

The Conflicting Politics of Commoning
Property Relations and Political Practices of Community Gardens in East Harlem, NYC,
in the Context of the Affordable Housing Plan

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ABSTRACT

The Conflicting Politics of Commoning – Property Relations and Political Practices of Community Gardens in East Harlem, NYC, in the Context of the Affordable Housing Plan

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This dissertation examines the property relations and political practices of eight community gardens in East Harlem, New York City, that are threatened with eviction by “Housing New York,” a citywide affordable housing plan, leading to a contentious land use conflict.

Property relations in community gardens take place among a broad set of actors, like gardeners, passers-by, and neighbours, but also developers, city officials, and city workers who all interact regularly and throughout the eviction process. These property relations consequently reveal how such urban spaces are contested. Keeping with Verdery (2001), Moore (2001), and Riles (2004), property relations – intertwined with power relations – point to the political practices to represent and assert their claims to a property in formal institutions and public review processes but also during daily interactions or direct actions.

During the yearlong multi-sited ethnography I executed in 2016-2017, I examined the gardeners’ property relations to better understand the contention between the City’s formal legal ownership rights versus the gardeners’ embodied and moral sense of ownership of the same space, which are two competing and asymmetrical authorities pitted against each other. To do so, I inquired how gardeners negotiate normative conceptions of property aesthetics and liberal citizenship while also scrutinizing the City-led land use public review process. I argue property relations are a way of negotiating power, be they on private, collective or commons property. Negotiating power here means as much producing or maintaining power as it does mitigating it.

As such, this dissertation illustrates how race has been and still is at the heart of American property (Bhandar, 2018; Roy, 2017; Harris, 1993). Community gardens have acted as spaces at the margins in the sense suggested by both Das (2004) and hooks (1989). Commoning gardens are community-led margins that act simultaneously as sites of resistance and repression and engage in partnerships with the State for self-creation and maintenance. Thus, community gardens as margins are an ideal vantage point from which to explore the inner workings of the State and the capitalist public-private production of the urban space.

ACKNOWLEDGEMENT

Uptown, New York City is known for its past of violence. Fullilove and colleagues (1998) describe how residents of West Harlem have lived with racism, police brutality, poverty, and public health issues as forms of structural violence. These authors call this economic violence and they define it in the following terms:

[when] people [are] put at the mercy of a system that's run for profit instead of people's needs. I think of people working full-time jobs at minimum wage that still is not enough for them to buy food or pay for an apartment. The sort of violence that's trumped up by politicians to get votes is sort of a smokescreen for keeping people's attention off of what is really the problem at hand. (925)

Today, twenty years after this definition was provided, economic violence still resonates with the feelings of people I met, worked alongside or heard in community gardens and public hearings in East Harlem during my fieldwork in 2016 and 2017. In 2020, as I draw this dissertation to an end, the current COVID-19 pandemic makes the enduring economic violence even more apparent. East Harlem is the neighbourhood on Manhattan with the highest rate of infection, and other poor neighbourhoods in Queens, Brooklyn, the Bronx or Staten Island have similar or even higher rates of infection (Krisel, 2020a,b; Buchana et al., 2020; Laster Pirtle, 2020). Since New York City is one of the U.S. epicenters of the current pandemic, some have claimed in a dramatic gesture: “NYC is dead forever” (Altucher, 2020).

In July 2020, with uncertain long-term effects, the pandemic has impacted real estate in the city with declining rents and has caused an unemployment rate of almost 20%. Many stores and restaurants closed down and wealthier New Yorkers are fleeing, causing what seems to be a new wave of white flight, echoing the post-war migratory flux toward the suburbs (Smith, 2020; Tully and Stowe, 2020). The federal economic relief package amid the pandemic in the first half of 2020, which included a moratorium on eviction, was set to expire at the end of July, and the replacing New York State measures seemed very narrow as I was writing this in July (O’Donnel,

2020; Pereira, 2020). Many feared these potential evictions and the rising black and brown unemployment could worsen the social and political unrest already exacerbated by the killing of George Floyd¹ by cops on May 25, 2020. Sparking reactions from the likes of Nancy Pelosi, Democrat and Speaker of the House of Representatives, said: “One knee to the neck just explode[d] a tinderbox of other injustices that we must address, and one of them is housing. Housing security is a matter of justice, as structural racism puts communities of color unfairly at risk of being rent-burdened or homeless” (O’Donnel, 2020). As a consequence, officials were met with the evidence that the past of residential segregation and systemic racism was not only still felt today but was still angering and hurting many, as many activists and residents had repeatedly claimed. Yet these calls gained a new meaning not only because of COVID-19 but also because of police brutality and unpunished killings with racial undertones and the far-right politics of Donald Trump. Although the context has changed rapidly and the future is – to say the least – very uncertain, evictions and structural racism need to be crucially addressed.

When I did my fieldwork in 2016-7, the real estate market in NYC was prime. “Housing New York,” the city-wide affordable housing plan and the neighbourhood rezonings implementing it, exacerbated pressures of displacement on residents and community gardens in East Harlem that were scars of the neighbourhood’s past of redlining and urban renewal. Some of the community gardens with whom I collaborated are still to this date struggling for their survival, as some are awaiting relocation, are still negotiating with the City, and have been or will be evicted. As the

¹ And all the other black and brown lives killed by police or other residents before him, like: Trayvon Martin (2012), Dontre Hamilton (2014), Eric Garner(2014), John Crawford II (2014), Michael Brown(2014), Ezel Ford(2014), Laquan McDonald(2014), Akai Gurley (2014), Tamir Rice (2014), Antonio Martin (2014), Jerame Reid (2014), Eric Garner (2014), Charley Leundeu Keunang (2015), Tony Robinson (2015), Anthony Hill (2015), Meagan Hockaday (2015), Eric Harris(2015), Walter Scott (2015), Freddie Gray (2015), William Chapman (2015), Jonathan Sanders (2015), Sandra Bland(2015), Samuel DuBose(2015), Jeremy McDole (2015), Corey Jones (2015), Jamar Clark (2015), Dylan Roof (2015), Bruce Kelley Jr. (2016), Alton Sterling (2016), Philando Castile (2016), Joseph Mann (2016), Abdirahman Abdi (2016), Paul O’Neal (2016), Korryn Gaines (2016), Sylville Smith (2016), Terence Crutcher (2016), Keith Lamont Scott (2016), Alfred Olango (2016), and Deborah Danner (2016), Jocques Clemmons (2017), Glenn Funk (2017), Stephon Clark (2018), Ahmaud Arbery (2020), Botham Jean (2018), Breonna Taylor (2020), among others (BLM Wikipedia, 2020; CBC News, 2020; BBC News, 2020).

editorial board of *The New York Times* wrote in 1999, the destruction of community gardens is an act of neighbourhood violence since this erasure disregards the residents' work and sustained dedication in making their surroundings more livable despite the municipal authorities' divestment and racist urban planning strategies.

In this dissertation, I argue the rezoning of East Harlem implementing the affordable housing plan was an act of violence as the City was rebranding the area for an influx of wealthier newcomers and threatening of displacement residents and community amenities like gardens under the guise of affordable housing. Consequently, this dissertation treats the eviction of community gardens as an act of violence, and more precisely as an act of racial banishment.

A case in point, Robin said this new round of investment Uptown was to attract newcomers and not to maintain in place those who went through the neighbourhood's divestment. African American, she has lived in Harlem her entire life in a house her grandparents and parents bequeathed to her. Next door, she's seen the abandoned lot sit empty or used as parking for 20 or 30 years being transformed in 2015 by residents as a wildflower meadow for pollinators and a garden. Under the banner of a citywide affordable housing plan, this garden where she was involved was bulldozed in January 2019 for 37 middle-income units. As the president at the New York City Community Garden Coalition (NYCCGC), Raymond Figueroa, claimed: "the City needs to find a way to leave the community alone." NYCCGC strongly believed the City – with its program in charge of community gardens, GreenThumb, and the agency selling and developing the public property park, HPD – was more interested in the land and the capital accumulation process the land sustains than the people using this land as a garden.

The next pages examine how "politics arises from this paradox of being unable to and yet need to count parts," which were the gardeners' attempts to make their property relations visible and count as legitimate use (Rancièrè, 1998: 9 in Isin, 2011: 42). In other words, this

dissertation treats of gardeners' political practices and struggle to make their property relations count in the eyes of formal institutions. It is consequently the story about how powerful city producers and wealthy city consumers (Busà, 2017) are dispossessing black and brown gardeners and residents who produced these sacred community amenities despite public and private past divestment and current reinvestment for the wealthier.

These long-standing community gardens and their legacies are important and informative experiments of community-based land and resource management commons that are critical for de-growth and climate change mitigation strategies. Learning from those historical community spaces committed to the environment, I came to understand *relationality* is central to the commoning process, in which we collectively and individually work toward the “re-constitution of our-selves as subjects in relations of power” (Velicu and García-López, 2018: 13). Commoning is not only about nurturing particular norms or subjectivities. It's also about performing a radical transformation in the management of ecosystems and global socio-ecological relations of inequalities (*Ibid.*: 12; Swyngedouw and Ernstson, 2018).

For all that I learned and the endeavour this has been, I would like to warmly thank those who welcomed me into their lives in East Harlem, let me work along with them, and answered my seemingly foolish questions: Renee, Claire, Tiana, Katie, Rene, Celia, Robin, Lisa, Aaliya, Emily, Jose, Frances, Aziz, Raymond, Ellen and many more. In this dissertation, participants had the choice to remain anonymous or to use their names when they felt comfortable. Although I wrote this dissertation in solo to achieve and obtain a Ph.D., this dissertation is also theirs and should be considered a collective work.

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TABLE OF CONTENT

LIST OF FIGURES, ENDNOTES, AND ABBREVIATIONS	XII
---	------------

INTRODUCTION

PERFORMING AND EMBODYING PROPERTY:

LAND CONFLICTS BETWEEN COMMONS, PUBLIC, AND PRIVATE PRESSURES	1
--	----------

1. A LAND CONFLICT BETWEEN “HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN” AND EAST HARLEM’S COMMUNITY GARDENS.....	7
2. THE CONFLICTIVE RELATION BETWEEN THE COMMONS, THE STATE, AND ACTUALLY EXISTING NEOLIBERALISM	10
3. THE POLITICS OF URBAN SPACE: GARDENS BETWEEN PROPERTY AND COMMONS	20
4. METHOD: A MULTI-SITED ETHNOGRAPHY	25
6. CONCLUSION AND STRUCTURE OF THE DISSERTATION.....	37

CHAPTER 1

EAST HARLEM EARLY FARMING HISTORY

LIBERAL APPROPRIATION OF “BARE” LAND IN COLONIAL TIMES	39
---	-----------

1. PRIVATE PROPERTY AND THE TURN TOWARD REPRESENTATIVE DEMOCRACY	40
2. APPROPRIATING INDIGENOUS COMMONS THROUGH COLONIAL COMMONS AND PRIVATE PROPERTY IN THE FALSE STATE OF NATURE.....	47
3. THE DISPOSSESSION OF LENAPE’S MUSCOOTA, KONYKAST, AND SCHORRAKIN IN EAST HARLEM	52
4. EARLY NATURAL AND SOCIAL HISTORY OF TODAY’S ENDANGERED COMMUNITY GARDENS	57
5. CONCLUSION	62

CHAPTER 2

INTERIM URBANISM AND THE OVERLOOKED HISTORY

OF COMMUNITY GARDENS UPTOWN	65
--	-----------

1. NYC COMMUNITY GARDENS BEGAN DOWNTOWN, BUT SPREAD FAST UPTOWN AND ELSEWHERE	69
<i>1.1. The 1996-99 Garden Crisis.....</i>	<i>72</i>
<i>1.1.1. First Wave of Garden Auctions in 1998: Reducing the City’s Fiscal Burden by Selling Gardens</i>	<i>73</i>
<i>1.1.2. Second Wave of Garden Auctions in 1999: La Esperanza Garden, The Coqui, Land Trusts and the NYS Agreement.....</i>	<i>78</i>
2. NYC COMMUNITY GARDENS AS A MOVEMENT CONTINUE UPTOWN	83
<i>2.1. La Nueva Esperanza Garden Eviction.....</i>	<i>86</i>

2.2. <i>A Recent History of Today's Endangered Gardens</i>	91
3. CONCLUSION	103
CHAPTER 3	
WHEN LICENSE AGREEMENTS DON'T REFLECT LAND USE	107
1. DEALING WITH LAND THROUGH ABSTRACT CODES	110
2. ALTERNATIVE INTERPRETATION OF THE LICENSE AGREEMENT.....	117
2.1. <i>Setting The Facts Straight and Crystallizing The Interpretation</i>	123
2.2. <i>Performing the Garden Review Process</i>	127
2.3. <i>Disqualification and Microaggression: Confronting Interpretations and Maintaining Authority Along Procedures</i>	137
3. DISCUSSION.....	141
4. CONCLUSION	144
CHAPTER 4	
PERFORMING PARTICIPATION	151
1. A BYZANTINE PUBLIC REVIEW PROCESS.....	157
1.1. <i>NYC Hybrid Governing Coalitions to Implement "Housing New York" and the East Harlem Rezoning Plan</i>	164
2. BRANDING DEVELOPMENT TOWARD ACCEPTABILITY: FAUX-GRESSIVE AND PARTICIPATORY RHETORIC FOR THE PRODUCTION OF URBAN SPACE.....	169
3. GARDENERS' REPRESENTATIONS THROUGH THE DIFFERENT PARTICIPATORY DEVICES.....	179
3.1. <i>DCP Rezoning Plan Public Review Process</i>	183
3.2. <i>Final Vote on Rezoning Plan and Sendero Verde</i>	189
4. CONCLUSION	195
CHAPTER 5	
TURF AND PROPERTY RELATIONS – SENSE OF OWNERSHIP, SPATIAL CORPOREAL PRACTICES, AND DAILY MANAGEMENT IN COMMUNITY GARDENS	199
1. COMMONING AND CORPOREAL PRACTICES	203
2. AUTHORITY AND SELF-MANAGEMENT FOR THE UNIVERSAL PUBLIC AT LARGE OR THE SPECIFIC GROUP OF VOLUNTEERS INVOLVED DAILY	207
3. THE PLEASANT VILLAGE COMMUNITY GARDEN CASE	212
4. PRIVATE CLUB OR CULTURAL SAFE PLACE?.....	222
5. CONCLUSION	230

CHAPTER 6	
NEGOTIATING CONFLICTS OF POSSESSION IN THE COMMONING PROCESS: BETWEEN (DIS)POSSESSIVE COLLECTIVISM AND INDIVIDUALISM	233
1. CONFLICTING COMMONS.....	236
2. SHARING OR COMPETING FOR WATER ACCESS	242
3. BEGGING, STEALING, AND RECIPROCATING GIFTS, LIKE GRANT MONEY	247
4. WORK AND POSSESSION: ON THE DIFFICULTY OF SHARING AUTHORITY	259
5. DISCUSSION.....	272
CHAPTER 7	
CONCLUSION.....	279
1. NO ZOMBIE APOCALYPSE AHEAD, BUT STILL.....	282
2. COMMUNITY GARDENS AS MARGINS AND THE UNGHOSTLY AUTHORITY OF THE STATE	290
3. AVOIDING THE “ZOMBIE FUTURE” AND THE UNCERTAINTY OF THE FUTURE PERFECT	297
REFERENCE	307
ENDNOTES.....	341

LIST OF FIGURES, ENDNOTES, AND ABBREVIATIONS

List of Figures

Figure 1. Manhattan Community District 11: East Harlem, New York City	20
Figure 2. Location of the Three Sites that Include 8 Community Gardens	28
Figure 3. Photo by Camillo José Vergara from the Cover of his Book <i>Harlem: the Unmaking of a Ghetto</i> (2013)	65
Figure 4. Original Lot Distribution of Community Gardens on East 111th Street Block	124
Figure 5. Chenchita's Community Garden Acreage According to Various Sources	125
Figure 6. Segregation in NYC (Angotti, 2017: 2011)	154
Figure 7. Division at PVCG to Create a Cultural Safe Place	225

Endnotes

i. The 92 Randel Farm Maps	340
ii. The Randel Farm Map No.63 Showing Pleasant Village Community Garden	341
iii. The Randel Farm Map No. 58 Showing the Six Community Gardens on the East 111th Street Site	342
iv. The Randel Farm Map No.65 Showing Mandela Community Garden	343
v. Transaction List from Tax Map on East 111th Street Block Since the 1960s	344
vi. Milbank-Frawley Circle Urban Renewal Map on East 111th Street Site	348
vii. Photo of the 2008 License Agreement's Last Page	349
viii. Photo of the 2014 License Agreement's Last Page	349
ix. Breakdown of the Past and New Acreage by Location	349
x. Aerial Photo of East 111th Street Block Showing the Many Trees on the Block	350
xi. New GreenThumb Requirements for the 2019 Licensing	351
xii. Snow Removal Requirements	351
xiii. Some of the Flagged Keywords by NYCCGC in the New 2019 License Agreements	351
xiv. The CEQR Process Step by Step	352
xv. The Uniform Land Use Review Process (ULURP) Explained by the Center for Urban Pedagogy	353
xvi. The Average Median Income (AMI) Varies Statistically and With Inflation	353
xvii. Is the Mayor's Plan Serving the Most Vulnerable?	353
xviii. Composition of Affordability at Sendero Verde	354
xix. Photo of the Sendero Verde Project	355
xx. Traditional Process for Rezonings vs Creating a New Process for the East Harlem Neighbourhood Plan	357

Abbreviations

ACS	American Community Survey
ACT UP	AIDS Coalition to Unleash Power
AFN	Alternative Food Networks
AMI	Average Median Income
CB10	Central Harlem Community Board (10)
CB11	East Harlem Community Board (11)
CEQR	City Environmental Quality Review
CFN	Civic Food Networks
CSA	Community-Supported Agriculture
CUNY	City University of New York
CVH	Community Voices Heard
DEIS	Draft Environmental Impact Statement
DoS	NYC Department of Sanitation
EAS	Environmental Assessment Statement
EIS	Environmental Impact Statement
FDNY	Fire Department of the City of New York
FDR	Franklin D. Roosevelt Drive
FEIS	Final Environmental Impact Statement
Ft ²	Foot Square
HDFC	Shareholder-Owned Housing Development Fund Corporation Cooperatives
HPD	NYC Department of Housing Development and Preservation
HUD	Federal department of Housing and Urban Development
HUG	Harlem Urban Growers
JRC	Jonathan Rose Companies
LA CAN	Los Angeles Community Action Network
LES	Lower East Side
LESC	Lower East Side Collective
MBO	Manhattan Borough Office
MHI	Median Household Income
MIH	Mandatory Inclusionary Housing
M/WBE	Minority and Women-Owned Business Enterprise
NGOs	Non-Governmental Organizations
NIHOP	New Infill Homeownership Opportunities Program
NMAI	National Museum of the American Indians
NYC	New York City
NYCCGC	New York City Community Gardens Coalition
NYCHA	New York City Housing Authority
NYRP	New York Restoration Project
NYS	New York State
PoP	Privately-owned Public Space
PVCG	Pleasant Village Community Garden
SBUG	South Bronx Urban Gardens
SDNY	Southern District of New York
SEQRA	State Environmental Quality Review Act
SoHa	South of Harlem
SoHo	South of Houston Street
SpaHa	Spanish Harlem

TPL
TRO
ULURP
YMCA
WTO

Trust for Public Land
Temporary Restraining Order
Uniform Land Use Review Process
Young Men's Christian Association
World Trade Organization

Introduction

Performing and Embodying Property: Land Conflicts Between Commons, Public, and Private Pressures

“Just look up,” he said. “Look up at all the empty buildings there are and you’ll know how much real estate is available to alleviate and hopefully end homelessness in the city.” (Gould, 2018)

“Third Avenue is shutting down,” said my host in November 2018 when I visited New York City a year after I had finished my fieldwork in East Harlem. On Third and Lexington Avenues, many ground-floor retail stores – including a fish market, grocery store, and restaurants – had shut down with the upper floors completely warehoused and windows barricaded, landlords waiting for rents to go even higher after renovation or new construction after demolition. An impressive strip of adjacent buildings around 110th Street spreading over many blocks on Third Avenue were warehoused.

As East Harlem is ever evolving, some of those buildings have turned into fancy condos with their ground floors opening as hip stores, like the new laundromat-smoothies station that opened next to a dog hostel. The area where I used to live on 103rd Street in 2016 and 2017, between Park and Lexington Avenues, was changing at a feverish pace too. The superintendents of my building were cleaning and renovating the vacant ground floor space three doors down when I moved out in order to turn it into a coffee shop with patrons that now seemed to be primarily white. When I first moved in July 2016, however, I felt as though I was part of a small minority of white tenants among a vast majority of Latinx and Afro-Americans on my block. In front of my old tenement, behind a community garden, a luxury tower that had bought the garden’s air rights² was now erected in all its 23-story glory, clashing with the rest of the

² A lot’s air right is the right to build on top of this lot. New York City’s real estate laws enable to buy a lot’s air right to apply it on another lot to build a higher building. In exchange, the lot that has sold its air rights becomes non-constructible.

surrounding 4 to 6-story prewar tenements. It's as if the Upper East Side was now creeping further and faster than before into East Harlem.

In summer 2017, the East Harlem Rezoning Plan was adopted, changing land use to impose mandatory inclusionary housing (MIH) while allowing higher density on 57 blocks, in order to implement the citywide affordable housing plan in the neighbourhood. Proponents like the municipal Department of City Planning and Department of Housing Preservation and Development maintained that this rezoning plan would trigger 1,288 below-market units to slow down the inevitable gentrification coming to this Uptown Manhattan neighbourhood. Just a year after the rezoning approval, the Department of Buildings had approved 732 affordable³ and market-rate units to be built, making it the seventh neighbourhood with the highest new residential construction (Krisel, 2018). There were also 921 other units pending approval from the City, the ninth highest in the city, for a total of 1,653 new units (*Ibid.*). The new zoning did impact the speculation and dynamism⁴ of construction in East Harlem. Not only did it permit the highest density in the city (Bloomberg, 2018), but it also increased existing pressures leading to displacement⁵ as it welcomed an influx of wealthier residents.

³ Many programs promoting affordable housing are led either by city agencies like the New York City Housing Authority (NYCHA) or the Department of Housing Preservation and Development (HPD), or by the state and federal agencies. Before “Housing New York”, inclusionary housing was not mandatory and the ratio 80/20, or 20% of affordable housing for 80% of market-rate units. Also, affordable housing in NYC is usually catered to five brackets of income, which is a percentage of the average median income (AMI), from extremely low-income to middle-income (see endnote xvi; more details on “Housing New York” in Section 1 of this chapter).

⁴ Although the real estate industry argues speculation was higher when the rezoning plan was negotiated, and as the whole Manhattan market is cooling down, there “is a substantial decrease, both in number of sales (62 less) and dollar volume (\$638.6 million less), from the prior 13-month period.” The real estate industry proposes that this is watered-down zoning where MIH is a penalty rather than economically viable added density (Kimyagarov, 2019).

