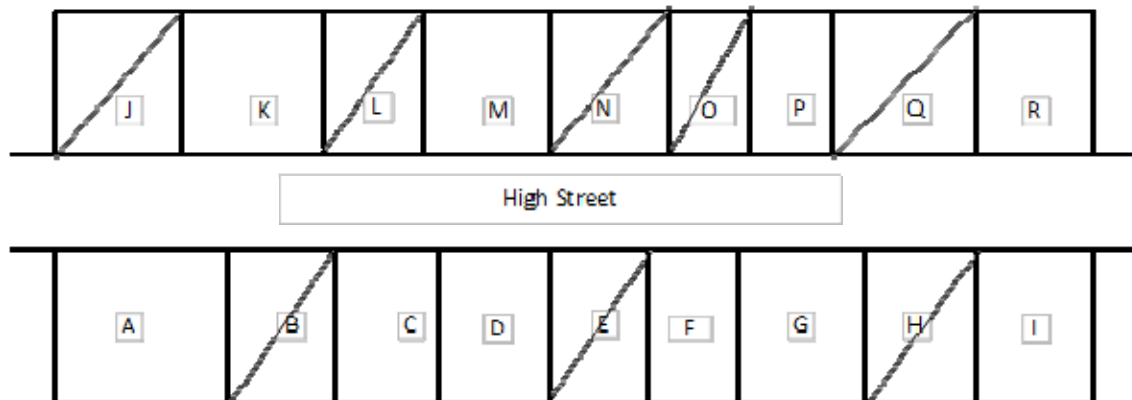
Under the economic downturn and suburban commercial shift, closing of shops in the high street shopping area is rampant for the past 20 years in medium and small cities in Japan. High streets tended to become out of business and retailing activities. So-called “shuttered” streets (See Exhibit 3 and Exhibit 4) are rampant. A kind of the tragedy of anticommons happens due to coordination failure among stakeholders, particularly land owners in the case of trying a redevelopment plan.

Exhibit 3 The scene of shuttered high street in Japan



(Source) A photo of the high street at an anonymous city

Exhibit 4 Diagrammatic plan of shuttered street



(Source) Author's sketched plan

3. Legacy of the past

3.1 Property right regime in Japan

Secured right of absolute property ownership (much idealized) since establishment of the civil code in 1898. Through the post-war high-growth period, clinging attitude of holding lands in the public has been rooted because of continuous appreciation of land prices. Sharp decrease of land prices due to economic downturn from the 1990s and the policy of increasing liquidity of property transactions have made changes in business and society. Introduction of fixed-term leasehold in 1992 has made a great impact on the concept of property holding and management.

However the modern property law system which is technically based on the absolute private ownership was introduced only one and a half century ago, landownership extremism has been exacerbated at the high-growth period after the Second World War. But the term-lease clauses would eventually lead to the relative positioning of the ownership right in the future.

3.2 Structural problems in the post high-growth period in Japan

Urban development in Japan has been executed under the condition of high growth economy with which assumption lasted until 1990s. The task in that

period was to respond to the population growth to support the city lives of increasing population because of agglomeration. Government provided mostly infrastructural improvements. At the same time cities have been flourishing under the private initiatives. In Japan legal frameworks and regulations are still based on the assumptions in the past.

What we need in the urban planning now is to maintain amenity for the urban life responding to the present conditions particularly with dwelling people's participatory and community-based project makings.

4. Rejuvenating central commercial district (urban redevelopment project)

4.1 Marugame-machi redevelopment project

Marugame-machi is located in the center of Takamatsu City in the north-east of Shikoku Island, the fourth largest island in Japan. Takamatsu City is a gateway from the main land to Shikoku particularly before the opening of bridges between Honshu and Shikoku. Marugame-machi was established as a commercial center far back centuries in the beginning of Edo period (early 1600). When we talk about the present day, particularly at the start of redevelopment around twenty years ago landowners/shopkeepers in Marugame-machi perceived relative decline of the area and future serious risk for keeping business however they occupied relatively lucrative position in Takamatsu City. (See Exhibit 5, Exhibit 6, and Exhibit 7)

Contrary to other examples of city center redevelopment projects, Marugame-machi project has the following aspects.