⁵ As early as 10 years ago, threats of displacement were already felt in East Harlem:

But in recent years, rising rents have caused many Puerto Ricans to leave for more affordable Hudson Valley towns, or for cities like Allentown and Bethlehem in Pennsylvania and Stamford and Bridgeport in Connecticut. ‘You have a choice, try to pay that rent, or move out,’ said Tony Ramirez, a plumber who has lived in East Harlem for 43 of his 47 years. Being Puerto Rican in El Barrio is like being extinct. None of the people I grew up with are around. People feel like strangers in their own town.’ An illustration of his lament can be seen on several blocks of 116th Street, along Puerto Rican East Harlem’s main shopping strip, which are now filled with shops selling Mexican food, flags and pastries. (Williams and Vega, 2007)

Among the units approved for construction, 655 units were to be erected on top of six community gardens and a baseball field on a block at East 111th Street⁶ where I had conducted a yearlong multi-sited ethnography in 2016-2017. I visited this block during my trip in fall 2018 where I found the large open space drenched in sunlight and saw that all the plants, beds, casitas, and murals had disappeared. Only the fences and resurfacing bricks from the prewar buildings that stood there before urban renewal remained. At the sight of this transformation, I couldn't stop tears from rolling down my cheeks.

East Harlem was the second⁷ neighbourhood to be rezoned under NYC Mayor Bill de Blasio's signature plan, "Housing New York," a citywide affordable housing plan of 300,000 units to be built or restored over a decade. At a time when Donald Trump was elected president and propagated fear in Latinx neighbourhoods, this progressive mayor further rattled East Harlemites with what some New Yorkers claimed to be "city-led gentrification" or even "ethnic cleansing grounded in a past of divestment" disguised as a so-called affordable housing plan (Angotti and Morse, 2017), as I heard many times at community board meetings, public hearings, in the gardens, and during interviews.⁸

⁶ Delineated by Park and Madison Avenues and East 111th and 112th Streets.

⁷ De Blasio had set the goal of rezoning 15 neighbourhoods. Beside East Harlem, East New York in Brooklyn –the first to be rezoned– was followed with Downtown Far Rockaway in Brooklyn, Jerome Avenue in the Bronx, and Inwood on Manhattan in 2017-2018, and with Bushwick and Gowanus, both in Brooklyn, in 2019. Other possible areas are Southern Boulevard in the Bronx, Bay Street in Staten Island, Long Island in Queens and plans remain clear for Flushing West and Chinatown (Kully, 2018a,b).

⁸ For instance, see Navarro (2016), Savitch-Lew (2017), Estades (2017), Kully (2018a,b), Oltman (2018), Murphy (2018). In Inwood in late summer 2018, advocates were preparing a civil-rights lawsuit to challenge the rezoning that was adopted despite the anger, and they won their case in December 2019. Oltman (2018) writes:

Housing advocates in Inwood are preparing a civil rights lawsuit to challenge the rezoning. This will not be the first lawsuit of its kind against the City. Using Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), previous lawsuits have failed because it is difficult to prove racial discrimination when it is the market that discriminates as opposed to restrictive covenants and redlining of an earlier era. The CUNY report, and a more recent study issued by the Pratt Center for Community Development, shows that the city's environmental review manual, which is the basis of the required environmental impact statement on the rezoning – and without which the rezoning could not move ahead – fails to examine the relationship between neighborhood rezonings and displacement of working-class residents of color. Inwood resident and housing advocate Phil Simpson argues that the city's rezoning process ignores the rights of protected groups by erroneously assuming that their rent-stabilized housing is secure. The

The resistance to de Blasio's affordable housing plan didn't fit well with standard narratives about the politics of urban space, which usually pit public interests against private ones. In this case, the municipal government claimed space as a public good to offset, through affordable housing, the inequality generated by an increasingly expensive private housing market. At the same time, gardeners wished to preserve space for goods that are neither completely public nor private, but commons: that is collectively used and managed for the benefit of a group and the environment.

How did gardeners in East Harlem maintain as commons those urban spaces that were threatened by both public and private interests and what kinds of property relations and political practices were enacted in such urban struggles? I argue that property relations are a way of negotiating power, be they on private, collective or commons property. Negotiating power here means as much producing or maintaining power as it does resisting it. During the yearlong multi-sited ethnography I did in 2016-2017, I examined gardeners' property relations to understand the contention between the City's formal legal ownership rights with the gardeners' embodied and moral sense of ownership of the same space, which were two competing and asymmetrical authorities pitted against each other.

Depicting the fluidity of urban space in East Harlem over time, and acknowledging the "multiplicity of divergent meanings attache[d] to 'public', 'public space', and the 'public sphere'" (Low and Smith, 2006), I illustrate how the value of urban space has fluctuated over time. For

challenge will be to show that even without overt discriminatory intent, the rezoning puts pressure on a large low-income community of color.

Finally, in December 2019, New York State Judge Saunders annulled the City's rezoning in Inwood, setting the historic precedent that the City must conduct studies on racial impacts of major land use projects in the environmental impact review process, like the potential displacement of neighbourhood residents or small businesses (Krisel, 2019a,b; Beltran, 2018). In its ruling, the judge wrote: "While it is accurate that respondent (the City) is not called to identify or address every conceivable environmental impact, the public review process exists to allow the residents of the community, who will ultimately reap the benefits/consequences of the proposal" (Krisel, 2019b). The City plans to appeal the decision.

instance, during the eighteenth century, this land was managed as overlapping indigenous commons until it eventually became colonial commons and private properties organized as farms, mills, and villages. Over time, those same areas slowly urbanized and industrialized, and became increasingly dense. As urban processes are dynamic, gardens eventually sprang up in the late seventies as scars from divestment where buildings were abandoned or burned because of deindustrialization, fiscal crisis, white flight, and redlining. Fifty years later, after much stewardship from Puerto Rican and Afro-American gardeners, these same plots were being enclosed as commodities by public-private coalitions under the guise of an affordable housing plan. This plan that sought to transfer City-owned land to private developers should more accurately be called a mixed-income and mixed-use real estate project. In this sense, looking at the governance of community gardens in NYC talks to the fluidity of urban space, and illustrates how the City has managed land it has considered vacant since the restructuring of the economy after World War II.

This raises the question of which public(s) is represented when choosing what is the “best possible use” for a vacant land weighing the ecological and socio-cultural value of a community garden versus the economic and political value of affordable and market-rate housing. From the interim use found in community garden stewardship for maintaining those abandoned public vacant lots, the City now saw this land as a commodity to transfer to private owners. These vacant spaces were not “wastes” anymore. The City needed gardeners to help them maintain the many vacant spaces resulting from deindustrialization and fiscal crisis. At the same time, this strategy also enabled them to achieve goals of economic and racial integration via the same gardeners in those depressed areas (Markowitz and Rozner, 1996; see Chapter 2). Decades later, however, the City only partly acknowledged the shared environmental and social benefits those gardens provided to their surrounding communities.

Although very diverse, gardeners perceived their project very differently than the City. Gardeners have produced and maintained these urban spaces in common as tactical interventions in reaction to public-private divestment to make their lives more tolerable and meaningful. For them, gardens were means to transform the social relations rooted in the area's drug epidemic, crime, violence, and poverty toward more cooperation and solidarity to create, although imperfectly, the foundation of a new mode of production in the making (Caffentzis and Federici, 2014). It was their way to reclaim their right to the city (Lefebvre, 1968). Even if urban spaces occupied by brown and black residents have been repeatedly under assault, community gardens empowered black and brown residents to resist racial and economic exploitation (see Caffentzis, 2009; Shepard, 2011; Reynolds and Cohen, 2016). In that sense, community gardens in East Harlem helped feed "the radical imagination as well as the bodies of many commoners" (De Angelis, 2007 in Caffentzis and Federici, 2014). However, urban agriculture holds inherent contradictions, as McClintock (2014) suggests, as it is both resisting industrial agrifood system at the same time as underwriting neoliberalization "by filling the void left by the 'rolling back' of the social safety net". The City program for gardens, GreenThumb, imposed increasingly severe expectations for the gardens' institutionalization, interfering with the gardens' political project.

Many of these gardens were 30 or 40-year old when the City launched its affordable housing plan, and there were plenty of vacant properties in NYC that were not gardens from which the City could have chosen to meet the affordable housing plan's goals (in addition to better funding the declining New York City Housing Authority projects, which are City-owned affordable housing). In 2015, the City owned over 1,100 vacant properties that could be used to build affordable housing, of which 90% remained undeveloped in 2018 (NYC Comptroller, 2018). Although less than half of those lots were community gardens, again in 2016, 43 gardens were

threatened with eviction because of the affordable housing plan, and a dozen of them were Uptown, mostly in East Harlem. These gardens were Chenchita's Garden, Mission Garden, Little Blue House Garden, the Friendly Garden, Villa Santurce Jardinera, Santurce Garden, Pleasant Village Community Garden, Jackie Robinson Community Garden, and Mandela Community Garden. The dispossession of gardens happened in a neighbourhood where racist city-led urban planning projects of urban renewal decimated the local urban fabric by razing what they called shantytowns to build ghettoized projects of the New York City Housing Authority (NYCHA), which is City-owned public housing (Harris, 1993; Markowitz and Rozner, 1996; see Chapter 2).

As Verdery (2001) suggests, property is a way of institutionalizing inequality. This research project not only seeks to help policy-makers realize the full potential of collaborating with community gardeners as stewards of much-needed public green space in the city. This project also seeks to further understand the "potential role for the State in helping carve out support for the struggles to defend, reclaim and construct commons" that community gardens in East Harlem foster (Akbulut, 2017: 400).

In the following sections, I will first present the affordable housing plan as a strategy for appropriating land where public, private, and commons forces mingle and contribute, sometimes unwillingly, to actually existing neoliberalism. Then, I will present a literature review on the politics of urban space and gardens as commons, and finally, outline the method and structure of this dissertation.

1. A Land Conflict Between "Housing New York: A Five-Borough, Ten-Year Plan" and East Harlem's Community Gardens

New York City Mayor Bill de Blasio announced an affordable housing plan in May 2014, with the goal to build, restore, and preserve 200,000 affordable units over the next ten years. He claimed this would be his defining legacy, and dared to revise the number of affordable units to 300,000 in late 2017 (City of New York, 2016; Murphy, 2017). As the central pillar of his fight

against inequality, the mayor claimed this would be the “largest and most ambitious affordable housing plan of its kind in the nation’s history” (City of New York, 2014; Fermino, 2014).

“Housing New York,” an \$83 billion-dollar plan, set the goal of building, renovating, and legally preserving 300,000 below-market-rate units by 2026 (Goodman, 2018). Over 12 years (2014-2026), 40% of these 300,000 affordable units will be newly constructed, creating “denser, more crowded neighborhoods” (Navarro, 2014). The City will preserve the other 60% from turning market-rate by providing owners subsidies, loans, tax incentives or other kinds of assistance. As the plan doubled its budget from \$41 billion in 2014 to \$83 billion in 2017, it cost the City \$13.5 billion in tax breaks and funding.⁹ Interestingly, for the early 200,000 units plan, the state and federal levels were supposed to provide \$2.9 billion in 2014, while the private sector was to fund the remaining 73% with \$30 billion, but I have not been able to find the new numbered contribution under the revised plan (Fermino, 2014).

If successful, this affordable housing plan would accomplish more than that of any previous mayor since the construction of fully public housing in the 1950s. Michael R. Bloomberg (2002-2013) yielded 165,000 units over 12 years, of which at least 100,000 have been preserved (Navarro, 2014). Giuliani’s two terms (1994-2001) saw a drastic reduction in the public financing of social housing and welfare, while David N. Dinkins (1990-1993) only engaged in modest actions like renovating 2,471 units in the South Bronx. Finally, Edward I. Koch (1978-1989) yielded 190,000 units over 13 years (Fermino, 2014). Increasing his goal to 300,000 units, Mayor de Blasio fast-tracked the municipal bureaucratic machine of public affairs at an unprecedented pace. To do so, he sought to implement numerous neighbourhood rezonings, transfer public land to private owners, and streamline the many necessary public hearings and technical public approval processes.

⁹ The City also doubled the budget of the City’s Housing Preservation and Development Department (HPD).

This affordable housing plan was timely: many housing advocates and even Mayor de Blasio admitted there was an “affordability crisis” in the real estate market in NYC (Navarro, 2014; City of New York, 2014). Even if many agreed that the city needed affordable housing, the politics of how to accomplish this were contentious. In January 2015, the plan to sell 43 City-owned lots used as gardens for \$1 to developers of affordable housing triggered a round of mobilization among gardeners (Goldenberg, 2015; Maslin, 2016). In response, on December 31, 2015, the New York City Department of Housing Preservation and Development (HPD) saved 34 gardens in a meeting at City Hall by transferring these to the City’s Department of Parks and Recreation. However, nine others in East Harlem were still threatened with eviction, which raised the questions of how and why specific gardens were saved and not others.

In newspaper articles and during rallies, councillors from different neighbourhoods as well as housing, civil rights, and community garden advocates claimed that the units would still not be sufficiently affordable for residents. They feared this plan would prompt a new round of gentrification in the targeted neighbourhoods. In December 2015, “neighborhood leaders blasted the housing plan as unaffordable for thousands of families (...) and called the zoning plan a give-away to rich developers that would overwhelm neighborhoods, drive up rents, and force out lower-income residents”¹⁰ (Smith, 2015).

On March 22, 2016, after fierce opposition, the City Council finally endorsed the affordable housing plan with affordability requirements expanded and renegotiating the zoning reforms. The plan now required – instead of simply encouraging – developers to designate a 20% to 40% share of their units for low- and moderate-income renters in rezoned areas. This share of the mandatory inclusionary housing (MIH) requirement varied according to the renters’ income bracket targeted by the affordable units, usually meaning that if the rent was very low, the share

¹⁰ East Harlem residents shared a very similar discourse when the rezoning plan was discussed and voted on in the neighbourhood in 2017.

of affordable units in the building was less important. These new zoning stipulations also maintained conformity between new construction and the surrounding urban landscape but permitted an increase in new construction height to the benefit of developers (City of New York, 2016; Goodman and Navarro, 2016). The neighbourhood rezoning plans allowing implementation of the citywide affordable housing plan resulted in complex negotiations among neighbourhood residents, representatives, and city officials. In other words, the elaboration and implementation of this plan derived from an intricate dance between numerous actors of the public and private sectors, and the commons.

2. The Conflictive Relation between the Commons, the State, and Actually Existing Neoliberalism

To better understand how commons work on the ground, we should acknowledge how neoliberalism permeates political, economic, and social policies. Neoliberalism is a set of political economic practices that put to the fore free trade, economic freedom, strong private property, as well as deregulation and re-regulation to protect markets (Harvey, 2005, 2006a). In the context of this project, the State has worked along with the market to “create and preserve an institutional framework appropriate to such practices” of economic growth (Harvey, 2005). Becoming hegemonic in the 1980s, this political-economic project has evolved in the past 40 years, but not always in a perfectly linear fashion. The ongoing elaboration and implementation of new legal and institutional reconfigurations have resulted from debates that emerged between different interests. Hence, “actually existing neoliberalism” is defined by these ongoing and contentious political-economic restructurings, which have sought to fuel the capital accumulation process (i.e. economic growth) by dismantling the Keynesian post-war welfare state of the 1950s-1960s from the late 1970s and up to the present (*Ibid.*; Brenner and Theodore, 2002;).

Putting market and individual freedoms before the common good, neoliberalism seeks to “create a market where there is none, like in areas such as land, water, education, health care, social security, environmental pollution,” therefore deepening inequalities (Harvey, 2005: 2). Strictly speaking, neoliberalism is a process of creative destruction, meaning the *destruction* of old political-economic context and resources to *create* a new set of policies, regulations, laws, and profits. For example, this creative destruction could involve areas necessary for the embroilment of capitalism and the nation-state in modernity, like the “issuing of money, military defence, police required to secure private property rights and to guarantee, by force if need be, the proper functioning of market” (*Ibid.*). This capital accumulation process is not new and is rather constantly reproduced and renewed since capitalism’s initial moments, which Marx called primitive accumulation, and others have recently called accumulation-by-dispossession or the new enclosures (Harvey, 2004; De Angelis, 2001; Midnight Notes Collective, 1990).

In this dissertation, the creative destruction moment I focus on is the following: NYC municipal government sought to enclose a part of its City-owned lots, some of which had been used and transformed into community gardens by residents, to build privately-owned affordable housing in the context of a citywide plan, “Housing New York.” However, this affordable housing plan was criticized for fuelling gentrification, since the rents of the so-called affordable units targeted middle-income earners in low-income neighbourhoods of people of colour like East Harlem. This highly contested affordable housing plan was a divisive and conflictive process as both the residents and gardeners voiced their fear of being displaced. With asymmetrical authorities pitted against one another in the political arena debating the production of urban space, this research project delves into one example of how the commons, the public good, and commodities were interfering with one another in urban space.

Albeit not in “a peaceful coexistence” with the market and the State (Caffentzis and Federici, 2014), the commons unwillingly play a role in neoliberalism and are sometimes even converted into commodities. For example, by beautifying their surrounding environment, these community gardens may fuel gentrification by making the neighbourhood safer, greener or more “hip” (Checker, 2011). The beautification of blighted areas with community gardens may consequently result in higher valued properties to the benefit of private owners and the local government through its collection of property taxes (Voicu and Been¹¹, 2008; McClintock, 2014). In New York City, especially Uptown, this process of urban renewal started between the 1950s and 1980s, at a moment when the white middle class was leaving the city for suburban life. During those years, many deserted or burned down privately-owned buildings became City properties due to unpaid taxes. The remaining population – mainly Black and Latinx – transformed these foreclosed and trash-strewn properties abandoned by municipal services into community gardens. By transferring these gardens that the City labelled as vacant public properties to private real estate developers to fuel the capital accumulation process, the City appropriated the improvements black and brown gardeners infused on these abandoned public lots. In this sense, these evictions participated in the “process of deriving social and economic value from the racial identity of another person” associated with the logic of racial capitalism, as I outline below (Leong, 2013; Robinson, 1983). In other words, this dissertation highlights how these evictions reproduced processes of accumulation-by-dispossession and racial banishment, which help “understand how the foundational dispossession of certain subjects is constitutive of liberalism and its economic geographies” (Roy, 2017: A9).

¹¹ While a Professor of Law associated with the NYU Furman Center, Vicki Been, who was the NYC Housing Preservation and Development (HPD) Commissioner, but stepped down in early 2017, ironically co-authored this study that correlates the presence of community gardens with increasing property values.

In brief, the complex juxtaposition at play in the current research project go as follows: the City (*public*) sought to build affordable housing (a hybrid between *public* and *private interests*) at the expense of community gardens (a hybrid of *public* and *common goods*, and a potential *commodity*) on land that used to be private, but became public through foreclosure, which was then used by a group of citizens, and are now ceded by the city government to private developers. As presented earlier, this research project depicts the fluidity and relationality of urban space over time. More specifically, these decades-old community gardens built on the ruins of derelict buildings by were now under threat of eviction due to the affordable housing plan. As the context evolved, the City began to sell these publicly owned lots, transforming them into commodities, as they became subject to market pressures and speculation. This shows how a complex entanglement of hybrid forces composed of private interests, the State, or even the commons when they are coopted sometimes participate in fostering enclosure.

Commons are defined as collective resources, relations, and activities that a self-defined group reclaims and sustains (Noterman, 2016). These commons, material and immaterial, are “based upon and enacted through sustained patterns of local use and collective habitation, through ingrained practices of appropriation and ‘investment’” for which they develop a property interest or feelings of ownership (Blomley, 2008: 320). In other words, commons are produced by an active practice where a group, like members of a community garden, constantly (re)negotiates (through a set of immaterial commons, like shared knowledge, skills, and imaginaries) how their garden (consisting of material commons, like the piece of land, plants, and other living and more-than-human things) is used, transformed, and shared. This (re)negotiation is not always consensual and can create conflict, but it is the ability to manage the conflict and to develop collective practices and goals in a self-managed manner that produces the commons. In this sense, I use “commoning” to refer to an active process, since

“commoning [is] a relational process – or more often a struggle – of negotiating access, use, benefit, care and responsibility” (Gibson-Graham et al., 2016). This relational negotiation of “overlapping material and immaterial commons” (Noterman, 2016) extends from “the social relations that produce [the commons] as well as the social relations it produces,” as Eizenberg (2012a: 767) explains. Akbulut (2017: 402) synthesizes:

[...] this framework envisions commons as constituted in part by social relationships, collective practices, struggles over access and control, and the forms of subjectivity that are (re)configured. It thus opens up space to recognize the diversity of forms that commons and commoning practices can take as well as their dynamism [...] This reveals the many forms of contemporary social struggles that are continuously constructing and reproducing the commons, and thus sheds light on the potential of political action.

As Akbulut above, De Angelis (2010) and Hardt and Negri (2009) also suggest commoning to be a process rather than a static entity. The social relations sustained among commoners entail an evolving individual and collective subjectivation process. Federici (2012), focusing on how capitalism exploits women’s productive and reproductive life, makes the ecofeminist call for the protection of the means of subsistence (i.e. commons) against capital accumulation as the most important terrain of struggle. Prolific for their theorization of the commons, I find inspiration in Italian radical theory – a post-Marxist strand of (post-) Operaist/Autonomist thought¹² that influenced the expression of “various social and political movements,” like the anti-globalization protests at the turn of the twenty-first century and the Occupy movement after the 2007 financial crisis (Gakis, 2020). However, I insist on the need to acknowledge the commons’ contradictions and imperfections.

¹² Katsiaficas (2006: 6) suggests a definition of autonomist marxism, which was greatly influenced by the 1960s *operaismo* (workerist) communism in Italy, as the following: "In contrast to the centralized decisions and hierarchical authority structures of modern institutions, autonomous social movements involve people directly in decisions affecting their everyday lives. They seek to expand democracy and to help individuals break free from political structures and behavior patterns imposed from the outside." Katsiaficas also notes autonomist Marxist social movements as seeking independence from political parties, and to create a practical political alternative to representative democracy and State socialism (7-8). Hence, *operaismo* mixed with anarchist tendencies of the Situationists and post-marxism. See Wright (2002) to better understand the historical development of the Operaismo movement into (post-) autonomia.

Known for their attempt to “bridge the gap between the theoretical and the political (as praxis)” (Gakis, 2020), autonomist scholars have called for the need to distinguish anti-capitalist commons from commodity-producing commons or common-pool resources, and coopted commons acting as a third sector in neoliberalism along with the market and the State (see Caffentzis and Federici, 2014; De Angelis and Harvie, 2014; Caffentzis, 2009). Although gardens hold varied activities for gardeners with diverse backgrounds and identities, I found it quite challenging to disentangle the community gardens’ actual projects and aspirations from public and private pressures on the ground. However, most gardeners saw their space as a means toward building “alternative socio-spatial relations and economic futures” (Noterman, 2016), but the way to do this was very complex and pressures toward capital accumulation ongoing. As Noterman (2016) argues, commons – like those community gardens – seem to be both spaces of contestation and contradiction that are simultaneously “anti (against), despite (in), and post (beyond) capitalist” (Chatterton et al., 2013: 611). Consequently, as I have pointed out earlier, highly saturated spaces, like gardens in New York City, are marked by the fluidity and relationality of urban space over time, meaning they are entangled in dynamic hybrid forces.