In this project a specific person, Ms Mariko Saigo, joined as a consultant. She and her co-designers were quite deft at planning and designing. Her way of planning put a stress on commercial community involvement, rather than just an architectural planning. She conducted workshops of as many times as up to the extent stakeholders of the district based not only architectural but also its regional values, and historical backgrounds of this district, and industrial liveliness based on regional resources. More important aspect was leadership taken by landowners to promote this redevelopment. Leaders of Marugame-machi were sensible in perceiving the situation and very proactive to the project. They adopted the Saigo plan and cooperated with

the city in terms of getting assistance and subsidy. That collaboration deeply footed on matters of economic viability made help to get funds from financial institutions. (See Exhibit 9, Exhibit 10, and Exhibit 11)

Exhibit 5 The profile of Takamatsu City

Takamatsu City:

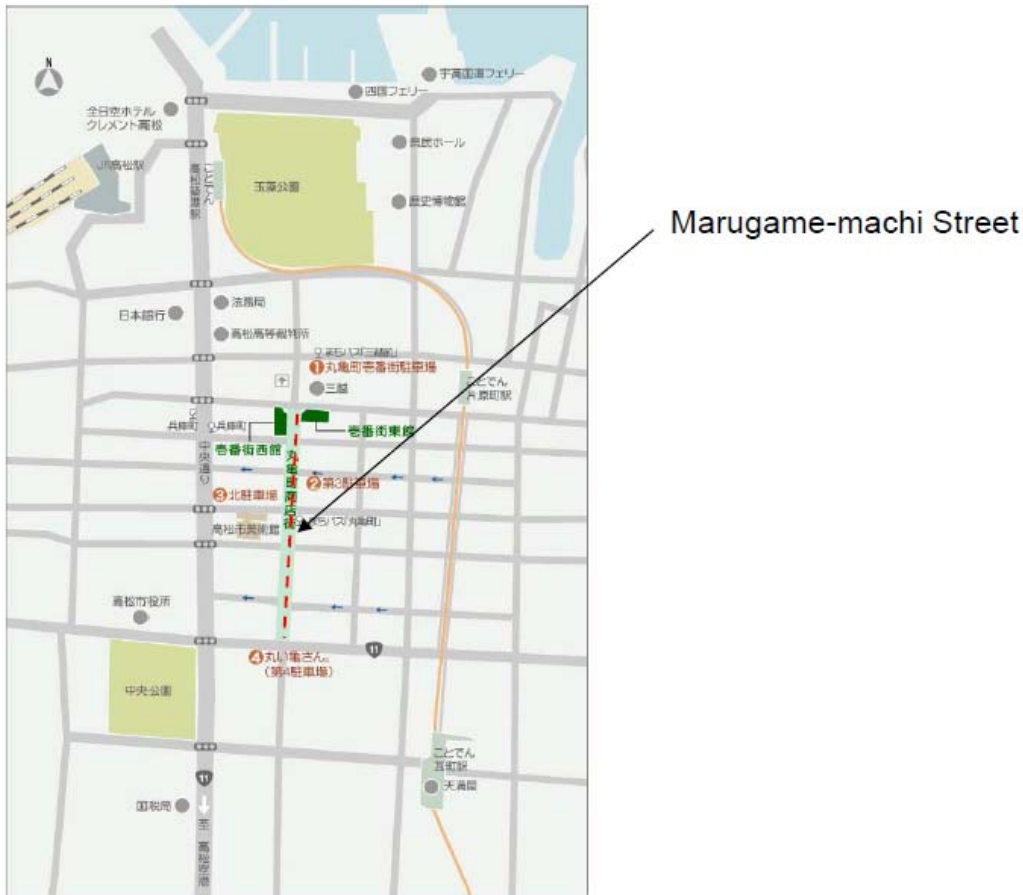
the capital city of Kagawa Prefecture
historically a key feudal power point,
facing the Inland Sea of Japan
started from late 16th century
population size: 429,000 (as of 2013)
industry: tertiary industry related with the “branch economy”
wholesaling dominant in Shikoku island
Area: 375.2 km²