For Harvey (2012), public spaces become urban commons only when citizens as land users and managers take action to reclaim and maintain the space. Autonomist thinkers would ask what then distinguishes these commons from common-pool resources. Responding to Hardin’s (1968) pessimistic and neoclassical take on resource depletion, his tragedy of the commons,¹³ Ostrom (1990, 2007) sought to showcase successful experiments where a group, by defining rules and institutions, could prevent depletion and secured future yields. In this sense, Ostromian commodity-producing commoners are rational individuals who, through cost-benefit decisions, are preventing overuse of common-pool resources to be able to continue to extract the

¹³ Radkau (2008: 90) suggests Hardin found inspiration in William Forster Lloyd (1833) for theorizing the commons as failures leading to users’ overuse.

resource and generate perennial profits. Conversely, anti-capitalist commons are supposed to share beyond the money nexus and therefore be involved in “a realm in which social connectivity is not mediated by commodity relations” (De Angelis and Harvie, 2014). They rather promote “social practices that put constraints on and push back practices based on commodity production and capital accumulation” (*Ibid.*).

I argue the community gardens in East Harlem, which were being evicted or relocated because of the affordable housing plan, were anti-capitalist commons in the process of being coopted. Ethnographically, the gardeners I met in East Harlem were not anarchists. However, many of them were very critical of the current political and economic context, and were aware and often vocal about the economic, racial, gendered, and environmental exploitation they felt or saw around them. In terms of social reproduction, the garden wasn't producing the main source of food they ate but constituted an important space for gardeners to accomplish themselves and enter in relation with the world more ethically. This critique, the collective work ethic, and the political-economic future they envisioned consisted in the immaterial commons of the gardens that helped sustain the material commons consisting of the land, and the relation of care it enabled with other gardeners, animals, plants and microorganisms of the soil.

Gardeners didn't use the vocabulary of the commons, but they sought to reclaim gardens for and by residents who cared and worked to maintain this space. In that sense, they were aware of their exploitation and alienation and maintained their engagement for the communal sharing in the community garden partly out of “the realization that capitalism has nothing to give us except more misery and divisions” (Caffentzis and Federici, 2014: i95). Most gardeners saw the community garden as the means toward a more socially and environmentally just world, the seed of “an alternative mode of production in the make” (*Ibid.*: i95) by which they could eventually earn a livelihood through collective work and anti-authoritarian self-management. In

that sense, they sought a way to achieve “a free association of producers, self-governed, and organized to ensure the satisfaction of people’s needs and desires” (*Ibid.*: i101), but the way to achieve this was fuzzy, not perfectly egalitarian, and still capitalocentric because they didn’t know any other vocabulary than capitalism (Gibson-Graham, 2006).

These gardens seemed to be acting simultaneously as sites of resistance and repression. On the one hand, the relocated gardens were successful in removing such spaces from real estate development by safeguarding it as public parkland protected by State laws. By maintaining these spaces, gardeners felt they embodied evolving social practices centred on solidarity and care that pushed back on capital accumulation. On the other hand, although politicized to some extent, many gardeners didn’t feel empowered to counteract the public-private attack on their space beyond performing political representations to save their garden from eviction or relocation in the formal institutions that exhausted them. Did they lack the tools to resist the assault of cooptation? The relocated gardens all lost acreage, and they were showcased as an adjacent dimension of the development project by putting “a positive spin” on the privatization of the rest of the block, which also “blunt the expected resistance” (Caffentzis and Federici, 2014: i97). In other words, the relocated gardens have been coopted while the evicted gardens were completely enclosed and lost to privatization.

Overall, the way gardeners and public-private actors conceived these spaces differed and clashed. Although gardeners thought of their space as one for social and environmental care and nourishment, the City conceived these spaces as part of a public property reserve for which gardening was an interim urban planning strategy awaiting future accumulation. This promise of accumulation was now implemented through the affordable housing plan and neighbourhood rezoning plan, which followed the spirit of what Caffentzis (2005, 2009: 25) calls neoliberalism’s “Plan B” that uses “the tools of the commons to save neoliberalism from itself.” By

neoliberalism's "Plan B," Caffentzis (2005) points to a paradigm shift in neoliberal governance by which "the relation between commons and capital is necessarily ambiguous" since capital realized it is co-dependent of the commons and becomes less productive when too aggressive. In that sense, the affordable housing plan and other progressive branding strategies help put a positive spin on privatization and real estate development. "Pathways to capitalism with a human face," these strategies also hold at their core counter-revolutionary energy (Caffentzis, 2009: 29; Caffentzis and Federici, 2014: i100). As De Angelis and Harvie (2014) explain:

this 'ambiguity' at the heart of the relation between commons and capital means that questions of social powers are pivotal. Moreover, the social contingencies of this struggle between capital and commoners mean that questions of whether a commons can be coopted cannot be addressed *ideologically*. The question of cooptation is instead a matter of strategic power.

Consequently, this dissertation explains how community gardens in East Harlem, which were anti-capitalist commons, have been coopted since they lacked the tools to empower gardeners toward class struggle where value practice clash (*Ibid.*). However, as suggested above, since commons are relational, they are in no way permanent. They may be vulnerable to the pressures of the public and private sectors even when they seek to set themselves as a resistive or exploratory alternative against such forces.

As such, commons cannot be autonomous on the ground although they might aspire to develop an autonomous and alternative mode of production. Noterman (2016), following Federici (2011: 4), notes the tendency of the literature to smooth away commons' contradictions and challenges, which "discourse tends to 'absolutize' and idealize the commons in a way that both obscures the messiness of commoning practices and also 'skirts the question of the reproduction of everyday life'" (435, 445). To develop her approach, Noterman (2016) contends that: "Given that 'actually existing commons' exist amid embedded neoliberal projects, or 'actually existing neoliberalism' (Brenner and Theodore, 2002), as well as 'complex livelihood

concerns and priorities (Cleaver, 2000: 362), the commons (...) are spaces of contestation and contradiction” (435). Thereby, she acknowledges that commoners have competing obligations and capabilities, resulting in uneven participation in the commoning process, what Noterman (2016) calls differential commoning to underline the “diverse engagements with shared resources” because of different subject positions (445).

Similarly, Velicu and García-López (2018) who, departing from the “dualist assumption about an altruistic human essence suppressed by the Empire,” suggest that focusing on the bodies and social practices reclaiming and sustaining the collective production of commons reveals the “messiness” of their everyday life” (*Ibid.*: 2). Hence, conversely to Ostrom’s main concern with rules to incentivize or punish for better cooperation, these scholars suggest commoning is not mere technical management of resources but rather a “struggle to perform common livable relations” in time and space (Velicu and García-López, 2018: 3). Commoning social relations are then both an ontological and epistemological substratum and a political project, which are defined during the ongoing double valence of power.

This dissertation on community gardens as urban commons threatened with eviction consequently explores both the development of alternative and capitalist ways of living together. Overall, here are the three main goals of this research project. Firstly, I aim to gain a deeper understanding of the everyday gardeners’ property relations – in other words, the negotiation practices among the gardeners – in the commoning process (Chapters 5 and 6). Secondly, as a witness to the complex creative destruction happening in East Harlem, I examine another set of property relations by looking at the City’s relationships with the gardeners while the highly contested affordable housing plan “Housing New York” is being implemented in the neighbourhood (Chapters 3 and 4). Finally, highlighting this complex creative destruction process also reveals how the current property model is premised on inequity. In other words, as

Moore (1978) argues, this dissertation shows how property as legal knowledge is a reflection of a particular social order, which was constructed over time (Chapters 1 and 2), making private property so hegemonic that other property models, like commons, are discredited and marginalized (Chapters 1 and 3).

3. The Politics of Urban Space: Gardens Between Property and Commons

The production of urban space, a premise for capitalism's reproduction, is a relational and fluid process that is never permanently fixed as it constantly generates conflicts. The case of the struggle over garden lots and affordable housing in NYC explored in this dissertation shows how paradoxical tensions over urban space can be. For example, Brenner, Marcuse, and Mayer (2012: 3) explain that urban space is "continually [being] shaped and reshaped through a relentless clash of opposing social forces oriented, respectively, toward the exchange-value (profit-oriented) and use-value (everyday life) dimensions of urban sociospatial configurations."

Indeed, property – and the abstract knowledge that accompanies it – is one way to settle such conflict. Property is traditionally defined as the enforceable claims to the benefits of a resource. It contains the right to exclude and is often accompanied by other rights like freedom and equality. Described as either private or public, property can also be collective and managed as commons, although the law doesn't easily recognize it in this form.

For her part, Verdery asserts that property "link[s] persons to one another with respect to things" (2001: 18). Starecheski adds that property also "sets up inclusions and exclusions – [that is relationships of] belongings, concerning what belongs to whom and who belongs or has affinities with some larger entities (such as a clan or a corporation)" (2016: 100). In other words, property – or relations of belonging between people concerning things as acknowledged through the law, contracts, or use – reflects a particular social order and entanglements of power relations (Moore, 1978b: 244 In Riles, 2004: 775). Since knowledge of property in a strictly legal

sense can overshadow on-the-ground land uses, anthropologists, like Moore (2001), have “analyze[d] property relations by exploring the political relations that are enabled and represented by property” (in Riles, 2004: 776). Property, defined by both legal knowledge and on-the-ground land uses, is thus a reflection of a particular social order, as I will explain briefly in the next chapter by tracing early East Harlem’s natural and social history during colonization.

Since property reflects social order, along with Bhandar (2018), Harris, (1993), and Robinson (1983), I also argue racialization has been central to urban space production in East Harlem and its capital accumulation process, thereby reproducing colonial, racial, and class injustices rooted in property. For instance, in *Black Marxism: The Making of the Black Radical Tradition*, Robinson (1983) argues racialization merged with capitalism to the point of becoming inherent to the accumulation project with “strategies for extraction or accumulation based on racial hierarchies” (Ralph and Singhal, 2019). The eviction by the City of community gardens, which were scars from past racist urban planning policies and had been founded and maintained by black and brown gardeners, is stressing another crucial moment of violent dispossession with racial undertones feeding in the capitalistic economic growth (*Ibid.*; Byrd et al., 2018; Melamed, 2015; Singh, 2017). Similarly, black legal scholar Harris (1993) argues race has been and still is at the heart of American property law since “white possession and occupation of land were [and still is] validated and privileged as a basis for property rights” (1716).

More recently, drawing on Robinson and Harris, but also on Said (1993), Fanon (2001), and Hall (1985, 1986), Bhandar (2018) explores how “racial regimes of ownership” have become “hegemonic juridical formation” (18). Since the “capacity to appropriate” defines the “proper subject of modern law,” Bhandar traces how “legal forms of property ownership and the modern racial subject” were mutually co-constructed through acts of (mis)appropriation founded in use, propertied abstractions, improvement, and status (*Ibid.*: 5; Birrell, 2019). Along those lines, this

dissertation argues we should acknowledge how racial domination, imperialist conquest, and property rights have been intrinsically linked and still persist today, as it impacts how community gardens in New York City can become permanent parkland.

In other words, property is not composed only through the relations between persons and things (Hann, 1998), but rather through the social relations it fosters between persons. Property is constituted through how a person accepts – or is forced to accept – the abstract legal knowledge instituting private property as the “hegemonic juridical formations” (Bhandar, 2018: 18). As a result, few persons engage in the exploration of a marginal mode of property, like the commons, as explained in Chapters 1 and 3.

To look at the complex relations between the private, the public, and the commons, and between the garden’s formal legal property rights and embodied sense of belonging, I traced the property relations among a broad set of various actors. Property relations in the gardens revealed how these urban spaces were contested and negotiated not only among gardeners, passers-by and neighbours, but also with developers, city officials, and city workers who all interacted daily and during the eviction process. Following Verdery (2001), Moore (2001), and Riles (2004), property relations – intertwined with power relations – are linked to the political practices to represent their claims and assert their relation to space. Verdery (1998a) pertinently asked: “through what sorts of social struggles are actors striving to carve individual ownership rights... and in whose interests (if anyone’s) is it to clarify these, reducing ambiguities and rendering rights more exclusive?” (161). It was along with these theoretical contributions that I asked the research question: How did gardeners in East Harlem maintain as commons those urban spaces that are threatened by both public and private interests and what kinds of property relations and political practices were enacted in such urban struggles?

This dissertation illustrates how gardens in East Harlem are both spaces creating social and cultural enclaves where gardeners could be more “free” from the burdens of outside dominant white and capitalist expectations, while also being sites where such expectations, like the City’s increasing requirements concerning gardens’ aesthetics and programming, are imposed. In this sense, despite being commons, gardens are not only “contained within the State” as they were defined according to the State’s hegemonic abstract codes of property, but they were also “containers of State authority,” which they could challenge or reproduce when performing the State’s proper subject of modern law (Low and Smith, 2006: 11; Bhandar, 2018).

Next, to further explore the social relations on the property of those community gardens, I compare this literature on property relations to the literature of gardens as commons to explore ways of “re-embedding the agrifood system within social relations” (Renting et al., 2012). Debates in food politics have been prolific in recent years: scholars like Johnston (2008: 152) have argued that urban agriculture is “a counter-hegemonic tool to reclaim the commons” or that urban gardens are “actually existing *commons*,” which Eizenberg (2012a) proposes with explicit reference to “actually existing *neoliberalism*” (Brenner and Theodore, 2002). Amidst concepts of alternative or civic food networks (ANFs or CFNs) and food citizenry, some agree with the need to “re-embed the agrifood system within social relations,” but the nature of these social relations remains vague and imprecise in the literature (Renting et al., 2012). My aim in this dissertation is to find empirical evidence of those social and political relations involved in the commoning process on the ground, and I suggest urban gardens in East Harlem with their long history and new challenges offer such an opportunity.

Scholars have explained how gardeners engage in gardening for very different reasons and goals (Duchemin *et al.*, 2008), without necessarily explaining how these may oscillate between public good, private interests, and commons. In that sense, many have criticized the community

garden literature for being too optimistic, overlooking internal garden tensions and their inability to resist neoliberalism (Egerer and Fairbairn, 2018). For instance, Martinez (2010) argues that gardens can themselves become “hubs for culture and politics” producing and sustaining local praxis, a set of practices and norms emerging from shared experiences and developing political awareness. Such praxis informs local activism, and constitutes gardeners’ *immaterial* and *political commons*, to use the commons vocabulary proposed by Gibson-Graham et al. (2016). Similarly, Petrovic et al. (2019) mention gardeners in East Harlem bear deep attachment to their gardens, and their place attachment is related to knowing other gardeners, participating in democratic garden governance, and eating garden produce instead of store-bought produce. Overall, “the experience of growing food appears to be more important than the quantity grown,” they write (*Ibid.*).

Incorporating a broad range of practices and initiatives that share values such as mutual aid, ecological sustainability, and informal economy, gardeners are increasingly aware of urban agriculture’s contributions. These range from building a regional food network to benefits to public health for better nutrition and education, and urban ecological assets (e.g. heat island effect, natural rainwater drainage, purifying air, etc.). Furthermore, working in these green spaces may create the expectation of a better future, the feeling of being part of a “larger project of re-creating the world around them by doing something unique, beautiful, and able to free the imagination,” not irrelevant to cultural enactment (Martinez, 2010: 44; Hynes, 1996).

However, as mentioned, these accounts overlook the in-garden, on-the-ground tensions. Despite the diversity of reasons and goals for gardening, these practices characterize the much-needed reconnection between the producer and the consumer, which may nonetheless foster the basis of green capitalism (McClintock, 2014). Although there is a consolidating consensus that urban gardens can both foster “a form of actually existing neoliberalism and a simultaneous

radical counter-movement arising in dialectical tension” (*Ibid.*: 148), only recently have scholars such as Barron (2017) or Egerer and Fairbairn (2018) started defining more precisely and with complexity the social relations fostered in community gardens. For instance, Barron (2017) analyzes how neoliberal processes of privatization, state entrepreneurialism, and devolution intersect within community gardens. She also explores the subjectivities at play in such places (those of the producer, citizen or activist, but also the consumer, entrepreneur or volunteer), their relation to space, and their call for justice. For their part, Egerer and Fairbairn (2018) focus on how the social tensions entailing urbanization processes are reflected in community gardens and permeate the gardeners’ social relations and their production of space. As such, resource struggles and social inequalities are made visible through various conflicts in the gardens over membership rules, resource management, and theft of produce (*Ibid.*). These results intersect with the observations I made during my fieldwork (see Chapters 5 and 6), and seem adequate for fuelling theoretical discussions describing community gardens as “already existing commons” that are imperfect and always evolving (Eizenberg, 2012a; Velicu and García-López, 2018).

Gardening can be a way for residents to achieve control over the urban space in which they live (Marcuse, 2012: 36; Martinez 2010; Lefebvre, 1968). Hence, gardens are social spaces where political practices around food and agriculture are constantly (re)negotiated and evolving. Continuously in conflict (Massey, 2005), the political process around the negotiation of access, use, benefit, care, and responsibility potentially creating dissidence within the group and with formal institutions is central to community gardening activities. As such, they are constitutive of the gardener’s property relations and political practices.

4. Method: A Multi-Sited Ethnography

I chose this object of study as a continuum of my engagement and interest in urban agriculture in Montreal. During my master’s degree in environmental sciences, I was involved in

a student-led research collective on urban agriculture and in a beekeeping collective.¹⁴ I was – and still am – interested in community-based and collectively governed land and resource management strategies, and I see community gardens and urban agriculture itself as being a kind of social, political, and economic experiment. After conducting research on Canada’s mining industry and its implication in international development affairs in 2012,¹⁵ urban agriculture seemed less abstract and incapacitating – especially in the aftermath of the long and exhausting national student strike against tuition hike and austerity I was involved in Quebec (ASSÉ, 2012; Nadeau, 2012; Bonenfant et al., 2013; Boyer et al., 2013). Community gardening also offered possibilities for addressing some of my ecological anxieties. Wanting first to compare the community garden movement in Montreal to the one in New York City, I specified my interest in the NYC movement where gardens are mostly citizen-led and more diverse in their aesthetics and structure as well as less frequently sponsored by NGOs than in Montreal.¹⁶ Most of Montreal’s community gardens are quilts of individual small parcels with a citizen-led board of management and when community gardens host a collective plot, they seem to be mostly NGO-led with a paid garden facilitator. NYC made more sense because I am more interested in the collective endeavour of sharing space and gardening. The readings I did on the NYC community garden movement also painted its proponents as activists, and that attracted me. Consequently, seeing urban community gardens as de-growth and climate change mitigation strategies, I wanted to learn from NYC historical community spaces committed to the environment.

To trace gardeners’ property relations and political practices, I conducted a multi-sited ethnography. This research technique arises from the empirical need to grasp cultural

¹⁴ CRAPAUD – or the *Collectif de Recherche en Aménagement Paysager et Agriculture Urbaine Durable* – at the Université du Québec à Montréal (UQAM): <https://www.lecrapaud.org/>

¹⁵ See Gailloux, 2012.

¹⁶ Comparatively, Montreal’s urban gardens, although springing from popular groups in the 1970s too, seemed to have become much more institutionalized and rigidly structured, under the umbrella of the Botanical Garden and the City’s Beautifying Office since 1974 (see Saint-Hilaire-Gravel, 2014).

production in different locations since it is “embed[ded] in discontinuous, multi-sited objects of study” (Marcus, 1995: 97). To this end, multi-sited ethnography invites us to not focus solely on the subaltern but to explore empirically connected sites of cultural production. In that sense, I observed the power relations at play among gardeners, city officials, different city departments’ employees, and developers (*Ibid.*: 101).

This research project was an open-ended course among various sites for constructing subjects and (re)building the “contexts in which they act and are acted upon” through the connections of these various sites (*Ibid.*: 102, 98). However, as Marcus (1995) explains, “no scales have yet been crystallized”; the global – that local and simultaneous situations define together – “is an emergent dimension of arguing about the connection among sites” (*Ibid.*: 99, 102). Only when the decor has been (re)built with “the contextual architecture framing a set of subjects” interpreted and understood empirically through connections among various sites can the scholar reintroduce theories as to refine the analysis, open the scope of questions or challenge theories (*Ibid.*: 96).

Marcus (1995) offers various practices of “construction,”¹⁷ among which I chose to *follow the conflict*, in this case, the land use conflict between the community gardens and affordable housing. To follow the conflict, I used participant observation, unstructured as well as semi-directed interview techniques, and documentary research during this yearlong multi-sited ethnography. I also focused on the political practices within and between different sites shedding light on the gardens’ negotiation of property relations among city representatives, real estate developers, gardens, and their coalition. In retrospect, I acknowledge that focusing so much on the gardens’ license agreement status and property relations has left little space for

¹⁷ Techniques of construction in multi-sited ethnography are following the people, the things, the plot, the life, the conflict, or the strategically situated site.

accounts and analysis of the gardens' immaterial commons. These were also perhaps harder to pinpoint since I was involved in many gardens at the same time.

I started participant observation at the sites of community gardens in East Harlem threatened with eviction: the six community gardens on the East 111th Street block garden – Chenchita's Garden, Mission Garden, Little Blue House Garden, the Friendly Garden, Villa Santurce Jardinera, and Santurce Garden – as well as Pleasant Village Community Garden, and Mandela Community Garden, for a total of eight gardens (see Figures 1 and 2 and Endnote X for the aerial photo of East 111th Street block).¹⁸



Figure 1. Manhattan Community District 11: East Harlem, New York City (Open Vector Maps)



Figure 2. Location of the Three Sites that Include Eight Community Gardens (Open Vector Maps)

¹⁸ A ninth garden in East Harlem was threatened with eviction because of the affordable housing plan, but when I moved into the neighbourhood and tried to make contact, I found a sign on their gate from GreenThumb saying the garden was closed for an indefinite period due to an extraordinary incident. Jackie Robinson Community Garden was frequented mostly by elders and, with the stress induced by the potential eviction, a member had apparently assaulted another. As Ergerer and Fairbairn (2018) state, the “social tensions from urbanization permeate garden boundaries to influence the production of space and the social relations within the garden. Specifically, the resource struggles and social inequities in these regions are made visible in the gardens through conflicts over membership rules, resources management, and theft of produce.”

I participated humbly but actively in the gardens' meetings and informal decision-making where gardeners negotiated the agenda, rules, and future of the garden. Consequently, I was attentive to their needs and strategies and supported them where and when they asked me by writing grants, hosting events, doing chores, or building websites. The idea was to learn while gardening with them as an active participant while being sure not to impose. In addition to working alongside the gardeners by weeding, planting, composting, and attending meetings, I also conducted 29 semi-directed interviews with gardeners concerning their management style and negotiation with the different city agencies. During some interviews, I also explored the life stories of gardeners who were long-time residents of East Harlem to gain an understanding of how the community garden movement has evolved and how the neighbourhood has changed.