Exhibit 6 Location of Takamatsu City in Japan



(Source) Author's arranged map

Exhibit 7 Location of Marugame-machi in Takamatsu City



(Source) Author's arranged map

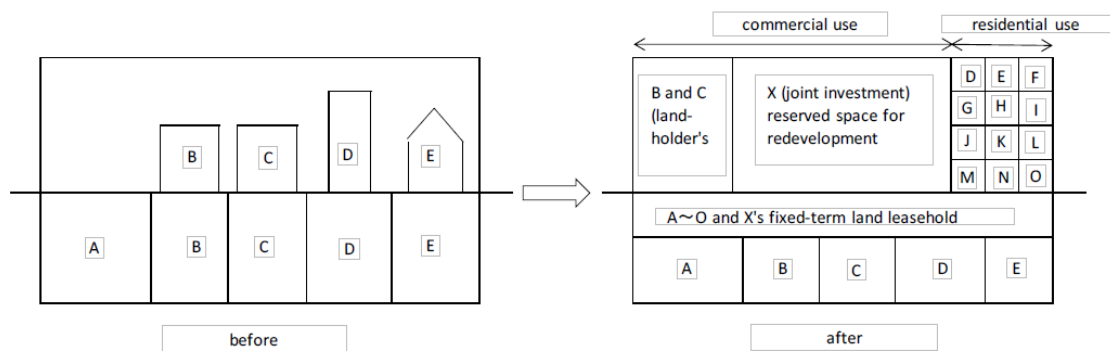
4.2 Separation of right of use of spaces from their ownership

More flexible mechanism is adopted so the district as a whole can resist to the economic difficulty under the leadership and its guidance by a sole “town management company.” Individual asset holders are to release its ownership to that company in return for equity holdings of the company. Individual sites are leased out at fixed term tenancy. The reason of introducing fix-term tenancy comes from the need of more flexible management adjusting to the economic condition instead of fixing to landed interests. Keeping of all such limited spaces for the benefit of all stakeholders is creating a de facto commons or joint ownership of the spaces. Introduction of “town management company” is a strategic tool to avoid free-riding and reluctant tendency for maintenance of commons as a system. (See Exhibit 8)

Under the Act on Land and Building Lease the duration of lease right for

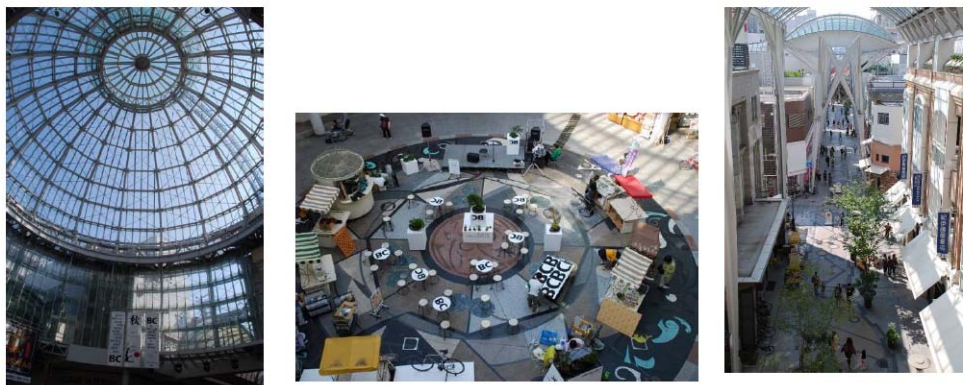
the commercial purpose states between 10 years and less than 50 years. That is fairly longer than the Japanese standard. After the enactment of term-lease clauses under this law in 1992, it is possible to separate the use of spaces from each ownership of basing lands which usually dominates every aspect of space uses.