To make connections between various sites while translating and comparing these connections from one cultural idiom to another (Marcus, 1995), I also approached and followed various NYC departments, the neighbourhood political advisory instances that are Manhattan Community Boards 10 and 11 in East and Central Harlem, and the citywide community garden coalition.¹⁹ Overall, I attended at least 250 hours of public meetings. Doing so, I hoped, would crosscut dichotomies and release nuances, shades, viewpoints, and modes of negotiation of the daily conflict of living together in my writing (*Ibid.*: 95, 100).

Being as reflexive as I could during my fieldwork, I tried to adapt to evolving contexts while recognizing my own fluid and transforming subjectivity. Reflexivity is “a dimension of method, serving to displace or recontextualize” each methodological move, by which the researcher becomes a circumstantial activist who renegotiates his/her identity from site to site (Marcus,

¹⁹ Remaining open to other ethnographic sites – like other gardens or coalition groups – to emerge during the fieldwork, I attended most New York City Community Garden Coalition (NYCCGC) monthly meetings, and most full board Community Board 11 monthly meetings, as well as the committee monthly meetings of CB11 Open Space and Land Use committees. I also attended the East Harlem Rezoning plan public hearings and Uniform Land Use Review Procedure (ULURP) public hearings as well as series of gardeners-developer-city meetings.

1995: 112). Following Haraway's discussion (1991) of moving among different sites "between public and private spheres from official to subaltern contexts," the ethnographer must have a keen awareness of being within the landscape as one is moving from site to site, and not be overtly confrontational. One must renegotiate one's performances to be "constantly mobile, recalibrating practice of positioning in terms of the ethnographer's shifting affinities for, affinities with, as well as alienation from those with whom he or she interacts" at the different sites (Marcus, 1995: 113).

Drawing on Vaccaro and colleagues (2013) who are interested in the heterogeneity and fluidity of identity categories, Haenn (2016) suggests the distinction between local and stranger identities might not exist at all since actors within an identity group that may look unitary might be manufacturing distinctions for various reasons, suggesting heterogeneity within groups that are abstractly constructed as homogeneous.²⁰ Hence, "expressions of cultural similarity and cultural distinction" happen simultaneously "to situate themselves within local power structures, to advance personal ambitions" (*Ibid.*: 199, 204). Consequently, Haenn suggests that boundary crossing happens much more frequently both "by elites who seek to maintain their positions and also by disadvantaged actors who seek to free themselves of restrictions and stigmas imposed" (210).

In Haenn's words, what this meant in the specific context of this project was that my identity as a gardener enabled some "identity boundary crossing." Although I did not share the same racial, economic and educational background as most gardeners, my identity and actions as a gardener linked me to them as an ally since we shared similar goals. Haenn writes: "While this understanding does not resolve the ethical differences I occasionally feel (...), I find that it fosters

²⁰ For instance, Haenn (2016) notes the need to acknowledge that "conservation structures assign people places in social hierarchies" since, for instance, "conservation structures discourage campesinos' direct physical engagement with the environment and favor a middle-class and indirect consumption of natural resources." (198)

enough compassion to maintain a space where difference in equality can take place” (216). Encouraging us to go beyond the “false dichotomies such as scholar/community member or academic/activist to see possibilities for mutually supportive work,” one of the participants to this project points out in Reynolds and Cohen (2016) that such approach would be “to honor folks as the experts about what affects them, and what impacts them, and to work from that” (131). Consequently, Ray contends an ethical method requires:

mutual respect for individuals’ interests, priorities, and constraints. To repair trust between people in socially privileged positions (such as academic and upper- and middle-class whites) and people who do not have these advantages also requires developing authentic relationships in which uneven power dynamics are acknowledged and reconciled (*Ibid.*)

The ethnographer consequently has to customize his/her approach and performances according to contexts, from gardens to municipal institutions, as to be non-judgmental and non-confrontational. As my first methodological act and throughout this fieldwork, I immersed myself in the historical, political, and socio-economic context of the gardens. To do so, I lived in East Harlem for the length of my fieldwork, where most identified gardens are located.

When I moved to East Harlem in July, I was anxious I would contribute to gentrification when choosing my apartment. It was a little naïve to think I could affect the multi-dimensional and dynamic process of gentrification, but still, I thought it was important that I acknowledge my position of privilege as a white middle-class woman who had access to grants and funding to pursue a doctorate in Sociology and Anthropology from a university in Canada. Looking for affordability and a good location, I ended up in the south of East Harlem, on the ground floor of a six-floor walk-up building,²¹ squeezed down the hill from a lively area on Lexington Avenue and

²¹ My building had approximately 24 units. Most old tenements in the area were about this size, from four to eight stories high. Only the New York City Housing Authority (NYCHA) projects were taller with more than twenty floors. The newest buildings constructed under the East Harlem Rezoning Plan, implementing the affordable housing plan, will be even taller.

not far from the busy boisterous train on Park Avenue emerging above ground a few streets South. It was very hard to find something cheap, and I needed to be aggressive just to get a visit.

Settling in, I decided to clean the back alley I saw by my windows, a narrow corridor down the stone wall separating the adjacent building up the hill and our building that the superintendents of the buildings utilized daily and which was littered with old clothes, small toys, figurines, and trash. As I was cleaning the space, two women, who had probably noticed me when disposing of their trash, walked up to introduce themselves and talked of the lady who used to live in my apartment and who had tended a little garden there. My neighbour next door who was Mexican and only spoke Spanish said something with a sparkle in her eye to the other Puerto Rican woman who lived on an upper floor. She translated: “are you planning on planting vegetables?” she asked, insinuating she could maybe join the operation. Before I could answer, the translator invited both of us to the garden that had just been revamped in front of our building.

A little later, as the heat was becoming unbearable and I was trying to get rid of the odour of cat urine in my apartment, I opened the front door in the hope of letting some air circulate more freely as I was unpacking and cooking at the same time. Not five minutes had passed that the Nuyorican²² lady from earlier knocked on my open door. Welcoming and with a big smile on her face, we properly introduced ourselves, and she immediately reminded me not to let my door open as it could be dangerous and attract thieves and whatnot.

These early events taught me the basic local rules to follow: people on my block knew each other, or at least recognized each other, and were put in relation just by their proximity, being able to mitigate potential threats together. By those small interventions, my neighbour had signalled what were acceptable behaviours but also reminded me that she was looking out for me. Every time we would meet on the sidewalk, by the entrance or the alley of the building, she

²² Puerto Ricans “born and raised’ in New York City or have lived most of their lives in the city self-identify like this.

would enthusiastically say: “Hi! How you doin’ mami?” These simple words, or sometimes just a head nod to say hi, would signify respect and solidarity: the two acts of greeting one another were signalling and acknowledging presence, a sort of “I see you” and “you see me.”

Bourgois (2003), in his ethnography of the drug network in East Harlem in the late eighties, writes that “everyone is conscious of the real possibility of assault” and are put in relation to one another through potential threats.²³ Despite the implosion of modern public life, Caldeira (2000) notes public sociability among neighbours exists in the form of polite interchange on the sidewalk that makes public space meaningful and neighbourhoods more lively while also indicating that “safety is maintained by engagement, not by isolation” (239). This was the case especially with neighbours I met in the hallway of my building, on the street where I lived, but also around the neighbourhood with maybe less intensity. Indeed, this was, perhaps, one of the many ways the neighbourhood’s past of violence was still felt.

From my apartment, I could hear that most tenants spoke Spanish in the hallway. I heard some tenants walking up their small carts full of groceries; I sometimes heard the piano from a unit on an upper floor; I heard kids with their grandmother walking up the stairways; I heard the neighbour walking out with his bike to start his pizza-delivering shift; I smelled and heard big batches of Mexican food being prepared, which another person would later come pick up to maybe sell or serve somewhere else; I heard kids play ball in the hallways after dinner while grandparents and parents, brothers, and sisters washed the dishes and hung around in the one-bedroom apartment.

At first, I felt like I clashed in the neighbourhood: the white middle-class “little girl” living alone in her studio. Was I the only white person in the neighbourhood? Was I the typical gentrifier? As a French-Canadian, I was intensely aware of the colour of my skin, but also that

²³ Bourgois writes this in the Introduction and Chapter 1 of *In Search of Respect – Selling Crack in El Barrio* (2003).

neither English nor Spanish were my first languages. I was trying to adapt my register of language. I wondered if they were judging me: did they think I was the typical white American girl from the Midwest, Connecticut or New Jersey receiving money²⁴ from her parents to live the big dream in the up-and-coming neighbourhood of East Harlem? I really intended to show them they were wrong, or that I was different, and so I strived to be as accessible, kind, non-judgmental, and respectful as I could. At first, some thought I was French. Some others would be like: “Oh! You come from Canada! From Montreal!” and then, inevitably, a joke on free health care tinged with envy would be offered. Some others – often white people – would claim they loved it over in Canada while others would not know where it was.

After only a few weeks after I had settled in, one of the gardener’s grand-daughters who had come back from her basketball practice asked, chuckling: “what’s her accent? Is she British or what?” And that’s when I realized I was trying so hard to make sure they would understand me or that I would fit in that I became lost in different registers and accents. I didn’t need to try *that* hard; I just needed to find my place and voice, a critical stance in an anthropologist’s method. My supervisor during my visiting scholarship at CUNY’s²⁵ Graduate Center, Setha Low, thought that my French-Canadian accent was an asset. It signalled that English was not my first language like many other East Harlemites, and communicated some vulnerability. She thought it might have helped me be accepted by gardeners. I think it did, but I also really think they welcomed the pair of hands I could put to work.

I was trying to get involved as much as I could to help the gardens in the way I understood they thought was fit. I tried to share information as much as I could. I offered time, sweat, wrote emails, read, read more, and read again the various long reports, press releases or newspapers,

²⁴ I do come from a privileged middle-class family, but I received grants to pursue my study, and specifically to do this research outside of Canada. However, one should also note that doing a Ph.D. in Québec is probably costing the fifth it would in the U.S., which was nonetheless hard to justify.

²⁵ City University of New York, Graduate Center, Anthropology department.

made connections with local organizations, helped write grants or build websites, sent petitions, etc. However, I wasn't sure how I could ever really repay them for the information I collected and the time they spent answering all my seemingly foolish but relevant questions. I gave all I could, but I sometimes still felt it wasn't enough, although others were very appreciative and grateful. This grey zone points again to the anthropologist's need for acute sensibility.

I didn't want to speak up in place of someone else, but I would share information, questions, and perceptions when strategizing as a group. Should I have spoken up more often? Used my title and skin colour to defend more fiercely the gardens in public meetings? I did just that when I felt it was appropriate. I wish I could have done it more boldly, but I am naturally shy, English is my second language, and I didn't want to act in a patronizing way by speaking for them. Moreover, the many times I tried to speak up during community board meetings I felt discredited. It was, sometimes, a man sitting on a community board committee interrupting or refuting information I just gave although I was right. Some other times, a city official interrupted me during a joint meeting between gardens and city agencies because they said I wasn't a "real" gardener, although I paid my membership fee and gave dozens of hours per week to the gardens. Nonetheless, I didn't refute the information, because I also felt they were right in a sense since I would leave the garden after a year, and I didn't want to take time away from another gardener to speak up. Still, some encouraged me to be more adamant and fierce. Was I not speaking up loudly enough and with enough confidence? Was it my accent? These are some of the doubts and reflections that accompanied me during my yearlong fieldwork.

A couple of weeks after my arrival, I noticed the park's and garden's gate in front of our building – the one my Puerto Rican neighbour had told me about – was almost always open. Planning to eat in the park the al pastor torta I bought at the Mexican restaurant on the corner for lunch in order to observe the garden and maybe meet new people, I was surprised to face a

closed fence midday on a weekend. I only had the time to turn around, and a white man in his thirties asked if I wanted to go in the garden. I was bewildered that someone I was seeing for the first time (at least I thought this was the first time) would give me a key to access the park when I wanted. Community-controlled parks were new to me; in Montreal, where I had lived for the past ten years, parks were almost always public and fenceless. If gardens were gated and locked, they were private, end of story. The man explained he was soon moving out of our building (for a more comfortable place, he said), so he wouldn't need his key anymore and would be glad to give it to a new neighbour. I followed him across the street, waited five minutes for him to get his key in his apartment, and still a bit confused by how easily I was able to get access to such a nice space, I said thanks and went inside the park to eat.

During the next few weeks, I would learn that the owner of this park and garden area, the non-profit New York Restoration Project (NYRP²⁶) had sold the garden's air rights (or construction rights²⁷) for \$500,000 to the developer next door who could thereby build higher, up to 23 stories (Solis, 2015). In exchange, this money enabled NYRP to revamp the garden installation, basketball court, playground, and park area with grass lawn, benches, tables, and a charcoal barbecue. However, the new housing development next door would have its own door to the garden, and the building staff would hereafter be in charge of opening and closing the park, explained NYRP executive director Deborah Marton (*Ibid.*). Fearing this may challenge the gardeners' and park-goers' ability to access the garden and control over the space, many criticized NYRP for not involving the gardeners in the decision-making process. While this used to be a community-controlled privately-owned (or non-profit-owned) open space, it seemed it was now becoming a privately-controlled and privately-owned open space. Other critics also

²⁶ NYRP owns nine gardens in East Harlem, and many were acquired in the late 1990s garden settlement (Solis, 2015).

²⁷ Each lot is zoned to permit a certain use (e.g. residential, commercial, industrial, mixed-use, etc.) and a maximum construction height. One way to build higher is to buy the "construction rights" or air rights from another lot to superimpose it on the former.

claimed that, although NYRP was a donor and City-funded organization, it had not tried to use its leverage to get a better deal to contribute to the broader community. In this instance, it acted as a subcontractor for revamping the park and enabled the construction of a taller building (see Eizenberg, 2012b). Moreover, being a member of the East Harlem Neighbourhood Plan Steering Committee during the neighbourhood rezoning process raised questions (see Chapter 4). This case of a garden's air right sell-out may cause a precedent for other gardens and raised the fear NYRP, as property owners, could have benefitted from this consultation process. In the end, this situation pointed to some of the new ways urban space is produced and appropriated.

6. Conclusion and Structure of the Dissertation

In **Chapter 1**, I take a step back to trace the early history of the gardens' emplacement in East Harlem during colonization to explore how the moment where accumulation-by-dispossession linked racial domination, imperialist conquest, and property rights, which persist today. In **Chapter 2**, I examine the recent history of the community garden movement downtown and Uptown and argue gardens Uptown have been shunned by academics who were perhaps more comfortable working with white activists than mingling with Latinx and Afro-American gardeners. **Chapter 3** analyzes how the City has acknowledged the gardens' use of public properties, the City's licence agreement, that is the material form communicating the abstract legal knowledge of property, since the 1970s. Those licence agreements, as hegemonic abstract representations of the garden space, became tantamount in preventing gardeners from becoming owners of the space they maintain and in keeping gardeners obedient citizen-subjects. Then, **Chapter 4** examines the complex implementation of "Housing New York" in East Harlem and the various strategies put in place by hybrid governing coalitions. It also argues the Habermasian view of the public sphere interface between civil society and the State during the public approval process is never neutral and has thereby discredited gardeners' political

representations. **Chapter 5** explains how gardeners commit possessory acts to communicate to others how the garden is their turf, an enclave, a sanctuary, or a cultural safe space distinct from the rest of the world that is porously bounded according to the intruder's identity. Finally, **Chapter 6** continues to explore the various ways of enacting and performing property as mutually vulnerable and bounded selves (Velicu and García-López, 2018). There, I focus on how gardeners negotiate the normative dimensions of private property to comply as obedient citizens-gardeners or rather seek to experiment with the messy project of collective ownership.

Chapter 1

East Harlem Early Farming History – Liberal Appropriation of “Bare” Land in Colonial Times

In this chapter, I trace the early history of the gardens’ emplacements through the early story of colonization in East Harlem to explore the very diverse and evolving ways of appropriating land in racial regimes of property. This early history shows how processes of accumulation-by-dispossession since colonial times are founded on inequity since these processes, performed through status, use, improvement, and eventually propertied abstraction, according to Bhandar (2018), developed “in conjunction with racial schemas that [negatively] qualif[ied] the natives’ [and non-white’s] capacity for ownership” (Lund, 2019). For instance, Bhandar (2015) shows how the “the commodity logic of abstraction that subtended new property logic [rising during American settler colonialism and the 17th-century England and still subjacent today] was accompanied by a racial logic of abstraction that rendered the land of the Native, or Savage vacant and ripe for appropriation.”

I take this historical step back for two reasons. First, I delve into the genealogy of land appropriations in colonial Mannahatta to show how different property regimes have collided to let our contemporary private property regime rise. Although the current private property model is often framed as the only possible configuration, different models have existed over time, like the Lenapes’ overlapping commons on Mannahatta.¹ Second, this early history also emphasizes the inherent inequity of the private property regime during settler colonialism. Over the years, with the advent of North American colonization and debates over political philosophies, certain ways of appropriating land have dominated to become hegemonic at the expense of large segments of dispossessed groups and other property models that became marginal. Although contexts have tremendously evolved, by doing so I seek to highlight how accumulation-by-dispossession, or accumulation based on violent forms of dispossession and expropriation, was

inherent to early land appropriations and still is today essential in recent cases of new enclosures like the garden's eviction in favour of private affordable housing. Ultimately, this history helps understand against which kinds of public and private threats gardeners have sought to maintain their space as commons at the margins. As many like Federici (2012), Clouthard (2014), and Gilmore (2017) have argued, contemporary capitalist accumulation relies "on an amalgam of older and newer inventive mechanisms that preserve racial and gendered logic established during colonial settlement and slavery" (Bhandar and Toscano, 2015).

Surely there had been an initial moment where a large segment of the population was separated from their means of subsistence or production, creating alienation and dispossession, that Marxian scholars call primitive accumulation. However, Luxemburg (1913) reinterpreted this separation as accumulation-by-dispossession as ongoing and constantly reproducing capitalism (De Angelis, 2001; Midnight Notes Collective, 1990). Similarly, black Marxist scholars of racial capitalism – like Robinson (1983) who argues slavery was a mode of accumulation prior to capitalism – suggest that capitalism has been and is still inherently racialized with extraction strategies rooted in racial hierarchies. Bhandar (2018) illustrates this by showing how historic and contemporary "legal forms of property ownership and the modern racial subject" are mutually co-constructed. Overall, this chapter tells the story of how the initial moment of primitive accumulation was instituted in East Harlem and transitioned toward accumulation-by-dispossession rooted in racial hierarchies.

1. Private Property And The Turn Toward Representative Democracy

During European Feudal times, properties were passed down within dynastic families – either royalty or nobility – and laws prevented such property inheritance from being transferred to other parties to ensure wealth remained within their ranks (Blomley, 2005). Responding to the

17th-century turmoil in Great Britain,²⁸ by drafting the influential *Two Treatises of Civil Government* (1689), John Locke proposed a decisive political philosophy defining a legitimate government not as a king with a divine right²⁹ to rule with absolute power over the land through dynastic proprietorship (Moseley, 2020). Instead, Locke suggested a social contract by which a civil society consisted of “rational” property-holding men in the Law of Nature³⁰ gave up power³¹ to a government that would protect the “stable, comfortable enjoyment of their lives, liberty and property” (*Ibid.*). If the government failed to protect these basic rights, Locke’s social contract suggested the government could be resisted and replaced³² (*Ibid.*; Fabri, 2016; Ashcraft, 1986). Consequently, responding to Great Britain’s colonization in the Americas and the religious turmoil between the Parliament and Crown,³³ Locke suggested a kind of liberalism where the State should not interfere with the economy albeit to protect its economic actors (i.e. appropriators of land) defined in the exclusive terms of “rational” and Protestant men holding private property. Locke’s two treatises consequently offered justification to new appropriations

²⁸ “He lived through the overthrow and execution of the monarch, the interregnum of the Cromwell’s Republic, the Restoration, and the overthrow of another monarch in the Glorious Revolution,” which turmoil influenced his political philosophy (Moseley, 2020).

²⁹ In this sense, he was replying to Filmer’s *Patriarcha*, written in 1648 but published in 1680 during the Exclusion Crisis, which argued favourably for the king’s divine right (Moseley, 2020; Fabri, 2016; Laslett, 1988).

³⁰ The Law of Nature – coming after the State of Nature – is “a basic system of morals – which is given to every man to know” since this law “is something which is the decree of a superior will (God), and lays down what is to be done and not to be done, and which is binding on all men” (Moseley, 2020). Rogers (2020) writes:

for Locke’s philosophy, God gave humans just those intellectual and other abilities necessary to achieve this end. Thus, humans, using the capacity of reason, are able to discover that God exists, to identify his laws and the duties they entail, and to acquire sufficient knowledge to perform their duties and thereby to lead a happy and successful life. They can come to recognize that some actions, such as failing to care for one’s offspring or to keep one’s contracts, are morally reprehensible and contrary to natural law, which is identical to the law of God.

³¹ To do so, men gave up the power of punishing aggressors to protect the estate that they possessed in the State of Nature (i.e. before the Law of Nature) to let the government create established and known laws, arbitrate in disputes, and preserve the life, liberty, and property of its members (*Ibid.*). Consequently, this differs from Blackstone’s (1766) perspective for whom property is the “sole and despotic dominion which one man claims and exercises over the external things in the world, in total exclusion of the right of every other individual in the universe.”

³² See §199 and §204 in the Second Treatise.

³³ This was also contextualized in a long legal debate around the notion of terra nullius, which Catholic Popes mediated to secure land rights (Nayar, 2015).

(i.e. enclosures) in Europe and the Americas while also securing the nobility's previous property rights (Ashcraft, 1986; Fabri, 2016³⁴).

Overall, Locke was “politically conservative, economically mercantilist, morally authoritarian, highly Christian, and generally suspicious of swathes of people who could affect the Commonwealth's peace and security (atheists, Quakers, Roman Catholics)” (Moseley, 2020). Fervent believer, Locke started writing the *Two Treatises of Civil Government* (1689) during the English Exclusion Crisis (1679-1681) and finished during the Glorious Revolution (1688-1689) (Laslett, 1988). Locke was tangentially involved in the Exclusion Crisis as a strong supporter of Lord Ashley, who had hired Locke as a doctor in his household (Rogers, 2020). Lord Ashley, also Earl of Shaftesbury, Lord Chancellor to Charles II in 1672-73 and founder of the Whig Party in 1678, presented a bill to Parliament in 1679 to exclude James II, King Charles II brother, from succeeding to the thrones because of his Catholic faith (*Ibid.*). A decade earlier, James II, also Duke of New York, took New Amsterdam from the Dutch in 1664 to rename it New York (Moseley, 2020; Fabri, 2016). The exclusion bills failed, and James II became king in 1685 despite his religion. “[Fearing] the return to Catholic Stuart [theocratic] rule and the conditions that had created the [English] Civil Wars [1642-1651],” many hoped his daughter from his first

³⁴ Fabri (2016) writes: “Lors de la rédaction du cinquième chapitre dédié à cette tâche, Locke devait encore tenir compte de deux contraintes plus spécifiques. D’abord, comme le souligne Ashcraft, la question de la propriété était un enjeu crucial lors des débats autour de la crise de l’exclusion qui constituent le contexte d’écriture des *Deux traités*. Les *tories* accusaient les *whigs* de poursuivre des politiques égalitaristes et de vouloir remettre en question le droit à la propriété privée, tandis que les *whigs* soulignaient qu’un droit de propriété qui dépendait tout entier de la bonne volonté du Roi n’offrait que peu de garanties à son détenteur contre l’arbitraire. Loin d’être seulement théorique, le débat était lourd d’enjeux puisqu’il s’agissait de gagner le soutien des différentes classes propriétaires (marchands, petite bourgeoisie, et en particulier la *gentry* et son influence populaire), qui, vivant de leur propriété, désiraient obtenir des garanties quant aux desseins égalitaristes ou non de *whigs*. Comme l’écrit Ashcraft :

Les *whigs* avaient besoin de trouver un moyen de réconcilier le langage de l’égalité, les droits naturels et l’idée que toute propriété a été originellement donnée « en commun » au genre humain avec une justification des droits de propriété pour se défendre contre les accusations de vouloir niveler (*level*) les propriétés des hommes que les *tories* leur attribuaient sans cesse dans leurs sermons et pamphlets exclusionnistes.