Exhibit 8 Separation of use and ownership



(Source) Author's sketched diagram

Exhibit 9 Renewed shopping street in Marugame-machi (1)



(Source) Photos shot by the author

Exhibit 10 Renewed shopping street in Marugame-machi (2)



(Source) Photos shot by the author

Exhibit 11 Renewed shopping street in Marugame-machi (3)



(Source) Photos shot by the author

4.3 Community-based development

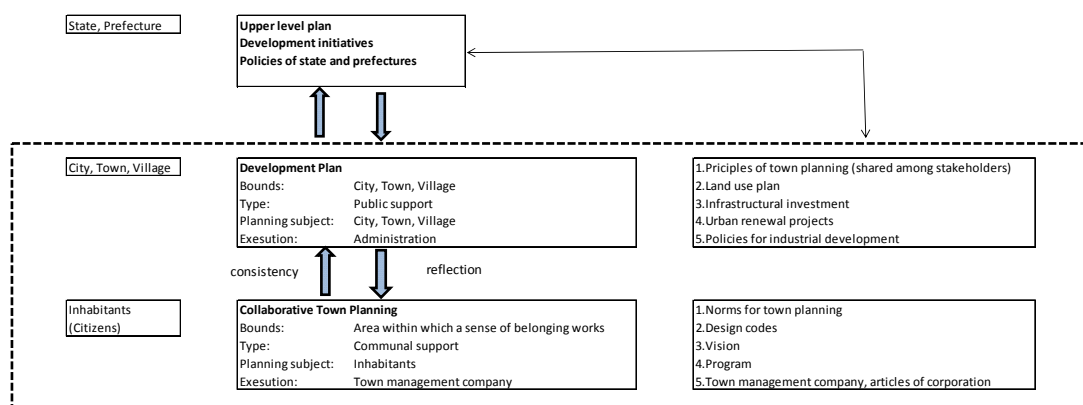
The employed method in the case also includes creating “town management company” based on stakeholders initiatives, independent operation of those spaces by that company at economically feasible principles but with necessary support from the public sector, and tooling shared codes of design for new buildings and zoning of districts. Such joint-use of spaces renders several rule-makings which really create new urban commons for the district.

Within this scheme a substantial portion of residential floors will be set

because people who like to continue to live near the street even they relinquish their original premise in equitable exchange for residence. At the same time the scheme welcomes the new residents from outside this district. That contributes to funding for the whole development. Of course the aim of this scheme is going to make the town center a more beautiful, more energetic, and a safer space to live, work, and spend free time. Saigo and her co-designers are quite deft at planning and designing. Her way of planning put a stress on community involvement rather than just an architectural planning.

She conducts workshops of as many times as up to the extent that stakeholders of the district based not only architectural but also its regional values, and historical backgrounds of the district and industrial liveliness based on regional resources. This should be called acutally a collaborative town planning. (See Exhibit 12)

Exhibit 12 Redevelopment plan and collaborative town planning



(Source) Author's sketched diagram based on Saigo (2013)

5. Basis for creating urban commons

Generally commons needed in the city is what local community provides and manages, whose ownership is sometimes public. Parks and open spaces are good examples, where people enjoy and spend time at ease. Commons in the city are not restricted to such objects. Urban scenery and landscape are another. But one of the important urban commons is amenity. Amenity is the

one whose attributes are location specific, landed and mostly privately provided, jointly-consumptive but prone to be congestive, indivisible and fixed supplied, and irreversible once lost. In addition we would like to define urban commons as indispensable resources/goods for urban lives, having relevancy to the nature of daily lives; civic value, anonymity, freedom; decency of citizenship; possibility of human workmanship, having potential to produce good industry, entrepreneurship, provision of conviviality/arts. Usually these urban commons are surely non-excludable but quasi-subtractable, therefore they are common-pool resources.

What differs in the nature of urban commons from ordinary natural resource related commons? In the case of such urban commons cited above the number of stakeholders is much larger and variable than the cases such as forestry, fishery, pasture, water resources, etc. At the same time the benefit derived from the commons are dispersed widely and multilayered. The challenge to keep such mechanism as commons is how to avoid free-riders. Another point is how to encourage and involve members and volunteers to cooperate for maintaining work for the commons. In case of natural resource related commons overuse and over exploitation of the commons resource is the heart of dilemma. On the other hand in case of urban commons continuous provision of commons service as a system rather than resource unit is much more difficult matter. In other words how to create the framework in the urban environment in order to lessen the degree of free-riding which hinders the level of maintenance and continuous provision of such commons services.

In Japan today's and tomorrow's civic situation is losing and about to lose conditions for catering such urban commons because of dissolving community due to decreasing dwellers and leaving vacancy in the city. What we need is the change of basis condition, therefore we should establish the change of urban legal and institutional system.

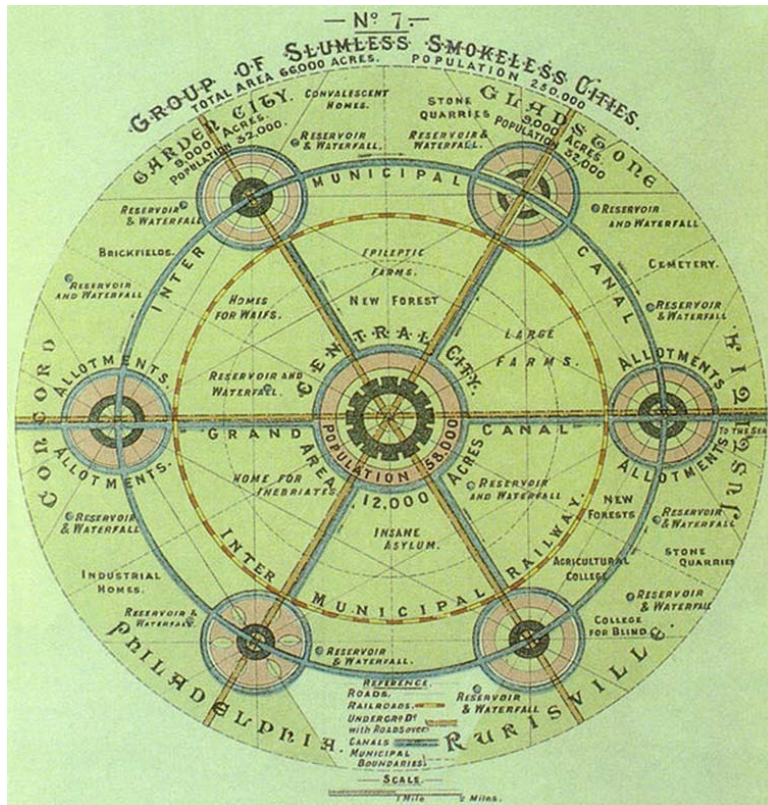
6. Revisiting Ebenezer Howard's "Garden City"

In this regard it is worthwhile to go back to Ebenezer Howard's garden city concept. It has mainly three principles. The first is that the land of a garden

city is entirely bought and kept by a limited dividend company which is created by a group of people with funds collected by issuing bonds. Rents as revenues for the company eventually return to the garden city as a whole. The development value would pass to the entire community. The second point is that the countryside surrounding the city is kept perpetually as original agricultural lands, not to be urbanized. The third one is that when the garden city would reach its planned limit, another would be started a short distance away. Each would also be connected to the other by a rapid transit system, thus giving satellite cities surrounding the mother city. Howard called this system a Social City.

From evaluating point of view you can have the following. The first is that Howard realized that through building Letchworth and Welwyn Garden City, the city of this concept could be feasible in economic terms. Namely development of land greatly enhances its value. The scheme turned the speculators' gain into the community benefit through the original company's constitution. The second is that he clearly had in mind that the purpose of constructing garden cities is to create the co-operative society . The third is that in order to solve social problems it is important to employ knowledge and technology for merging city area and regional country with autonomy in terms of energy and resources. His concept has insightful influence to make the way for aging society of Japan. He proposed communal land holding using the trust mechanism even in terms of ordinary company governance, much later than his lifetime resulting in genuine "trust structure". The whole land holding at the garden city in the case of Letchworth was trusted to Letchworth Garden City Corporation, a public limited Company. Another aspect which is noteworthy is the structure and function of that corporation. He proposed the concept as "semi-municipal enterprise". It needed a fairly long period of time to this transformation and finally became to have a status of "Letchworth Garden City Heritage Foundation". After swinging between a public orientation and a private inclination it finally follows Howard's intention. His choice is neither public nor private but independent and economically viable institution. There you can see a type of commons spirit in the real town management in a city scale. (Exhibit 6, 7)