Comme Ashcraft, nous pensons que le cinquième chapitre a été écrit au moins en partie pour solutionner ce problème théorique crucial pour la cohérence de la propagande *whig*, et donner des garanties claires à la *gentry* et aux classes propriétaires que leur soutien aux *whigs* n’équivaudrait pas à un soutien à des politiques qui remettraient en cause leurs propriétés.”

protestant marriage, Mary II, with her Dutch husband William III of Orange, would soon take the throne since her Catholic father was already old (Moseley, 2020). With the birth of James II Catholic son in 1688 that became the presumptive heir to the throne replacing Mary II, the Glorious Revolution was launched with a coalition of Whig and Tory politicians with a Protestant bishop inviting William III of Orange for a Dutch invasion in Great Britain (*Ibid.*; Rogers, 2020). Because of this threat and his weak support, James II fled to France, and William III and Mary II succeeded to the throne. This dispute ended when with a confirmation of the primacy of Parliament over the crown in a constitutional monarchy with a parliamentary democracy, and established the 1689 Bill of Rights (Britannica, 2019).³⁵ It is in this context that John Locke wrote and published the *Two Treatises of Civil Government* (1689).

Perhaps John Locke also found inspiration in the first European enclosures and appropriations in the Americas of the early seventeenth century (Rogers, 2020). Appointed by Lord Ashley in the late 1660s as the secretary to the eight Lords Proprietor of Carolina, Locke helped draft the Fundamental Constitutions of Carolina and reported to the Council of Trade and Plantations, thus actively promoting the establishment of the North American colony resting on slave trade³⁶ and the plantation economy (*Ibid.*; Laslett, 1998; Moseley, 2020).

Locke's theory of appropriation both justified the alienation of labour by wage-labourer and slaves, whom he dispossessed by appropriating their work and results. In the *Second Treatise of*

³⁵ The two treatises are also believed to have influenced the U.S. Declaration of Independence (1776) and the French Declaration of the Rights of Man and the Citizen (1789) (Britannica, 2019).

³⁶ See chapters IV and VII of the first treaty to understand his paradoxical position of slavery. Moseley (2020) writes:

Locke presents his rejection of slavery: man's liberty in society is to be under no other legislative power but that established by consent and under no other will or power but what the legislat[ure] enacts according to the trust put in it. Slavery is defined as being under absolute, arbitrary, and despotic power, and, we may recall from Chapter I of the *First Treatise*, it is the most miserable condition of man – yet it is not wholly unjustifiable in Locke's system; if a man aggresses against another, he loses all rights in the just war fought against his aggression, and thus may he be rightly enslaved. (Incidentally, Locke deemed the West Africans enslaved by the Royal African Company to have been taken prisoners in a just war against them, thus defending, if somewhat naively, colonial slavery).

"The right over the aggressors is perfectly despotic – that is, they may justly be put to death or enslaved."

Civil Government, Locke wrote: “As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property,” thus encouraging material appropriation and possessive individualism (1689: 32). He claimed a man initially owned himself and then owned what he mixed with his labour, justifying private property on utilitarian ground in that it produced wealth for the nation and on moral ground since it helped maintain status (see note 34). Consequently, one could appropriate (or acquire property) through his or her personal labour. Locke also wrote: “the Turfs my Servant has cut’ can become my property,” which Macpherson (1962) interpreted as alienating the labour of others (Tuckness, 2016). In other words, a proprietor could appropriate the work of his workers. Locke also suggested that if a man lost in a “just war,” he then lost all rights and could be rightly enslaved, and that’s how he justified the slavery of the Royal African Company in Carolina (sic) (Moseley, 2020).

Seeking to explain how land could be appropriated despite previous land uses, Locke wrote:

There are still great Tracts of Ground to be found, which (the Inhabitants thereof not having joyned with the rest of Mankind, in the consent of the Use of their common Money) lie waste, and are more than the People, who dwell on it, do, or can make use of, and so still lie in common. (*Ibid.*: 341)

If this new theory of appropriation and political philosophy enabled some unpropertied to become part of this exclusive civil society of property-holders by appropriating bare land, they had to consent in this social contract built on the constitutive exclusion of others (Hetherington, 2011). Already in the two treatises, influenced by the prejudice of the time, Moseley (2020) notes that: “Locke’s particular political ethics demand[ed] that some people should not be part of the Commonwealth at all – Roman Catholics, atheists, and extreme religious sects should not be tolerated. Vagabonds and beggars are to be outlawed and pressed into government service (army or navy).” As we will see in the next section, not all – neither indigenous, Afro-Americans, nor women – could own land according to the letter of law at the time.

Even if the law has tremendously changed, all are still today not equal when trying to access ownership, like racialized minorities. On this matter, Bhandar (2015) shows how the “the commodity logic of abstraction that subtended new property logic [rising during American settler colonialism and the 17th-century England and still subjacent today] was accompanied by a racial logic of abstraction that rendered the land of the Native, or Savage vacant and ripe for appropriation.” For instance, as Macpherson (1962) suggested, Locke seemed to assume different “rationality between capitalists and wage-laborers [and slaves],” creating distinct classes where only property owners would be considered voting members (Tuckness, 2016). This preconceived notion of the citizen as a property-owner comes, according to Arendt (1958) in her review of classical thought, from the ancient idea that “property freed men from the basic necessities of life and thus allowed them to participate in the polis” (Blomley, 2005a). This preconception would later be debunked, although owning property still seems to point to being more rational.

Founded on the consent of the majority, this liberalism raises the concern of how continuous must this consent be. Low and Smith (2006) argue this political philosophy introduced blurred boundaries between society and the State. Not only did this new political philosophy acknowledged private property’s primacy, but representative democracy also introduced an unclear and very sporadic process to *represent* the society’s concerns to elected officials (i.e. election, referendum). Consequently, with government representatives retaining authority over the public sphere, this blurring evolved to the “progressive exclusion of the public from the resulting competition between and among private and governmental interests in a putative postliberal public sphere” (*Ibid.*: 14; Swyngedouw, 2009). Coming from ecclesiastical Latin and old Middle French, the word ‘putative’ usually refers to a bond we assume legitimate or valid without proofs, usually for lineage or marriage. Consequently, besides elections and

referendums, the concerns putatively delegated to the elected officials to create this political consent were and are therefore “accepted by supposition rather than as a result of proof” (Merriam-Webster, 2020).

More specifically to the topic of this dissertation, without more direct and continuous delegation of society’s concerns to the State for land use governance, elected officials have had a putative authority over land even if their decision didn’t necessarily correlate with society’s concerns or land uses on the ground. Hence, a great deal of power went to those who could influence how the society’s concerns were represented, thereby excluding those who didn’t have the means – like property, money, personhood, and legal knowledge – to influence this process of representation. This was also true in the representative governance and management of public property, like that of community gardens. To understand how this exclusion is taking place nowadays, a central point of this dissertation is the exploration of the interactions between the gardeners, the city representatives, and developers.

Overall, the conquest of the New World was a period where such ideas and worldviews about citizenship and resource management collided. Low and Smith (2006: 14) argue:

In the eighteenth century, the founding rights lying at the base of the public sphere [like private property] were supposed to be universal, but were, of course, highly restricted by class, race/ethnicity, [religion,] and gender, not to mention national citizenship; assertions of universal rights coexisted quite sanctimoniously with class exploitation, slavery, and the oppression of women.

During this period, many claimed property rights to the land they worked, and in many cases successfully earned legal titles, following Locke’s narrative of property. As land became scarce and was more likely to generate conflicts, land titles and contracts were created and were more easily exchanged. Locke’s concern for “enough and as good [land] left in commons for others” decreased in importance with money since a property’s “value [could] be stored in a medium that [did] not decay,” money (Locke, 1689: Chapter 5; Tuckness, 2016). Locke also believed that,

since property increased productivity, “even those who no longer [had] the opportunity to acquire land [had] more opportunity to acquire what [was] necessary for life” (*Ibid.*).

With abstract land titles and money, property became alienable and could be sold instead of only being bequeathed within a noble or royal family. Land titles, which are representations depicting the materiality of the land that could be exchanged for money, are “institutions created by contract for the mutual benefit of all those contracting in” (Hetherington, 2011: 120). Commanding the authority to represent reality (i.e. land use) but having no stable meaning, “social contracts are built not on sudden emergence of consensus, but on the violence of constitutive exclusion” (*Ibid.*: 121). As we will see, early land conflicts between titleholders and land users in East Harlem illustrated this slow and conflicting transition, but most importantly show how those appropriations simultaneously produced exclusion and inequalities.

2. Appropriating Indigenous Commons Through Colonial Commons and Private Property in the False State of Nature

Space is relational and constantly in flux, but also historically embedded (Massey, 2005).³⁷ The property model we know today is only one among many others, as the Lenape collective land regime of overlapping claims with multiple users and unclear boundaries shows in the next section. For almost four centuries now, the private property model has dominated over marginal models that became interstitial, like the Lenape’s. However, this hegemonic model is premised on inequities so a few, mostly white and male, could hold power and wealth (Harris, 1993).

As I describe how land has been historically appropriated and exchanged in the early farming history of East Harlem from Lenape, Dutch, English, and American occupation, the power required to become and remain an owner, stemming from race, gender, and family, becomes more evident. To scrutinize this power, I describe the Lenape collective property model and delve into the ways it transitioned toward private property on Mannahatta, Uptown. Notably, I

³⁷ The literature on the interaction between space and place is a central debate in human geography.

look into Peter Minuit's transaction in 1626 for what was then common indigenous land and among the first enclosures in America.

Land conflicts arose between the European land uses that overshadowed the Lenape's land uses, which property models are premised on different precepts. While the European property regime was based on personal and individual ownership of a delineated piece of land with clear boundaries over which one has control and responsibility, *indigenous commons* – a concept Greer (2012: 372) coined – referred to the First Nations' overlapping territorial land use patterns. Different indigenous clans could use and share the same territory for different foraging purposes. For instance, the Rechgawawank Lenape community, with its dozen subgroups, used the land we call today East Harlem and “la[id] claim to overlapping areas for distinct foraging purposes”, like travelling, hunting, fishing, berrying as well as slash-and-burn agriculture³⁸ (*Ibid.*: 371; Sanderson, 2009: 106). Europeans – first Dutch, then English – had a very different way of claiming and sharing land than the Lenape.

Settlers' *private properties* were not the only means of appropriating indigenous commons; *colonial commons* were a threat too. These colonial commons differed from the First Nations' conception of commons. While indigenous commons could bear various claims, diverse uses, and had no clear boundaries, they were characterized through stories referring to seasonal uses or surrounding places and waterways. In other words, the indigenous commons – an alternative property model we could perhaps inspire from – were shared, were diffused and held with other

³⁸ After preparing the land for hunting and farming with fires, they farmed the three sisters of beans, maize, and squash to complement their diet (Sanderson, 2009). However, as Ceci (1975; 1977; 1979; 1982) argued, “in *coastal* New York, the environment was so abundant with resources that horticulture was an adjunct to the diet, not the primary source of calories,” and tested soil and bones later showed “that the Lenape primarily ate local plants, not maize, and a lot of seafood” (Sanderson, 2009: 119).

uses and users. Conversely, colonial commons³⁹ were deemed universal and completely open to all for interim use until transformed into private properties (Ingold, 1986 in Greer, 2012: 371; Valverde, 2017: 559). This will remain important throughout this dissertation because the City's requirement for community gardens to operate as almost park-like by being open to all and for interim use seems to reproduce a similar normative perception than the one defining colonial commons. Because indigenous commons didn't belong to one single person but bore collective claims from specific communities without necessarily communicating clear boundaries, the indigenous commons could be appropriated according to Europeans possessive individualism. Indigenous commons didn't fit into the liberal and Lockean property regime, and thus were considered land in the State of Nature, and according to Locke, were being "wasted" if not appropriated and privatized.

Put another way, indigenous commons were lands there for the taking from a Lockean perspective. Europeans considered all America as bare and unused land, that is in the State of Nature, a conception that "existed mainly in the imperial imagination" and strategically used for enclosures (*Ibid.*; Fabri, 2016). To that end, dispossession and appropriation occurred through the clash of two very different property regimes, the Lenape's and the European, and in various ways: not only through the creation of boundaries and private properties but also with the creation of colonial commons that would threaten indigenous commons.

By extension, these land conflicts address how the creation of a property model based on private ownership enabled the appropriation of land use and usufruct (the produce of this land) by one person versus by different groups sharing land with overlapping claims and uses in a commons property model. This sets the stage for accumulation-by-dispossession. Although not

³⁹ For instance, from the seventeenth until the nineteenth centuries, only tidal creeks Uptown remained specifically common although some settlers would hire a common herder to manage their flocks, which the overall limited number of animals made this possibility cheaper (Pirsson, 1889; Riker, 1881: 193).

exempt of conflicts, the First Nations' collective property arrangements were not unorganized⁴⁰ as settlers proclaimed, but varied considerably geographically from nation to nation, being sometimes collectively managed or organically used by cohabiting members (see Greer, 2012).

The Lenape's land uses varied with changing seasons along migratory patterns, thereby not necessarily communicating clear property markers as a private property would. Located inland in what is now the Bronx during winter, the Lenape moved back to Mannahatta during summer to practise a more varied set of activities like fishing, hunting, gathering, and farming (Sanderson, 2009: 106, 110). Archaeologists, like Kraft (1986), also point to the Lenape's more "spiritual and moral relationship to the land" that transcended their practices (*in* Sanderson, 2009: 129). They "saw themselves as an integral part of a natural world filled with an almost infinite variety of plants, animals, insects, clouds and stones, each of which possessed spirits no less important than those of human beings" (*Ibid.*). However, we should acknowledge the little data we have from this period, and the very limited known details on the Lenape communal property model in what is now New York City. As Sanderson (2009) puts it, "much of what we can say about the Lenape on Mannahatta comes from a composite of archaeological evidence, historical anecdotes, folk etymologies, interviews with modern Lenape, and inference from other places. Which is to say, what we know for certain is really very little" (104)⁴¹.

⁴⁰ The American property law doctrine, established as dominant and to protect the private property model, claimed customary and collective land use as unorganized and unmanageable (see Rose, 1986).

⁴¹ Not to mention that archaeological sites on private lots discovered during construction in contemporary times see their destiny surrendered to the goodwill of the construction group. Owners and foremen are bounded to contact the police when they find human remains or potential archaeological findings, to initiate investigations, and eventually procedures to maybe start archaeological digs. However, this all depends on their goodwill. For instance, during my stay, an African burial ground was being restored into a memorial, but only a limited section located on public land could certainly be dug, and the adjacent private lots search would depend on the private owners' timeline and good will (although they'll most likely be scrutinized by many local actors, as these historical sites are well known).

Nonetheless, there is enough information for us to understand that the Lenape's and other First Nations' property relations relied on different assumptions than those of the settlers'.

Supporting this, the National Museum of the American Indians reports that:

in 1626 the Lenape 'sold' Mannahatta to Peter Minuit, director of the Dutch settlement, for sixty guilders (about \$24 at that time) worth of trade goods. However, the Lenape didn't see the transaction as the official handing over of one thing for another. They saw it as a chance to *share the land* with the Dutch. Minuit, however, saw the transaction as a sale and assumed the Dutch had become the owners. (NMAI, 2010; my emphasis)

Multiple interpretations can result from a land transaction, and it is fair to assume the Lenape didn't interpret this exchange as resulting in ceasing their use of the land. Through this transaction, the Lenape agreed to accept the Europeans as additional users of the land, but not as unique owners. For instance, documenting how indigenous groups in New England actively shaped the environment they cohabited and used according to their needs, Cronon (1983) believes the way cultures conceptualize property and ownership has major influences on their economy and ecosystem. When Lenape, Dutch and English worldviews met, they collided. Dutch and English colonists imposed their property regime by various acts of appropriation that differed from the Lenape's. For instance, Europeans signalled invested resources and delineated properties' frontiers with visual markers (like fencing or other improvements resulting from labour), but also increasingly with abstract markers (like money transactions and contracts), as well as by discrediting previous property models like the Lenape's. To some extent, the same colonial and exclusive logic adapted to the current context still holds today. At that time, however, contracts progressively took over dynastic family inheritance for the transfer of properties, as the case of Minuit's transaction with the Lenape shows. This shift happened gradually and in complex ways to limit land conflicts, clarify agreements' terms, and protect owners' properties and wealth, but increasingly dispossessed the Lenape.

In the next two sections, I will recount the indigenous handovers of Muscoota, Konykast, and Schorrakin land on Mannahatta to Dutch settlers. Then, I will describe in more detail the story of early colonial settlements on the land where the gardens in which I worked were located. Tracing the natural and social history of those East Harlem locations by identifying the first European settlers to create private property on the Lenape indigenous commons reveals how early wealth was built on a foundation of inequality. As we will see next, by dispossessing the Lenape from their land, appropriating the labour of African slaves, and rejecting the same rights to women for inheritance and wealth management, the private property model the settlers brought succeeded in fuelling capitalism, which was premised on the (re)production of those inequities. All of these inequities persist today in the American property regime enacted in NYC as we shall see in this dissertation, and they help explain why gardeners in East Harlem – unlike the 34 others that were saved in early 2016 – were unable to assert their land claims and translate labour, money, and political representations into property rights over the gardens. As Bhandar (2018) suggests, performed through various processes related to status, use, improvement, and eventually propertied abstraction, these inequities developed “in conjunction with racial schemas that [have negatively] qualif[ied] the natives’ [and non-white’s] capacity for ownership” (Lund, 2019). This is consequently a story about how exclusion is rooted in racial and gender hierarchies.

3. The Dispossession of Lenape’s Muscoota, Konykast, and Schorrakin in East Harlem

The Dutch appropriated the three Uptown Lenape sites of Muscoota, Konykast, and Schorrakin, and rejected the Lenape collective land regime of overlapping claims with multiple users and unclear boundaries⁴². In 1634, less than a decade after Peter Minuit’s transaction,

⁴² While Konykast and Schorrakin formed two of the Rechgawawank Lenape community sites located on what is currently East Harlem, Muscoota was a site of the Wiechquaeseck Lenape community based near Inwood, the northern tip of the island, but stretched south near the Rechgawawank’s. Sanderson (2009) suggests that when

Dutch settler Hendrick de Forest, son of explorer Jesse de Forest, applied to the West India Company for two hundred acres Uptown between the cliffs of Morningside Heights in West Harlem and the Harlem Creek, now north of Central Park (Gill, 2011: 15). This piece of land Uptown, which the First Nations called **Muscoota**, had been farmed and hunted by the Lenape long before he and other Europeans arrived (*Ibid.*; Sanderson, 2009). As I explained earlier, Muscoota and other Lenape sites existed through a kind of land use that Lockean property narrative specifically rejected. The Dutch imposed bounded private properties unto what they saw as “bare” land, thus transforming the property regime of Mannahatta.

Ignoring prior use, Hendrick took possession of the land in spring 1637 to build a house and a barn for his agricultural endeavour (Gill, 2011: 15). He had planned to plant grain and tobacco, and raise cattle that could graze around his land, which was located near water sources and Indian trails leading downtown or further uptown. However, that summer, he first needed to finish his duty aboard the *Reenselaerwyck*, the ship that had brought him to America, and was headed to Virginia where he fell ill – probably of malaria – and died (*Ibid.*).

Hendrick’s legacy was consequently up for grabs: would his investments go to his wife, his younger brother, or his brother-in-law Jean de la Montagne, a French-born Protestant who had studied in Leiden and long been related to de Forest’s family⁴³? While Hendrick’s wife was still in the Netherlands, de la Montagne, who had made the voyage to the New World with Hendrick that same spring, decided to move Uptown on the unfinished Muscoota farm when he learned of Hendrick’s death. De la Montagne invested his own savings, the value of two horses or two pounds of sugar, sold Hendrick’s personal effects and used the labour of Hendrick’s servants,

Muscoota became Dutch, the site referred to a larger site. The third Lenape community, the Mannahate, was located further south, Midtown and Downtown (107).

⁴³ Jean de la Montagne (called Jan to show his Dutch allegiance) had been an assistant to Jesse de Forest, Hendrick’s father, writing his diary during his exploration of South America in the 1620s, rented a room in the de Forest’s widow house, and later married their daughter, Hendrick’s sister (Gill, 2011: 14-5).

African slaves – another form of use-value Locke rejected and didn't recognize – as well as the help of West India Company employees to complete the 18 x 42 feet farmhouse and barn (*Ibid.*). De la Montagne also built a shed for curing tobacco and a stable for cows, horses, and sheep (16). That first year, de la Montagne harvested 200 pounds of tobacco, worth 135 guilders.

However, Gertrude de Forest, Hendrick's widow, soon realized she potentially owned property on Mannahatta, renamed New Amsterdam first, then New Harlem, and reached a long-distance agreement early in 1638 to remarry with a downtown settler Andries Hudde who arrived in New Netherland in 1629, almost a decade earlier. Right before leaving for the Netherlands for the wedding, "Hudde applied for legal title to the two hundred acres" and felt so confident he hired someone to begin working the farm (17). However, "[w]ith Hudde away in the Netherlands, Jan de la Montagne saw an opportunity to recoup some of the money he had spent finishing his brother-in-law's buildings, fencing in his fields, and bringing in his harvest, work that made him, in his own interpretation, the de facto owner of the property" (18). Days after Hudde's departure for his wedding, de la Montagne asked the town council to order Hudde to reimburse him 680 guilders for improving and finishing the farm. Later in mid-September, de la Montagne even requested the Muscoota farm to be sold to satisfy Hudde's debt. "Without waiting for Hudde's return, the director general and the council ordered the farm sold, and on October 7 [1638] the Muscoota Bowery was auctioned off for 1,700 guilders, a fraction of its value, to none other than de la Montagne, who was already living there" (18). Hudde and Gertrude de la Forest learned the news only when they returned to New Harlem the next year, in July of 1639.