Exhibit 13 Howard's "Garden City"

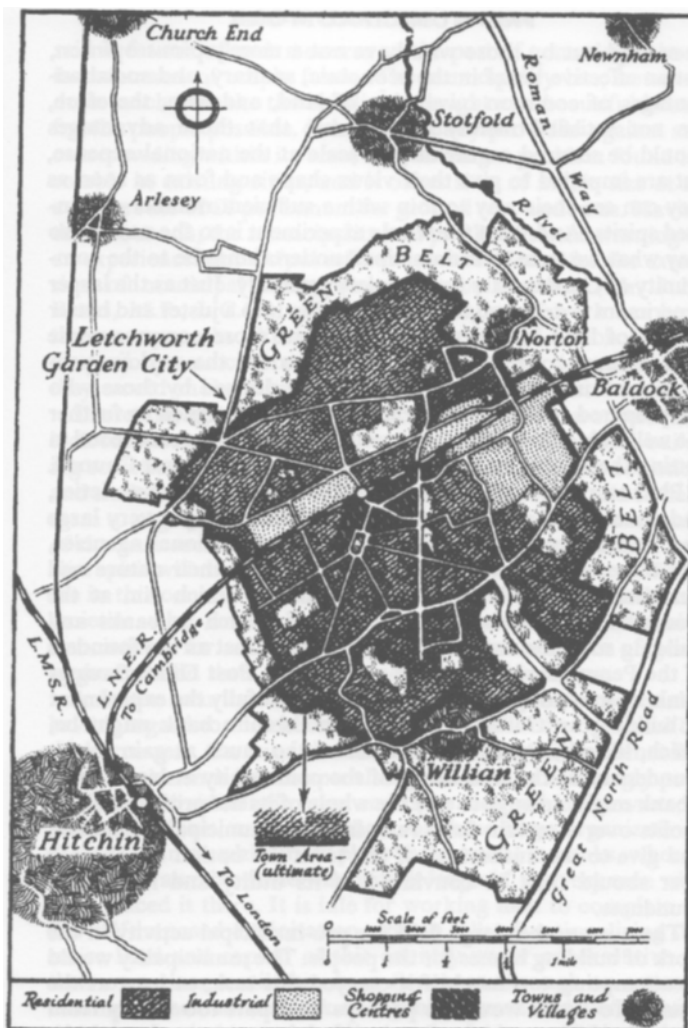


(Source) From Howard's *Garden Cities of To-Morrow*

Exhibit 14 The first garden city: Letchworth, the brief history

1. Ebenezer Howard (1850-1928) born in London, knighted in 1927
2. (1871) went to Nebraska in the USA, stayed in Chicago
3. (1876) came back to Britain
4. (1898) published "To-morrow: A Peaceful Path to Real Reform"
5. (1899) founded Garden Cities Association
6. (1902) renamed and published "Garden Cities of To-morrow"
7. (1903) Letchworth started.
8. (1920) Welwyn Garden City started
9. (1946) created New Towns Act of 1946
10. (1965) republished "Garden Cities of To-Morrow,
with Osborn's preface and Mumford's introduction"
11. (1995) created Letchworth Garden City Heritage Foundation

Exhibit 16 Letchworth in 1920s



(Source) From Howard's *Garden Cities of To-Morrow*

7. Ending words

This paper starts from describing the present situation and ongoing trend into deeply aging and depopulating nature of the country. Also it is important to come back to the basics of Howard's garden city at the time of tackling to install the town management scheme. There is a parallelism between the two. Garden city has to be positioned not just as an English trial in terms of "new town" but having a universal validity for district planning and town management. Particularly the management of the project and their following-ups should be revalued. These commons approaches should be reconsidered at the time of conceiving the structure of urban spaces as

commons in the coming period.