Later, Isaack de Forest, Hendrick's little brother, would also try fighting for a piece of this land, but gained a hundred-acre strip east of Muscoota, possibly starting between Fifth and Park Avenues' location today and extending into what is now known as East Harlem. This part was

considered “a far less desirable piece of land” on which he too, like his brother, grew and cured tobacco for Downtowners (18). As this case demonstrates, almost 50 years before Locke wrote the *Two Treatises of Government* (1689), active labour and maintenance of land were rewarded with land titles, thereby facilitating enclosures, dispossession, and appropriation.

Besides Muscoota, European settlers on the land we now call East Harlem also appropriated Konykast and Schorrakin, two other Lenape sites Uptown (Ibid.; Sanderson, 2009: 107). During the summer of 1637, a Dutch settler named Jacobus van Corlaer bought the 200-acre plot known as **Konykast**, east of Isaack de Forest’s strip. He renamed this piece of land Otterspoor or Otter Track, on which he had livestock, and a canoe-launching ramp. However, he soon decided to leave and lease his farm to a Swiss, Claes Cornelissen Swits. North of Konykast was **Schorrakin**, another strip of 400 acres, which was sold to the Dane Jochem Pieter Kuyter who called his property Zegendeal, or Valley of Blessings, and formed the northern tip of East and Central Harlem. As historian Gill (2011) puts it, “from the beginning, absentee landlords were crucial to Harlem’s economy” (19).

This succession of events shows how passively held, unmaintained or improperly maintained land could be appropriated by others.⁴⁴ As ownership is closely tied to citizenship, improperly maintained is subjectively qualified to protect those who already held wealth, white males of the bourgeoisie and their family, and to exclude whole segments of the population, like First Nations, African Americans, and women, setting the basis of theories of personhood ownership (Roy, 2017, Harris, 1993). It also shows how dynastic proprietorship competed with and slowly evolved toward the alienation of property through labour and transactions, instead of relying only on family succession. Overall, this early story of Dutch settlements on the land we today call

⁴⁴ This practice of appropriation of land is deeply rooted in history and goes back to Roman law as a measure to deal with land belonging to soldiers who died or disappeared during military campaigns (Nayar, 2015).

East Harlem tells us two things: one requires power – or specific personhood attributes⁴⁵– to appropriate and hold property, and one must properly and actively maintain their property to legally protect it.

Firstly, as Lenape initially used and shared this land, this story testifies to how the labour and use of some were valorized over others, at the expense of the Lenape but also of African slaves who worked for the Dutch. Once appropriated, land was passed down within the same family to maintain its wealth and power (Rose, 1994; Blomley, 2005a). Since feudal times, as British jurist Henry Sumner Maine⁴⁶ (1861) and Friedrich Engels (1884) explained, the passing of property within family lines has been an essential means of maintaining order, which favoured the most privileged and preserved their position of power. The law placed many obstacles on the alienation of property, ensuring it remained within dynastic lines, and couldn't be transferred or sold to another party (Blomley, 2005a). Accordingly, I suggest this dynastic proprietorism is one mechanism by which power and exclusion were produced and reproduced early on. Today, although social mobility among classes is possible, dynastic proprietorism helps us understand how wealthy families maintain their power. On this point, it's worth noting that the owner of Jonathan Rose Company developing East 111th Street block comes from one of the "oldest and most successful real estate families in New York" (Horowitz, 2006). Nonetheless, at the time, America constituted a special case where emerging political and economic liberalism slowly rose

⁴⁵ Similarly, but not limited to instances like redlining practices and other segregating practices that evolved with time.

⁴⁶ Despite the influence of social evolutionism in Maine's argument in *Ancient Law* (1861) and his use of polar contrast as a heuristic means, which I would both set aside, Maine's observation is interesting: "By status Maine meant 'a condition of society in which all the relations of Persons are summed up in the relations of Family'" ([1861] 1960: 99). These relations are ascribed to the individual as a member of a kinship group. By contract, Maine meant individual obligation arising "from the free agreement of individuals." Although Maine explicitly declared that he could recognize no evidence that proved any society to be entirely destitute of the concept of contract, his major proposition was that in early societies the individual creates few or no rights for himself and few or no duties. Rather, he is subject to the traditional rules that govern his status and to new rules, which are issued as commands by the head of his household (Gale, 2008).

and mixed with feudal remnants. The de Forest family property case above shows how family inheritance of property was not devoid of feuds and eventually, in complicated ways, evolved toward contracts, more than a century before the American and French Revolutions (1776 and 1789 respectively) generated further political and economic liberalization, and 50 years before the publication of Locke's *Two Treatises of Government* (1689).⁴⁷

Secondly, as the story of the Muscoota farm involving Hendrick de Forest and Jan de la Montagne shows us, if not actively and properly used, property may be reappropriated and titles legally transferred. While those two adjectives – actively and properly – may be open to subjective interpretations, this highlights again the power required to impose an interpretation to appropriate land, be it rooted in racism or sexism. Beyond the land conflicts played out between title-holding settlers and on-the-ground land users (i.e. like between Hendrick and Jan), tensions also occurred between different land uses, where European private property and colonial commons rejected the Lenape's land use premised on a different property regime of indigenous commons.

4. Early Natural and Social History of Today's Endangered Community Gardens

Let's continue looking at this farming history to understand how the land of today's gardens threatened with eviction by the affordable housing plan has had a long and captivating story. The boundaries between public and private properties on the stolen land in Muscoota, Konykast, and Schorrakin have evolved fluidly over time, as has the letter of the law.

⁴⁷ Hobbes has also insisted on the necessity of contract as soon as 1651 in *Leviathan*, although he insisted not on particular contracts but on a contract between the State and its subjects, laying the basis of the contractualist school in political philosophy to which Rousseau, Kant and Rawls have contributed (Williams, 2020). According to Hobbes, the sovereign decides of the laws, rewards or punishments, to maintain each commonwealth and property. Consequently, Hobbes suggests the sovereign should be almighty to protect the security and possession of each, whom in return will obey, thereby creating a social and political contract. In Hobbes (1651) words:

Take away the civil law and no man knows what is his own, and what another man's. Because the introduction of property is an effect of the commonwealth, which can do nothing except through the person who represents it, it is the act of the sovereign alone, and consists in the laws, which can't be made by anyone who doesn't have the sovereign power." (112)

About two centuries ago, the lots of the contemporary community gardens under study in this dissertation – Pleasant Village Community Garden, the 111th Street block six community gardens, and Mandela Garden – already had an agricultural mission. An interesting source informing us of the old land distribution is the Randel Farm Maps from the Manhattan Topographical Bureau (see endnote i; Randel, 1821; Museum of the City of New York, 2015). From 1808 to 1821, John Randel Jr. had the mandate to survey the island to draw the rectilinear streets we know today as the New York street grid (Sanderson, 2009: 73, 77). As a result, this map of Manhattan superimposes the private property borders with the owner’s name from 1808 on the contemporary checked grid with the street names used today. This superimposition consequently enables us to delve into the social and natural history of the community gardens under study, since this map reveals the morphing landscapes and farming history of the island.

We know from historical records that in the colonial era, Harlem was mostly an open space; Dutch colonist De Rasières who did a reconnaissance of the island by boat from the East River in 1624 described the “grassy plain of Harlem” (*Ibid.*: 126). Moreover, Sanderson (2009) with his incursion in modelling the natural history of the city writes: “Harlem, in contrast, had some of the best soils on Manhattan, deep, loamy earth, developed on nutrient-rich calcareous bedrock” (126). The Randel Farm Maps from the early nineteenth century disclose other surprising topographical facts, like the many hills that used to dot Manhattan and numerous rivers crisscrossing. Among them, the Harlem Creek, which would disappear by the end of the nineteenth century, flowed from northwest Central Harlem near the Hudson River to the lower area of East Harlem to turn east and widen along 106th to 109th Streets, and ultimately poured into the East River. Hence, this map reveals how the landscape has changed tremendously in two centuries, but it also allows us to delve into the past of the threatened community garden sites, and uncover their history.

Located on Pleasant Avenue, the most eastern avenue near the East Harlem River between 118th Street and 119th Street, **Pleasant Village Community Garden** is most probably located on what used to be a salt marsh according to the 1820 Randel Farm Maps (see endnote ii). This tidal zone,⁴⁸ which was land owned by James Bogert, was perhaps used as colonial common land for the grazing of animals and was located less than a kilometre from the first village Uptown of Nieuw Haarlem with its church, cemetery, and denser settlements.

The nineteenth-century Randel Farm Maps also reveal the **East 111th Street block** where sat six community gardens and a baseball field until recently have been coveted very early on (see endnote iii). The land bordered by what would become Fifth and Park Avenues⁴⁹ was in 1820 shared among five private owners with the Old Harlem Road⁵⁰ passing through, which followed an old Lenape trail (Museum of the City of New York, 2015; Sanderson, 2009: 107). The Old Harlem Road allowed travelling from present-day uptown to downtown passing through (or near) the actual East 111th Street block and connected to a nearby stone bridge on what is now 109th Street over the Harlem Creek (Randel, 1819 in Sanderson, 2009; Riker, 1970: 427). It now seems surprising to consider that a small river used to flow from north to south just west of what is now Fifth Avenue.⁵¹ Hence, the East 111th Street block was a stone's throw from the bend of the Harlem Creek meandering Uptown, from the hill of St. Nicholas Park in West Harlem to the East River in lower East Harlem. This water source enabled the operation of a mill, probably for wood or grain. Yet, in addition to the five properties and road, just south of East

⁴⁸ Possibly considered a common land per doctrine of public trust (Rose, 1986; Riker, 1881).

⁴⁹ On the map, Park Avenue is called Fourth Avenue and Madison Ave only appeared later in between the two.

⁵⁰ Since this trail pre-existed European settlement, it was considered public property per prescriptive doctrine that usually applies to roadways.

⁵¹ Although there is now the Harlem Meer nearby at the northeastern corner of Central Park.

109th Street, near Fourth and Fifth Avenues, the tidal zone by the Harlem Creek⁵² increased human traffic as it was considered colonial common land.⁵³ As Riker (1970) points out, this common tidal zone was “free, and open for the benefit of all the freeholders and inhabitants, for their creatures feeding and going to salt”⁵⁴ (802).

As written on the Randel Farm Maps, the five owners of the block between East 111th and 112th Streets, and between Park and Fifth Avenues were Benjamin P. Benson, Peter Van Arsdale, John Combs, the heirs of Henry Rankin, and Sampson A. Benson. The most probable owners between Park and Madison Avenues, the specific site of our community gardens, were Peter Van Arsdale and Benjamin P. Benson. Both were heirs of Benjamin Benson who *bought* from de la Montagne’s family the Muscoota Farm (also called Point Farm) and the surrounding flat land bordering the creek (Riker, 1881). As the map only showed male lineage, we should note Peter van Arsdale was the husband of Wilhelmina P. Benson, Benjamin P. Benson’s sister. Wilhelmina and Benjamin P. separated and shared what used to be the Point farm, their father’s farm bought from de la Montagne, showing the persistence of dynastic proprietorship described earlier despite the rise of alienation of land through transaction. Here again, we see how the shift from family succession to the alienation of property through contracts and transactions happened gradually. The Benson family, who arrived in the New World in the mid-seventeenth century and settled in Harlem at the turn of the eighteenth century, became “among the largest proprietors at Harlem till it ceased to be an agricultural community” (Riker, 1881: 480). They

⁵² Would be later filled as shown on the map of *Fill and Excavation 1609-2009* in Sanderson (2009: 81) and was probably affected by the Harlem Canal built in 1820.

⁵³ This land was designated as common per public trust doctrine, which in American law usually applies to waterways and submerged lands.

⁵⁴ At that time, owners and freeholders could even hire a common herder for their animals (Riker, 1881: 193). In 1888, the legitimacy of this tidal zone as public (common) property was challenged through the case *Edward Roberts v. August Baumgarten et al.* (NYS Supreme Court, 1888: 482), but was rejected and maintained its status (*Ibid.*: 380; Pirsson, 1889: 72).

operated large farms and mills and were most probably using the work of a few slaves on their estate before the Civil War, as Riker mentions (*Ibid.*).

Subsequently, these eighteenth-century handovers of properties, like the very early European settlements of de la Montagne and de Forest, demonstrate how the property regime reproduced through a mix of dynastic family property inheritance that sought to maintain hierarchy, blending with increasingly prevalent contracts using abstract legal knowledge. Nonetheless, all along, this property regime remained dependent on accumulation-by-dispossession through the unrecognized work and contribution of the First Nations and African Americans, creating inequality, exploitation, and exclusion. In other words, family inheritance protected the power and wealth of some while dispossessing, and excluding others with inequalities being eventually reproduced through land transactions.

Moving a few blocks north, just above West 125th Street and Frederick Douglas Boulevard (or Eighth Avenue), the site of **Mandela Community Garden** used to belong to the Molenoar family (see endnote iv).⁵⁵ A source mentions “[t]he Molenoar family at that time were large land holders in Harlem,” and Doctor William Molenoar with his wife Mary Elizabeth Dietz had a farm, the Molenoar Homestead, in the late 18th or early 19th century (Dietz, 1914: 6,44). This land was at that time 17 acres but had once been as big as 84 acres (Riker, 1881: 418, 825). In the 1820s, David William Molenoar “invested heavily in the Harlem Canal Company. His land had been put up as security to cover the canal company’s debts, and when the company failed, much of David’s considerable inheritance disappeared” (Leadon, 2018). This resulted in a judicial dispute led by David William Molenoar’s heir that lasted well into the twentieth century and

⁵⁵ The site belonged to the Molenoar or Molenaar (note the mixed ‘a’ and ‘o’ at the end) as both spellings are found side by side on the map. Perhaps, it was ‘Molenaar’ as a nickname for Arent Evertsen Keteltas. The latter was a schoolmaster and had been temporarily appointed “forereader,” a chanter of Scripture in 1663, and in 1664 was nicknamed *molenaar*, meaning miller for an unknown reason, although he was appointed Corn Measurer later in 1673 (Riker, 1881: 309; Carnes, 2017; Fernow, 1817).

made its way to the New York State Supreme Court, which highlights how the custom doctrine – which validates the public assertion of ownership because the vernacular land use is so ancient – is weak within American property law (see Rose, 1986: 714, 717). A century later, in 1921, the last Molenoar contender, an almost blind 84-year-old, was evicted from the shack he squatted with his family on Broadway Avenue on what used to be his ancestor's land (Leadon, 2018). This shows how contracts eventually came to supersede family inheritance.

In contemporary times, tending land is rarely enough to appropriate property, but conflicts between land use and legal titles still persist, as in the case of the threatened East Harlem community gardens. Although the City of New York has only passively and minimally claimed many unimproved public lots that have been cleaned and used by citizens as gardens since the late 1970s, the City now wants to allocate those lots to private developers to build so-called affordable housing. Indeed, the contracts – or abstract legal knowledge on property (Riles, 2004), like the licence agreements between the City and the gardeners – have come to dominate to the point of discrediting the material labour and money gardeners have invested over 40 years (see Chapter 1). This dissertation will explore the conflicting moral, economic, and legal interpretations of the legitimacy gardeners had in claiming the land they tended and sought to preserve as gardens.

5. Conclusion

In this chapter, I have explained how the colonial property model with private property and colonial commons has come to supersede indigenous commons with overlapping land uses. I have also explained that John Locke developed a political philosophy promoting the appropriation of land in a state of nature as private property. The appropriation of indigenous commons turned private property or colonial commons in the Americas was founded on specific personhood attributes and excluded large segments of the population, like First Nations, African

American slaves, and women. Over time, the false State of Nature, which was based on material markers of property (i.e. like boundaries with fences) as means of appropriation, was replaced by more abstract means of appropriation, like contracts, legal knowledge, and money. These abstract means of appropriation have become hegemonic at the expense of other means and to the detriment of the populations who don't own or control those hegemonic means.

Chapter 2

Interim Urbanism and The Overlooked History of Community Gardens Uptown

“[...] all these carrots and snap peas got arrested blocking the streets. Tomatoes lobbied Elliot Spitzer. There were a couple of ten thousand crickets released in some hearing... Of course, we need carrots getting arrested blocking traffic. How else is change going to happen?” (Shepard, 2011: 99)



Figure 3. Photo by Camilo José Vergara, from the cover of his book *Harlem: The Unmaking of a Ghetto* (2013). According to the photographer, the shot depicts music students at the corner of Fifth Avenue and 110th Street in 1970. This was the site of La Nueva Esperanza Garden, later transformed into one Museum Mile, or million-dollar condos with a ground floor for an African Museum that never opened its doors.

I realized I didn't know much of the specific community gardens' history where I was involved despite everything I read about New York City community gardens. I asked the gardeners alongside whom I worked, but stories remained only fragmentary and fuzzy, sometimes even contradictory. Digging up this concealed history, I was curious to find out more about the famous picture Vergara (2013) took in 1970 of four brown teenagers standing on the debris and ruins of a shattered building that was located at Fifth Avenue and East 110th Street, a block away from where I gardened. This rubble-strewn lot, next to Central Park, became La

Nueva Esperanza Garden in the 1990s and through to the 2000s. It was then slated for a “thematic project” that would host luxury housing in a tower with an African art museum on the ground floor that never opened its doors.⁵⁶ This picture speaks to the history of the gardens in which I worked in East Harlem – Pleasant Village Community Garden, Mandela Garden, and the six gardens from the East 111th Street block, Chenchita, Mission, Little Blue House, Friendly, Villa Santurce, and Santurce Jardinera – as it illustrates the city’s and the neighbourhood’s specific past of urban abandonment with racial undertones.

Now, a corner away from La Nueva Esperanza Garden, the six community gardens and a ball field were faced with a similar fate: they were confronted with eviction for the construction of Sendero Verde, another thematic project of passive solar, ecological housing with market-rate and affordable housing, hosting a school, a grocery store, a YMCA, and hospital facilities. To me, this photo expressed the recent land use fluidity of parcels in neighbourhoods of colour in New York City, but more importantly, testified to the evolving interest public authorities held in the land of East Harlem. From farming to residential and industrial land uses, followed by public abandonment and community appropriation, then ending with a public transfer to private owners under the label of thematic development, this again was a story of dispossession.

Redlining was among the first stories recounted to me as I put my hands to work tending the soil at Chenchita Garden to explain the legacy from which the gardens stemmed. To me, the photo above exposed the blatant injustice and racism of this time, and also illustrated with clarity all the work gardeners infused in those lots to remove rubble to transform them in gardens. These were citizen-led tactical interventions to appropriate urban space daily amid disregard and divestment. Consequently, this photo was one of the few, and certainly the most visually poignant testimonies of the context of abandonment from which gardens in the specific

⁵⁶ It finally opened in winter 2020.

neighbourhood of East Harlem emerged, making the displacement of such local institutions even more heart-wrenching.

Literature on the history of community gardens in East Harlem remains sparse (see Hynes, 1996: 1-38), and I could only catch a glimpse from other references on the area (Bourgois, 1996, 2003; Jackson, 2001; Bell, 2013; Vergara, 2013) what life in community gardens of East Harlem could have been like from the 1970s on throughout the 1990s. Although community gardens have been, and still are, very important in East Harlem's social life and identity, their specific history remains blurry. However, scholars have widely relayed the history of the garden movement in other parts of the city. Most literature specific to NYC community gardens has focused on the Lower East Side (Shepard, 2011; Martinez, 2010; Schmelzkopf, 1995) or remained general to New York City (Lawson, 2005; Staeheli, Mitchell, Gibson, 2002; Schmelzkopf, 2002).

Has the history of the movement in the LES been shared and written about because academics felt more compelled and comfortable with people who had similar social capital, race, and class as them? Corresponding to critiques in media studies, have the writings of academics been "cultural and political resources that can contribute to the maintenance of power among dominant groups" (Entman, 2007; Ryan et al., 2001 in Reynolds, 2014)? One must acknowledge that most of the existing literature on urban gardens "share[s] a tendency toward either an advocacy view or a rather dismissive approach on the grounds of the co-optation of food growing, self-help and voluntarism to the neoliberal agenda" (Tornaghi and Certomà, 2018). As such, most literature on NYC community gardens has largely focused on the 1990s threat under Mayor Giuliani and has depicted the most combative – or most visible – gardeners-activists who were more than often white anarchists who lived in squats on the Lower East Side and came from middle-class families (Starecheski, 2016; Shepard, 2011). Nonetheless, brown and black

gardeners reclaimed their legacy and leadership role in the New York City community gardening movement, but they remained relatively ignored (see Black Urban Growers,⁵⁷ Harlem United Gardens, South Bronx United Garden or Loisada United Neighborhood Gardens).

Only recently have some researchers admitted and documented the biased representation of urban gardening as mostly white, although many gardeners hold a diverse and long heritage of agriculture in the American South, the Caribbean or the Global South. Nonetheless, this representation as a white movement may have “helped reinforce white privilege in urban agriculture systems” (Reynolds and Cohen, 2016: 8; Reynolds 2014; Meenar and Hoover, 2012). Thereby, these representations may have allowed “unjust structures to remain unchecked” since each garden group has different abilities and resources to voice its concerns to the City, and receives unequal attention (Reynolds, 2014; Reynolds and Cohen, 2016), potentially revealing why in 2015 some gardens were saved and not others.

Hynes (1996) is one of the few to describe the history of greening initiatives of brown people in East and Central Harlem through the work of black community leader Bernadette Cozart in the 1990s. Martinez (2010), for her part, has described the Puerto Rican community gardens’ struggle on the Lower East Side against the neighbourhood gentrification and its homogenizing, if not whitening, process. Few recent academic works, like Reynolds and Cohen (2016), have focused on the accomplishment of community gardens led by brown people elsewhere in the city, like in Bedford-Stuyvesant and East New York in Brooklyn or the South Bronx.

In the present chapter, after recalling some important political actions and dates of the gardening movement’s struggle downtown, I target the more recent history of the East Harlem community gardens where I conducted this ethnography. For a more specific context, I also

⁵⁷ Black Urban Growers is a national organization founded in 2009 that held its first annual conference in Brooklyn, NYC for networking and education for stronger black leadership in the movement for food justice and food sovereignty. See: <https://www.blackurbangrowers.org/>

focus on the La Nueva Esperanza Garden eviction case (photo above) and describe some of the early threats to the East 111th Street site in the 2000s. This helps expose and describe the racial and class dynamics at play among different community gardeners and gardening groups. Here is consequently a story about gardens in New York City you may know, but that brings to light the story of the East Harlem garden movement that has not been written about. Writing this story contributes to our understanding of how garden activism has changed since the late 1990s but also helps us fathom how gardeners who have occupied abandoned space are currently being dispossessed through the city-led affordable housing plan. Acknowledging – instead of denying – this past of divestment and inequity sharpens the current feeling of injustice when such local institutions like gardens are being displaced.

1. NYC Community Gardens Began Downtown, but Spread Fast Uptown and Elsewhere

The dominant narrative about the history of New York City community gardens usually starts downtown, on the Lower East Side, more specifically on Houston Street where the Green Guerillas⁵⁸ heralded the first citizen-led gardens officially registered in 1973 (Lawson, 2005: 258).⁵⁹ The Bowery/Houston Garden – later renamed Liz Christy Garden, after the founder of the Green Guerillas – received in 1974 the first lease from the City for an urban garden.

⁵⁸ Other organizations promoting community gardens in NYC are Bronx Frontier Development Corporation, Cornell University Cooperative Extension, the Trust for Public Land, the New York Horticultural Society, and the Brooklyn and Bronx Botanical Gardens.

⁵⁹ For the story of this garden, an activist narrated the beginning of Liz Christie garden and the Green Guerillas: "Littered with trash and rats, these open sores became magnets for drugs, prostitution, and chop shops for stripping down stolen cars. Yet the city's only response was to spend thousands of dollars enclosing the lots with cyclone fencing. Fed up with government inaction, in 1973 an impassioned artist named Liz Christy and a band of like-minded activists called the Green Guerrillas began taking over abandoned lots on Manhattan's Lower East Side. Armed with bolt-cutters and pickaxes, they conceived of themselves as a strike force to liberate the crumbling landscape around them. They founded their first garden on the corner of Bowery and Houston, where a few months earlier a couple of bums had been found frozen to death in a cardboard box. "You could not have picked a more unlikely place to start a garden," recalls Bill Brunson, an early Guerrilla. 'At the time, there were still all these men lined up along the Bowery drinking wine and panhandling. To put a garden there – in what was probably the ultimate slime spot in the city – that was unheard of.' It was also, in the eyes of bureaucrats, illegal. At first, the City accused the group of trespassing and threatened to boot them off the land. But after a media blitz, when the Guerrillas brought in TV cameras to show how they transformed the lot – creating soil with nothing but sifted rubble and compost – the City backed down and offered them a lease in 1974." (Ferguson, 1999: 5)

In 1978, seeing more citizen-led gardens and tactical interventions appear, the City launched Operation GreenThumb, as part of what was then the NYC Department of General Services, now part of the NYC Parks and Recreation Department.⁶⁰ Consequently, from then on, the City did not acknowledge gardens as illegal anymore. Back then and now, GreenThumb holds the mandate to deal and “administer community garden programs and issue interim leases for gardens on City-owned lots” (*Ibid.*: 258). With the creation of GreenThumb in 1978, the City “took back legal control over all [citizen-led] community gardens by issuing short-term leases to the gardeners and encouraging the creation of new gardens on City-owned lots” (NYCCGC, 2010). Those licence agreements, as the City would prefer calling them, were to become the contracts or the legal recognition in abstract code tying gardens as interim users with the City as the legal owner. The terms of such contracts have tremendously changed over time (more details in Chapter 3), but these contracts illustrate a moment where City-led interim urbanism replaced citizens’ do-it-yourself or tactical urbanism (de Certeau, 1984; Gadanho, 2015).

De Certeau (1984) defines *tactical urbanism* as city residents engaging *in situ* actions to appropriate the urban space on a daily basis, as reactions to “rationalized, expansionist and at the same time centralized, clamorous, and spectacular [urban] production” (*in* Gadanho, 2015: 19). In the case of community gardens, residents of East Harlem and other neighbourhoods affected by divestment responded to abandonment tactically by taking control of those vacant, but cluttered spaces to clean and transform them into community gardens. Strategically, the City transformed these citizen-led tactical interventions into *interim urbanism* for vacant land used as gardens that would later contribute to municipal coffers through sales, auction or taxation. Arguably, one may say that 30 or 40 years could be considered more permanent than temporary.

⁶⁰ GreenThumb is funded through the federal department of Housing and Urban Development (HUD), more specifically under the Community Development Grant program, which in Spring 2017 was threatened by being cut under Trump’s presidency, and could have resulted in GreenThumb’s uncertain fate.

Regardless, community gardens represented a cheap strategy for the City to minimally maintain those vacant spaces.

By 1977, NYC hosted more than 25,000 vacant lots that were largely the result of deindustrialization, white flight and redlining (Francis, Cashdan, Paxson, 1984: 43). According to Staeheli, Mitchell and Gibson (2002: 198), the City owned approximately 11,000 of them, many of which were transferred from private to public ownership through tax foreclosure. Less than a decade later, a 1983 inventory of the New York City Neighborhood Open Space Coalition⁶¹ numbered at 448 the community-led open spaces in the five boroughs, which included parks, playgrounds, and community gardens resulting from community appropriation (Francis, Cashdan, Paxson, 1984: 44). In the Lower East Side, this inventory included about 150 vacant lots, and director of the Green Guerrillas from 1980 to 1985, Tessa Huxley, noted the neighbourhood had “forty-odd community gardens in a square mile” (*Ibid.*: 43; Lawson, 2005: 263). The South Bronx, an area of the city impacted by arson and public abandonment, had an estimated 500 acres of vacant land. Already in the early 1980s, at least 83 sites were developed by the community for various uses in that borough, including community gardens (16%), recreational play space (16%), and open space (16%) (Stearn, 1981 in Francis, Cashdan, Paxson, 1984: 41).

Finally, by 2000, as a result of community efforts and city support, GreenThumb counted 800 community open spaces on 1,000 lots covering 125 acres (Lawson, 2005: 259). In 2018, this number dropped to 550 although GreenThumb remained optimistic that the number was rising. To this day, the City held no inventory of all its vacant land (596 Acres, 2016). Comptroller

⁶¹ The New York City Neighborhood Open Space Coalition, maybe a predecessor of today’s NYCCGC, founded in 1980 as a result of an all-day conference held with 30 community organizers and academics at CUNY’s Graduate Center with support and funding of the Trust for Public Land, and the Department of Environmental Design at the University of California, Davis (Francis, Cashdan, and Paxson, 1984: 48). It later included “61 organizations and 53 individuals dedicated to the concept of community participation in the design, development, management, and maintenance of New York City’s open-space resources” (*Ibid.*).

Stringer's audit in early 2016 revealed the City still owned about 1,100 vacant lots, of which less than half are used as community gardens (NYC Comptroller, 2016). The City was nonetheless evicting many gardens for affordable housing, although many advocates claimed the City had plenty of vacant lots to choose from.

1.1. The 1996-99 Garden Crisis

After the citizens' appropriation of vacant lots transformed into community-managed gardens and the City's legal recognition of such spaces through licence agreements as a means to oversee them, Mayor Giuliani set his sights on hundreds of community gardens in the late 1990s. However, other gardens had already been destroyed in the late eighties and mid-nineties but scholars gave them very little to no attention. For instance, besides the City's eviction of Adam Purple's Garden of Eden in the Lower East for housing in 1986 of which remains a few articles and videos, seventeen gardens in Harlem and six in Bushwick, Brooklyn had their lease cancelled in 1996 to make way for subsidized housing (Lawson, 2005: 259). The dominant narrative about community gardens in NYC focused on gardens on the Lower East Side threatened by Mayor Giuliani from 1996 until 1999, as I explain in the next sections.

The first sign of a threat appeared in 1995 when GreenThumb ended its long-term lease program and replaced it with licence agreements, a major legal turn-around putting more discretionary power in the City administration and little recourse for gardeners (Lawson, 2005). In May 1998, then-Mayor Rudolph Giuliani – known for his tough stance on crime and drugs and often associated with now-President Donald Trump⁶² – placed an “emergency hold” on all GreenThumb properties, and transferred their ownership from NYC Parks to NYC Housing Preservation and Development (HPD) (*Ibid.*: 260). In that same year, the City's Office of

⁶² Giuliani became U.S. President Donald Trump's attorney in April 2018 (and still acted as such when writing this dissertation) and leads the legal team representing him in the 2017-2019 Special Counsel investigation for Russian interference in the presidential elections. Trump also appointed him one of 13 vice-chairmen of the presidential transition team.

Management and Budget then mandated HPD and the Department of Citywide Administrative Services' Division of Real Estate Services⁶³ to “dispose of properties in their inventories, through either development or auction” (*Ibid.*). More than half of 750 GreenThumb gardens were then located on HPD properties. Consequently, hundreds were listed for auction in the late 1990s although the City possessed 11,000 vacant lots in total from which they could have chosen for development (NYCCGC, 2010; Khalife, 2018). City representatives nonetheless maintained they had decided to develop this land because they say they had exhausted all other vacant lands:

So what has happened over time is we've built on all the other available City-owned land first. You always take the path of *least resistance* and build on the places with the *least encumbrances* first, so now we're getting to the point where there are very few clusters of City-owned vacant land that don't include a garden. We build in clusters. We do that, not only for economies of scale but in order to truly redevelop a community. (Interview April 27, 2001, in Staeheli, Mitchell, and Gibson, 2002: 198-9; my emphasis).

This quote reveals how public authorities were concerned with reducing popular resistance but also with proposing land ready for development in clusters without much material, legal or socio-political encumbrances. This strategy of least resistance and least encumbrances to build in clusters also resonates with the many large-scale neighbourhood rezonings happening in the five boroughs under de Blasio's “Housing New York,” which by the same token evicts or displaces many community gardens. As I will explain in this chapter, the rhetoric for thematic housing development to increase public acceptance of a project, especially when a community garden is to be evicted, is a strategy that was used in the 1990s and is still used under “Housing New York” (more in Chapter 4). Before looking at more recent thematic projects, let's have a look at some prime examples from the 1990s.

1.1.1. First Wave of Garden Auctions in 1998: Reducing the City's Fiscal Burden by Selling Gardens

With the mid-1990s economic resurgence, the Giuliani administration held two large selloffs of hundreds of gardens he auctioned as anonymous vacant land, thereby obscuring the decades

⁶³ Now called the Division of Surplus City Property.

of hard work neighbours infused in those spaces. These auctions were part of their strategy for reducing the City's fiscal burden. Similarly, since 1996, "NYC had stopped taking ownership of properties on which taxes had not been paid" (Staeheli, Mitchell, and Gibson, 2002). The City still foreclosed properties but transferred them almost right away to a private owner or developer through tax lien sales. These auction selloffs prompted large mobilizations for preserving gardens and public spaces that gained the favour of public opinion through heavy media coverage (Ferguson, 1999; Shepard, 2011: 135).

The first auction in 1998 sought to sell a block of 113 gardens. One of the most successful and visible direct actions, which became almost legendary among NYC activists,⁶⁴ is the release of thousands of crickets in an auction room on July 20, 1998, to prevent the sale of five community gardens and Charas⁶⁵/El Bohio Community and Cultural Center in the Lower East Side. This was one of the first actions of the Lower East Side Collective (LESC):

when it was clear that it was not going to be removed [at the last minute from the auction list, like the previous years,] then a group called the Cricketeers, I think it was actually twelve people who actually risked arrest by releasing ten thousand crickets into the auction [room] where they sold Charas (...) If they didn't remove Charas from the lot, we were going to stop that auction, and do it by releasing crickets at One Police Plaza.

(Shepard, 2011: 98-105)

Many garden activists got arrested, but they said this was a great bonding experience, the example of a playful traumatic experience where people came forward for "democratic control over public land" and gardens (105-6).

This action and campaign illustrate how gardeners and squatters often worked closely at that time. For instance, writing about the incremental legalization process of squats in the Lower

⁶⁴ "Those protests are now legendary among New York City activists: a few people dressed in suits drove up the bidding, while others released ten thousand crickets in the crowded room, creating pandemonium. Charas was sold, but I was thrilled. I kept coming back to Casa del Sol; by the time winter arrived, I was spending one or two nights a week there." (Starecheski, 2016: 14; for more, also see p.14, 18, 54, 252)

⁶⁵ Abandoned school building since 1979, the building was renovated through community sweat equity. Finally taken over by the City in 2002, but Charas had offered affordable classes, studio space, tutoring services, after-school activities, a recycle-a-bike program, and meeting space for community groups.

East Side, Starecheski (2016) explains how she was involved in a direct-action wing of the campaign to save community gardens in the late nineties at a squat in Mott Haven in the South Bronx, la Casa del Sol:

I remember a civil disobedience training in the art gallery, where we nervously practised linking arms, going limp, and being carried around by friends pretending to be police. Michael Shenker, the lead strategist and master electrician of the Lower East Side squatter's movement, gave little lectures about how we could combine direct action, legal work, advocacy, and mass organizing into a campaign that would succeed [in saving these gardens]. It did. We saved all of those gardens, and eventually negotiated a deal that permanently protected most of the community gardens in New York City. (...) It was one of the most intense, exhilarating times of my life, and in those campaigns I found my people. Almost all of the leaders, my mentors, were squatters. (18)

Other scholars, like Shepard (2011: 121), also note these four tactics to save gardens – direct action, judicial strategy, fundraising, and legislative approach. Aresh, an activist from the Lower East Side at More Gardens! and gardener at the Children's Magical Garden, reminded me in an interview in summer 2017 that these strategies were still as valid today as they were then, although the current garden-activist scene seemed now more diffuse and heterogeneous.

Moreover, despite the example above, activists often originated from outside the city and did not necessarily successfully mingle with locally rooted brown and black activists from the neighbourhood. For instance, Starecheski shares that an activist, David Boyle, wanted to ground his squatting practice in a civil-rights tradition, and following the direction of an organizer from the American South, Sarah Farley, he first started a community garden, and then, started squatting buildings (Ferguson, 2007: 149 in Starecheski, 2016:55). This story illustrates once again the historical connection between the two movements. Nonetheless, squatters in the Lower East Side (LES), like on Thirteenth Street, "continuously struggled to meet their goal of including people of colour in their organizing" while "participants in the anti-displacement movement led by people of colour had been squatting since the early 1970s" (*Ibid.*: 54). Despite efforts of collaboration and attempted solidarity, there consequently existed two squatting

scenes in the LES and both were associated with community gardening:

While Puerto Rican activists [...] were organizing from the base of a relatively long-standing community, these hippie and posthippie groups came into the Lower East Side from outside, using the vacant spaces of the neighborhood to establish an alternative economy and social world for themselves (Mele 2000, 153-179). (*Ibid.*: 57)

Scholars writing about those early days when the squatting scene overlapped with the gardening movement and the later days when the gardening movement became a distinct movement doesn't say much about the activists' identity, race, and background, as if it didn't matter. Is it that hippie and posthippie activists were mostly white? And scholars – who were also white – mingled principally with activists with whom they shared social capital? Or maybe scholars did not include that kind of detailed context and consequently left us with a reading of events that is relatively colour-blind?

As gardeners and squatters often worked closely in overlapping campaigns, this movement for public spaces organized not only auction disruptions but also street actions, and garden blockades in a mix of party and fun with protest culture that embodied the politics they prefigured (Shepard, 2011: 82, 114-6). Archives of this period depicted photos of activists, sometimes gardeners who were also squatters, dressed as sunflowers, giant butterflies, frogs, flowers, and fairies (*Ibid.*: 78; Staeheli, Mitchell, and Gibson, 2002). The LES garden movement's approach⁶⁶ to civil disobedience comprised of playful acts like sing-along sit-ins with songs they composed. It also involved blockading techniques inspired by Earth First! with tripods used on forest blockades applied for one of the first times in urban settings, as some activists travelled back and forth between forest blockades in Oregon and NYC. They organized work sessions

⁶⁶ “While other activist groups of the mid-1990s asked participants to play the timeworn role of the selfless activist, LESC sought a lighter path. (...) A key element in this strategy was allowing engagement to feel good. Rather than write grants, the group put on huge dance parties. ‘We goofed around and socialized while tabling for causes, we prided ourselves on our cleverly worded signs, and working with groups like Reclaim the Streets and More Gardens!, we turned our demonstrations into festive carnivals. In brief, we enjoyed ourselves.” (Duncombe, 2004: 71 in Shepard, 2011: 83)

instead of long deliberations run through Robert's Rules of Order, and rather than the antagonistic, "angry shouting shrill position", they wanted to hold positive, carnivalesque events (*Ibid.*: 81). Not only was their approach play-based, ideologically flexible and multi-issue activism, but the history and culture of activism in the neighbourhood also presented an opportunity⁶⁷ (88). While this contrasted with the contemporary garden movement, focused solely on gardening issues, struggling to create citywide solidarity and not holding many direct actions anymore, it also explained the flexibility with which it still operated.

After a siege that lasted about two months in fall 1998, this campaign to save gardens and other public spaces culminated when the Chico Mendez Mural Garden was bulldozed while most activists were out of town during the holidays. The loss of this garden was a "wake-up call" for many activists (Shepard, 2011: 120). They had set up two big tripods, a technique an English activist involved at Time's Up! had introduced,⁶⁸ and they fortified the fence with anything they would find from furniture to flags, pictures, chairs or futons. They met at the garden every day in the morning for a few hours before going to work or do their things, which reflected the social life and connections an urban public space could enable:

To see a part of my neighbourhood taken away. It was such a big part of my social life. I was there every Friday night. 'Cause Jeff had started the Molotov Cocktail Hour [in the garden]. It was every Friday till whenever. Artists would show up. (...) it was a good way to network and connect. You had people who were writing plays who were connecting with people who did sets and stuff. And it was really perfect... It was a big loss. (*Ibid.*: 120)

Hence, those gardens were not only important to the neighbourhood social life, but also for the neighbourhood's political, cultural and activist networking. Although activists had organized

⁶⁷ But the 1988 Thompkins Square Park police riot marked for many the loss of the battle against gentrification.

⁶⁸ LESC member L.A. Kauffman (2004) explains that "the New York City community garden fight was one of the first times that Earth First!-style blockading techniques were used in an urban context" (78), and she also writes:

From 1997 to 1999, that campaign pulled a lot of new people into activism, as far as the East Coast was concerned, was a real incubator for the kinds of creative political energies that were expressed in the Seattle WTO protests, and in the big trade summit protests. Many of us who were working on the garden fight took inspiration from ACT UP and a lot of other direct action movements that had come before us. (477 in Shepard, 2011: 77)

many playful actions – processions with costumes and puppets that transformed into street party protests – the Giuliani administration maintained GreenThumb sites were never meant to be permanent. He rather confirmed gardens were part of an *interim* urbanism strategy. This was also part of the mayor’s revanchist strategy against crime; many politicians considered community gardens, operated by people of colour but called vacant land, as “stolen areas” where crime was taking place and consequently to be suppressed by enabling development⁶⁹ (Low and Smith, 2006: 11). Nonetheless, HPD eventually agreed to transfer 36 gardens back to NYC Parks if they received approval and support from their local community board, which most did receive (Lawson, 2005: 261).

1.1.2. Second Wave of Garden Auctions in 1999: La Esperanza Garden, The Coqui, Land Trusts and the NYS Agreement

The second wave of auctions involving 400 gardens followed in 1999. Although, this time, the City took the precaution of stipulating that at least a portion needed to be dedicated to “civic function,” which they described quite loosely as affordable housing or local economic development (Staeheli, Mitchell, and Gibson, 2002). The Capoccia development on La Esperanza Garden described in the next few pages illustrates how this strategy in 1999 informs today’s city administration undertaking the transfer of City-owned lots to private developers by creating a path with “least resistance” and eliminating “encumbrances.”

When the second auction was just around the corner, the garden struggle peaked. After the loss of Chico Garden, gardener-activists from the LES started reaching out to other gardeners throughout the city – not just befriended neighbours, artists, and activists – to advertise the next mayor’s auction in spring 1999. The group More Gardens!, where Aresh was involved, was

⁶⁹ For instance, see the New York Police Department strategy entitled “Police Strategy no.5: Reclaiming the Public Spaces of New York” that Bratton and Giuliani wrote in 1994. Low and Smith (2006) write: “Crime was of course a central mobilizing issue in Giuliani’s remake of New York as a revanchist city where reactionary revenge against those who had ‘stolen’ the city was a central motif. [Consequently,] “racial containment and exclusion framed the urban experience” (11).

consequently founded for and by gardeners so they would have their own group. “The way we did it was with a lot of great civil disobedience. We took over City Hall. And sixty, seventy-year-old people doing it. Gardeners from all over the city were getting involved,” said Shenker, the More Gardens! founder (Shepard, 2011: 123). Although many of the founding members had been involved elsewhere before, in the LESC or the squatting scene, More Gardens! sent an open invitation to people with low thresholds for participation, had a soft touch, and a light-hearted approach. They did a sing-out during a city hearing in a disruptive yet very unthreatening way and built a tomato bike⁷⁰ to ride to City Hall (129). Other groups were also organizing and holding actions. Reclaim the Streets, for instance, created a garden in the middle of a street with a tripod in its centre, and gathered sixty or seventy people a few times before the auction of May 1999 to prepare a parade and the installation of a tripod (130-1).

Even if a civil disobedience action consisting of a play and a rally⁷¹ organized by More Gardens! the day before the auction got about eighty people arrested, the next day, on May 6, 1999, many people successfully entered the auction room yelling to disturb and cancel the auction (136-8). There were so many arrests the police put activists on city buses. “That was probably the peak⁷² of the movement because it involved real gardeners, not just activists,” said Lower East Side Collective member Tim Becker (137). At the same time, at least four different

⁷⁰ Time’s Up! is a direct-action environmental group promoting bicycles and gardens, then often working with More Gardens!

⁷¹ “Ariane Burgess and members of More Gardens! performed their play, called *Cherry Tree*, for the lost garden [one of the endangered gardens to be auctioned]. [We] performed it on the corner of Chambers and Washington [Park],” Burgess recalled. “There was a groundswell of people coming. And sixty-four were going to get arrested outside’ And the streets were filled with bodies of those committed to being arrested. (...) After blocking the street, we were all eventually carted away. (...) ‘And then we did the auction, with like eighty arrests 9at the pre-auction action], and I think we’d already won by that point,’ Shenker recalled” (Shepard, 2011: 141).

⁷² Afterward, “the police adopted a zero-tolerance policy for the New York actions. They shut down the street party before it began: arresting most of the organizers, thirty-seven total arrests” (Shepard, 2011: 141).

lawsuits by different groups were also initiated⁷³ (Lawson, 2005: 262).

That same day, singer and actress Bette Midler, along with non-profits New York Restoration Project and the Trust for Public Land paid \$4.2 million⁷⁴ to create a land trust to save from development 114 of the 400 gardens⁷⁵ (Barry, 1999a, 1999b; NYCCGC, 2010). Gardeners saw this outcome as a compromise since even though the gardens were saved, they became privately managed by NGO-controlled land trusts. However, meanwhile, some gardeners continued to defend their spaces that remained out of the agreement.

After that bittersweet victory, during the fall of 1999, when most gardeners and activists thought gardens had been saved following the cancellation of auctions back in May, some gardeners grew alarmed at the possibility of losing La Esperanza Garden, a 22-year-old garden on East 7th Street, between Avenues B and C. Aresh from More Gardens! felt this uninterrupted struggle symbolized the “tensions between the privatization frenzy of corporate globalization and the civic need for public spaces open to all” (Shepard, 2011: 149). Meanwhile, in July 1999, “seven Harlem gardens were [also] bulldozed the day before a court-ordered stay of demolition went into effect” (Lawson, 2005: 262), but we know very little about them and the fight Uptown gardeners put up.

In August 1999, the City had sold the lot of **La Esperanza** during another auction to developer Donald Capoccia, the same developer who had bulldozed Chico Garden less than a year before, “a man who had just happened to donate some \$50,000 to the mayor’s electoral campaigns” and had acquired the lot without a public and competitive request for proposals (Shepard, 2011:

⁷³ By the Green Guerillas, New York State Attorney General Eliot Spitzer, the New York Environmental Justice Alliance, the Puerto Rican Legal Defense Fund, the Natural Resources Defense Council, and others (Lawson, 2005).