The paper introduces Marugame-machi redevelopment as an example of rejuvenating central city district with town planning view point. They use a non-traditional scheme. The points are: 1) separation of right of use of spaces from their ownership, 2) utilizing a town management company to keep economic viability of the street. What we badly need is overhauling urban legal and institutional systems. For the years Professor Igarashi, lawyer and legal professor, proposed the change of Urban Planning Act and make an effort to enact overarching joint-ownership (soyu) legislation (Igarashi , 2013) which puts a base for formal joint-ownership concept in the ownership law in Japan.

Reference:

- Beevers, Robert (1988), *The Garden City Utopia: A Critical Biography of Ebenezer Howard*, Olivia Press.
- Cabinet Office (2014), "On the Demographic Trend" (original in Japanese), reported material at the meeting (14 February 2014) of the specialized workforce for the Council on Economic and Fiscal Policy, Cabinet Office, Government of Japan.
- Fennell, Lee Ann (2011), "Ostrom's Law: Property Rights in the Commons." *International Journal of the Commons* Vol.5, No 1, 9-27.
- Hall, Peter (2002), *Cities of Tomorrow 3rd Ed.*, Blackwell Publishing.
- Hall, P. and C. Ward (1998), *Sociable Cities: the legacy of Ebenezer Howard*, John Wiley & Sons.
- Heller, M.A. (1998), "The Tragedy of the Anticommons: Property in the Transition from Marx to Markets." *Harvard Law Review* 111:621-688.
- Heller, M.A. (2008), *Grid Lock Economy*, Basic Books
- Howard, Ebenezer (1898), *To-morrow A Peaceful Path to Real Reform*, Swan Sonnenshein & Co., Ltd. (Cambridge University Press, reprinted, 2010).
- Howard, Ebenezer (1902), *Garden Cities of To-morrow edited, with a Preface, by F.J.Osborn, with an introductory Essay by Lewis Mumford*, Swan Sonnenshein & Co., Ltd. (The M.I.T. Press reprinted, 1965).

- Igarashi, Takayoshi (2013), “City planning by way of “Soyu (joint-ownership)” and the problem of vacant space in the city center” (original in Japanese), *Quarterly Machizukuri*, No.38.
- Miller, Mervyn (2002), *Letchworth the First Garden City 2nd ed.* Phillimore.
- Mogi, Aiichiro (1994), “Commons in the World” (original in Japanese), in Uzawa, H. and A. Mogi eds, *Social Common Capital –Cities and the Commons-*, University of Tokyo Press, Tokyo.
- Mogi, Aiichiro (2008), “Nature of Commons and its Challenges” in *Learning from Ancient Hydraulic Civilizations to Combat Climate Change*, Proceedings of the Regional Pugwash Workshop in Honour of Jayantha Dhanapala, President of the Pugwash Conference on Science and World Affairs, Sri Lanka Pugwash Group.
- Mogi, Aiichiro (2012), “Commons in cities.” (original in Japanese), *Seeder* No.7, pp32-39, Research Institute for Humanity and Nature, Kyoto, Japan.
- National Institute of Population and Social Security Research (2012), *Population Projections for Japan (January 2012): 2011 to 2060*, NIPSSR.
- Ostrom, Elinor (2009), “A General Framework for Analyzing Sustainability of Social-Ecological Systems.” *Science* 325:419-22.
- Schlager, Edella and Elinor Ostrom (1992), “Property-Rights Regimes and Natural Resources: A Conceptual Analysis.” *Land Economics* 68(3):249-62.
- Saigo, Mariko (2005), “Thorough Analysis: The Urban Renewal of Takamatsu Marugame-machi –Land, Subject, and Design–” (original in Japanese), in Architectural Institute of Japan ed. *Vitalization of Commercial Activities in City Centers and Machizukuri Kaisha (community-based town management company)*, Chapter 8, Maruzen, Japan.
- Saigo, Mariko (2013), “Revival through the use of Machizukuri Kaisha (community-based town management company) scheme” (original in Japanese), in Ohnishi, T., T. Kido, and F. Seta eds. *Frontiers of Town-community Development after the East Japan Great Earthquake*, Gakugei Shuppansha, Kyoto, Japan.