⁷⁴ “Sale of all the gardens together was predicted to earn a minimum of \$3.5 million. [...] The city planned to offer the sites to the highest bidder for unrestricted use” (Lawson, 2005: 261). Giuliani refused the first offer at \$2 million from TPL and claimed to newspaper and gardeners: “This is a free market economy. Welcome to the era after communism” (Grunwald, 1999 in Lawson, 2005: 262).

⁷⁵ TPL negotiated to purchase 59 and NYRP, 55. Another source states it’s 121 gardens that were transferred to the two organizations, and another hundred were transferred to HPD with 10-year licenses (Pierson, 2019).

149). To make the project look more acceptable, he promised to build 79 units of so-called “low-income housing,” which were in reality “80/20 housing” – 80 % market-rate or luxury apartments, with a token 20% affordable (149), a similar ratio to what de Blasio’s mandatory inclusionary housing (MIH) currently requires with “Housing New York.” This not only rang a bell with today’s citywide affordable housing plan, but it also illustrated how the City changed tactics after May 1999 when disposing of its land: instead of selling at auction hundreds of gardens, the city began selling them individually or a small batch at a time not to draw too much attention. “All the while, the general public believed all the city gardens had been saved” (149).

Garden advocates sought an injunction to save La Esperanza Garden after its sale at the auction, but the garden received a letter indicating that the construction would soon begin. The gardeners and activists then prepared for an encampment taking the allure of a **coqui**, a mythical Puerto Rican mountain frog in the island folklore (150). Activists would relay to spend nights inside the structure, which was equipped with a heater, telephone lines and material to lock themselves to the coqui if bulldozers were to arrive (151). The Torres, the Puerto Rican family of the founding gardener who had cleaned and started the garden, other gardeners, neighbours, residents, artists, and activists also met in solidarity around the fire pit for the encampment that lasted from December 1999 to February 2000.

By mid-February 2000, phone calls spread the news that the bulldozers were coming. Meanwhile, New York State Attorney General Eliot Spitzer was filing papers for an injunction against the destruction of gardens charging the City had skirted environmental impact review laws, a result of gardeners’ lobbying (NYCCGC, 2010). The injunction could not come into effect until 2 p.m.⁷⁶ so gardeners tried to delay their eviction until then by locking themselves to the fence, to the tripods or inside the coqui with bicycle u-locks around their necks. The police took

⁷⁶ NYCCGC writes: “The mayor’s lawyers delayed entering into the judges’ chambers until police had arrested 31 garden defenders and bulldozers had razed the garden to make way for a new condominium project.”

the front gate down and moved in to start cutting off the chains and padlocks of the protestors and arresting them. They were ultimately unable to defend the garden until 2 o'clock that afternoon and subsequently lost the garden. The temporary restraining order (TRO) did not prevent the bulldozing of La Esperanza Garden but applied to several other gardens in addition to attracting more social capital in the news. After Giuliani finished his term, the new Mayor Bloomberg, with Michael A. Cardozo representing the City's Corporation Counsel, settled an agreement with the New York State General Attorney, Eliot Spitzer (Spitzer and Cardozo, 2002).

The 2002 Community Gardens Agreement became paramount to the governance of community gardens until this day. It permanently transferred 200 gardens to NYC Parks and Recreation Department, lifted the TRO, and temporarily protected under a moratorium another 150 gardens until 2010 (Shepard, 2011: 155). Many of the endangered gardens today under the affordable housing plan were part of that moratorium list that became subject to development after 2010. The agreement came with a list of lots, their garden's name, jurisdiction, and sometimes, like the gardens on East 111th Street, with a note saying "subject to development after garden review process," or else mentioning its preserved status as "parks open space" or "offer for preservation" (Spitzer and Cardozo, 2002). In 2002, after signing this Agreement, NYC Parks Department drafted a set of Garden Rules that stated clearer steps for a garden review process before development, as I will show in Chapter 3.

Overall, the More Gardens! strategy inspired from the squatting-gardening scene with direct action, fundraising, judicial, and legislative strategies, which did work to an extent: "Both controversial and flexible, anarchists collaborated with liberals out of mutual interest throughout the campaign. Here, a desire for results trumped ideology and activists collaborated in effective and pragmatic ways" (Shepard, 2011: 139). All the social connections convinced the NYS General Attorney to side with the gardeners because "a giant tomato told [him] to" (*Ibid.*).

The Esperanza encampment with the coqui represents one of the most successful campaigns in the history of neighbourhood activism in NYC, but it was also a “tough act” to follow for gardeners-activists (155-6), as we will see by exploring the next More Gardens! campaign Uptown in the South Bronx and East Harlem.

2. NYC Community Gardens as a Movement Continue Uptown

In 2016, East Harlem had approximately 40 gardens,⁷⁷ a number that was higher before development projects became more frequent in the late 1990s and 2000s, thereby displacing a patchwork of community gardens. “I was waiting to be chased by a bobcat to tell them: ‘Kill me and I’ll make the newspaper, and the garden will be mine!’” exclaimed Frances, a gardener since the late 1970s at Pleasant Village Community Garden in East Harlem, now sitting on the local community board. She was then explaining to us at a New York City Community Garden Coalition (NYCCGC) meeting in June 2016 that gardeners in East Harlem used to have an emergency number to start a telephone tree if they saw a bulldozer entering the neighbourhood. Since many gardens had already existed for 10 or 20 years, gardeners in East Harlem, like in the Lower East Side, were networked through a neighbourhood coalition and with other like-minded organizations, as we will see next.

Originally, during the mid-1970s NYC financial crisis devitalization, which came from the economic restructuring and deindustrialization starting after World War II, many East Harlem gardens rose from the neighbours’ will and self-help to create safe green spaces close to their home. Citizens with the help of social workers and health professionals helped in the transformation of those abandoned vacant lots. For instance, Pleasant Village Community

⁷⁷ At a presentation at the Community Board 10 and 11 in 2016-217, GreenThumb enumerated 40 gardens in East Harlem, and about 32 gardens in Central Harlem for an approximate total of about 65-72 community gardens in East and Central Harlem, and 130 gardens overall on Manhattan. In Petrovic, Simpson, Orlove and Dowd-Urbe (2019), they surveyed 38 gardens in East Harlem. Among the 35 retained for their study, they noted 14 were on parkland, 9 were privately-owned by NYRP and 3 by the Manhattan Land Trust, 8 were HPD, and 1 was private.

Garden was founded by social worker Rose Gardella, health professional Francis Mastrota, who were both white and neighbours to the lot, and six other Afro-American and Latina women from the nearby Wagner housing project or the block association. Better known, however, is Bernadette Cozart, working as for the City as a gardener and commissioned by the NYC Parks Department in 1989, who decided to go beyond the very limited resources the agency was able to give to do her job, and thus created a coalition to restore 17 gardens in the neighbourhood (Hynes, 1996: 6). This multi-actor coalition called the Greening of Harlem was composed of the Harlem Hospital, Mt. Zion and St. Mary's Churches, the Upper Room AIDS Ministry, with various local block associations and tenants groups, city agencies, and the Natural Defense Council. This coalition had the mission to revamp "long-neglected parks and public gardens" (*Ibid.*: 4).

After the February 2000 East Village Esperanza encampment with the coqui structure, many garden activists felt like city developers were moving Uptown. In the early 2000s, Aresh had left the Lower East Side to live in the South Bronx where he helped organize five encampments to save local gardens through More Gardens! with the South Bronx United Gardens (SBUG) coalition⁷⁸ (More Gardens, 2014). Similarly, in East Harlem, in 2006, there were 19 endangered gardens, "the majority of which [lain] between East 110th and 119th Streets and 5th and Lexington Avenues" (Kuras, 2006). The East 111th Street Block gardens were then threatened with eviction and received in 2005 an eviction letter from HPD, but the developer eventually dropped their plans. Some other gardens especially around 116th Street were less lucky and were relocated or disappeared, like El Gallo, Girasol, La Cuevita, Pearl of the South, United Town, Sanidad del Cielo, and 116th St. Block Association Garden. I was told the latter had more than 100 gardeners at the time and was relocated around 123rd Street and Park Avenue on a smaller lot, but lost a great deal of membership after the relocation. Another threatened garden was also

⁷⁸ For instance, they helped save Jardin La Roca and Ricon Criollo that had to move during Winter 2005-2006.

La Nueva Esperanza Garden, represented as the cluttered site on the photo depicted at the beginning of this chapter and only two blocks away from the East 111th Street block, which I detail in the next pages.

During this period of turmoil, East Harlem gardeners united as the Harlem Urban Growers (HUG) neighbourhood coalition, through the impetus of More Gardens!, with approximately 15 gardens who each had one representative all coming from the 110th and 116th Streets area. Looking back, Aresh, who worked with a group of dedicated people, recalls “each garden was so separate from every other garden that it was very, very clustered, and he would go [knock on apartment doors or go to every garden] and pick gardeners from all of the gardens and bring them together to have a meeting.” This coalition lasted for about two years, probably out of exhaustion, but J.K., a gardener-activist from the LES, emphasizes: “That’s what’s needed, right? It’s somebody to keep organizing the gardeners beyond fiefdom,” she says referring to her discontent of grassroots support⁷⁹ the New York City Community Garden Coalition currently offers to gardens.

The GreenThumb director at that time and councilmember Melissa Mark-Viverito sometimes came to HUG meetings, and she lent her support in different ways, like a banner in 2006 asking for homes *with* gardens, claiming a vision for a greener and more sustainable neighbourhood. She even sponsored a garden parade day in 2010, for which she gave money to More Gardens! She also participated in negotiations between developers and gardens when El Gallo and

⁷⁹ A gardener-activist adds in one of my interviews:

There were a bunch of us on the New York City Garden Coalition board who were pushing for there to be paid organizers because we thought that’s what we really needed, and the leadership right now... we felt very disappointed in that this was not the way they had chosen to go for, they chose to go for like money-funders versus, you know, kind of seeing it as a way to organize the gardeners and for that, we need to get paid organizers. (...) And we are like focusing all that energy into something like the Garden Rising project that’s educational in one of the richest and most powerful areas... [laughing] Hardly can we touch the Lower East Side; they’re much sturdier than anywhere else like they’re desperate in Coney Island or desperate in East New York or desperate in South Bronx or all of these other places. I just think it’s easier here. But it’s not easy to pack up and move to the Bronx.

Sanidad del Cielo community gardens were relocated. However, El Gallo gardeners refused to be relocated since they firmly believed the “roots of community are inextricably entwined with those of the garden”⁸⁰ (Vega, 2006; my translation).

Today, HUG coalition doesn’t meet anymore, as it only formally existed through More Gardens!, which now focuses its activities on a free summer camp for kids and the preservation of the Children Magical Garden in the Lower East Side that has its own struggle with an adverse possession legal case. However, during my fieldwork in 2016-7, the citywide coalition that was created in 1996, New York City Community Garden Coalition (NYCCGC), tried to facilitate networking events among Uptown threatened gardens, but it was difficult to develop a common strategy since all gardens weren’t at the same stage toward development and there were clear personality conflicts among some gardeners.

2.1. La Nueva Esperanza Garden Eviction

At the corner of 110th Street and Fifth Avenue, right in front of Central Park, La Nueva Esperanza Garden, which was created in the mid- or late 1980s and evicted in 2007 after an encampment, is located at the same place where Camillo José Vergara took his famously evocative picture in 1970. This photo depicts four African American music students holding books and briefcases standing on this rubble-filled lot (see p.63). Gardeners and activists say the garden was evicted to please the city comptroller William Thompson’s wife, Elsie McCabe-Thompson, who sought to build a home for the Museum of African Art. Alleged stories claim that the then-comptroller used his position to direct or trigger between \$43 and \$51 million in public and personal funding to the museum (Barrett, 2010; Taylor, 2010; Cohen 2012). Besides these rumours of corruption involving the construction and funding,⁸¹ the museum sat empty for

⁸⁰ These comments are also echoing what La Nueva Esperanza gardeners claimed when there were evicted (see p.90).

⁸¹ According to Barrett (2010) in an article of *The Village Voice*, mayor Bloomberg directed or triggered between \$43 and \$51 million in public and personal funding to the museum, which project is led by the comptroller’s wife,

twelve years while the 116 million-dollar condominium units of this 19-story building (above the three-story empty museum) have been sold and rented many times at record prices for the neighbourhood and Uptown.⁸²

Toying with the history of the place to help in branding the development was part of the strategy to take away La Nueva Esperanza Garden and became a cornerstone to the gentrification of East Harlem for some. Designed by Robert A. M. Stern⁸³ and developed by Brickman⁸⁴ who built the condos, the shell of the museum, and paid most of the cost of the land (Taylor, 2010), the coloured limestone and windows are supposed to evoke the shape of African baskets, which altogether made the project look more acceptable and culturally sound. Of course, such a museum is desperately needed, as there is only one other institution paying homage to African art in the U.S., the Smithsonian's National Museum of African Art in Washington D.C. Located at the southern limit of Central Harlem, this museum was not only close to its audience for a decade, but it had the prestige of other museums by being labelled One Museum Mile with the Guggenheim and Metropolitan Museum only a dozen streets away.

Elsie McCabe-Thompson. Thompson was elected comptroller at the same time Bloomberg became Mayor in 2002. Critics say Thompson, when comptroller, used his position to lobby for the museum around 2005 to 2007. The article reads:

Thompson was so involved with his wife's Museum for African Art that he may have violated the city charter by using his office to solicit state and city funding for its grand new home now under construction, with marble floors and walls, at the end of Museum Mile on Fifth Avenue and 109th Street. While the project sounds admirable, the museum has attracted this funding at a time when it is little more than an office in a warehouse in Long Island City, with no permanent art collection of its own, no gallery, no accreditation from the American Association of Museums or the Association of African American Museums, and no connection or history with Harlem. (...) *The Voice* had identified four city and state sources who say Thompson spoke to them on behalf of the project, a potential violation of Conflict of Interest Board (COIB) decisions that have resulted in fines when low-level city officials use their position to benefit their girlfriend or wives. (...) The project even defaulted some of the leading city agencies for this development, Economic Development Corporation (EDC) and it was questionably licensed through his office.

Barrett (2010) concludes saying: "it may transcend the stain of its origin [...] this is not the way it should have been built (...) a memorial to machination.

⁸² The Museum for African Art, renamed the Africa Center, launched programming in 2019. <https://www.theafricacenter.org/about/visit/>

⁸³ One of the only – or *the* only – architect to have completed a second building on Central Park (Orzora, 2013).

⁸⁴ He has developed another building in Manhattan at 68-74 East End on the Upper East Side (Orzora, 2013).

Gardener Bowman told the press during the encampment of winter 2007: "Before the garden, this was a dump. This was a crack street that nobody walked down. This garden stabilized the community. That's why developers are coming. Now the City is giving the land to developers" (Chung, 2007). "We have put our work here, we have put our money here, we have put our time here," declared another gardener-founder Al McKinnon. "They must negotiate with us," he told the press, expressing the same attachment to the land than El Gallo gardeners (Vega, 2006; see p.84). Here again, highlighting the fluidity of the urban space, gardeners noted the neighbourhood's past of divestment and their sustained dedication to making the space more liveable, despite the municipal cutbacks in services. In their opinion, through their care and because of the past of injustice that affected them, they developed property interests for themselves and the community in this space, although the City is denying any recognition of shared ownership. In that sense, the City does not value the work gardeners infused in producing these spaces, although community gardens are spaces that are as much public as commons because citizens produced them.

Nonetheless, one activist who participated in the encampment at La Nueva Esperanza through her involvement at Time's Up!, a direct-action environmental group promoting bicycles and gardens that used to collaborate with More Gardens!, was vociferous on this issue when I met her at a NYCCGC meeting. Ellen – who's white, now an academic⁸⁵, living in northern Manhattan, and currently sitting on NYCCGC board – wrote me an email on the La Nueva Esperanza eviction:

It was a bullshit museum that was really million-dollar condos and literally a cornerstone to the gentrification of East Harlem. That day, we saw massive police and helicopters mobilized for contractors to take possession of this nondescript little garden. We only learned much later what we had been up against [e.g. the alleged corruption behind the museum's funding]. I wrote that press release and that people were chained to trees. It got the press there, but it wasn't true. Someone climbed a tree and got down when a politician

⁸⁵ Associate professor at John Jay College.

promised to meet with the gardeners. That meeting never happened, that politician was Bill Perkins,⁸⁶ when he was a State Senator. Likely he was already in collusion with the other Harlem politicians and their wives who were backing the 'Museum of Africa.' I just passed it today [in 2017], no sign of anything but a sign there, but plenty of million-dollar condos.

The encampment culminated on April 3, 2007, with the eviction. The press release read:

Gardeners, who have been camping in the Nueva Esperanza Garden on East 110th Street at Fifth Avenue, woke this morning to the sound of the garden fences being destroyed by heavy earth equipment and trees being cut down by chain saws. The encampment has been ongoing through the winter in order to watch the garden for just such an unannounced arrival.

The dispossessed gardeners called the event a “land grab,” clearly stating they felt this was an act of accumulation-by-dispossession. A land grab⁸⁷ [that] has been given outside of the competitive bidding process and without proper community, environmental or legal oversight” (Time’s Up, 2007). According to newspapers, the City had conceded in legal documents the museum and condo weren’t the “highest best use of City-owned land,” and other politicians had considered it for affordable housing (Barrett, 2010). The project went forward anyway and was approved, although East Harlem Community Board (#11) voted against it, Councilwoman Mark-Viverito said she disliked the project from the beginning, and State Senator Bill Perkins, who lives across the street, had opposed it. He even criticized he wasn’t informed when the New York State Public Authority Control Board voted for it in fall 2006.

I heard about La Nueva Esperanza when I met Oda at the Puerto Rican celebration held annually at Santurce Garden on the East 111th Street block on Memorial weekend. Oda was a warm-hearted and generous lady in her fifties with a Spanish accent. Along with other people from East Harlem, Queens or the Bronx, they gathered to sing to traditional Puerto Rican hymns

⁸⁶ Pursuing the research in the press, I was surprised that alongside Perkins during the ground breaking ceremony in 2007 stood Eliot Spitzer, then Governor, who less than a decade earlier, as State General Attorney, acted as the “garden saviour” with his 2002 NYC Community Garden Agreement. In Barrett (2010), we learn that Spitzer made a generous \$12 million contribution to the museum, which was lead by his moot court partner at Harvard Law School, Ms. Thompson-McCabe. Other public officials of the ground-breaking ceremony included Representative Charles B. Rangel, Manhattan Borough President Scott Stringer (now the city’s Comptroller), and Lieutenant Governor David A. Paterson.

⁸⁷ According to Barrett (2010), the city sold the property in 2007 for \$200,000 less than the 2005 appraised price.

and share a Caribbean meal. I had been attracted to the garden with the resounding voices around the block and saw the grandmother, who's the head gardener, with her son and granddaughter, all rushing around to please the large crowd. One of them invited me to join and stay for the food. I quietly stood at the back, admiring the scene of a happy reunion. Once the long line to get food quieted a little and making sure everybody else would have some, I joined the line. Standing, the ladies around me sort of took me in charge, semi-curious, but mostly happy to share this moment with a newcomer. One of the ladies I met, Oda, used to garden on the block and was among the More Gardens! activists against the 2000s developments in East Harlem and the South Bronx.

Oda came back to Chenchita Garden the week after to meet with me and share some of her archives and memories. Renee, a young black gardener heavily involved at Chenchita, who was also avid to learn about the early fights of our garden, joined us, as I was confident this information would be as important to her as it could be to me. Oda remembered of La Nueva Esperanza gardeners as a group of African American youth fighting against the luxury housing coming up. She thought people were more radical back then, as they were ready to chain themselves in the garden, do an encampment, and get arrested. Now, she thinks gardeners are getting older, and the newer generation seems less radical. Oda also remembers the More Gardens! coalition as filled with students coming in with their ideals and fresh energy, but not staying long, similarly to what Shepard (2011) describes in his book. Daydreaming about a decade ago, she said: "When I became involved, I was new to the country and I wanted to learn, especially from the young. Many were whites, had just graduated, and had a good background. They called themselves anarchists. They were my angels!"

Renee was glad she could grasp the energy and solidarity from that period, and how much had changed since. We still knew little about the specific history of our garden, so we tried to

gather as much as we could by asking around or reading books. The next section will narrate this recent and more specific history of East Harlem's gardens now endangered by the affordable housing plan, a story that complements the very early history presented in Chapter 1.

2.2. A Recent History of Today's Endangered Gardens

A few blocks east from the northern tip of Central Park, where East Harlem meets Central Harlem, sat six community gardens and a baseball field, each possessing a rich history. This story is longer than a passer-by could imagine when crossing the quiet gardens behind chain-link fence walking down Park Avenue with the noisy Metro-North racing above the stonewall connecting Midtown's Grand Central to Connecticut. Two blocks east from where La Nueva Esperanza Garden used to be, between East 111th and 112th Streets, and Park and Madison Avenues, almost the entire block paradoxically sat in greenery at the western limit of East Harlem when I conducted fieldwork. Behind the fence was a large baseball field and along the north-south avenues, the gardens settled behind open gates where gardeners were busy levelling the ground, greeting passers-by, or sharing a meal among many at the outdoor table.

As I recounted in the introduction, this was a coveted space and, in the early 2000s, unconfirmed rumours circulated that even Trump was interested in buying and developing the East 111th Street block. Plans to develop the site became more concrete in 2005. Gardeners received an eviction and alternate site notice⁸⁸ from HPD since Boys Harbor was supposed to develop the lot, but they eventually dropped their plans, according to the newspaper and minutes archives Oda shared with us. In fall 2008, the development had still not yet started when television sports personality Jon Frankel drove by the lot and "decided to do something about the padlocked dump that Little Leaguers once called home. He asked for help from the

⁸⁸ As we will see in Chapter 3, the Garden Rules eventually evolved as to neither treat gardeners as trespassers nor as renters and were thereby given an official notice of eviction: "[The] thirty-day rule, which, according to squatters' folk understanding of New York City law, requires that anyone occupying a space for thirty days or more be officially evicted, not just treated as a trespasser" (Starecheski, 2016: 82).

community – and got it” (*Ibid.*). To revamp the field, he teamed up with Dan Cunningham, Yankee's chief groundskeeper, some members of the local fire department (FDNY), a wood-working teacher who built a scoreboard while asset manager and billionaire Cliff Asness donated \$50,000 for the field's sod after volunteers had cleaned the lot. For the next ten years until recently, the gardens and baseball field remained on the lot and stayed active. However, de Blasio's affordable housing plan mixed with East Harlem Rezoning Plan triggered development and made these so-called “vacant” City-owned lots, gardens and baseball field included, prime for development. This is as much as we knew from the recent threats of development on the block, but the history of those gardens in the last century is one of diversity where food remained at the forefront.

First Jewish and Irish in the late nineteenth and early twentieth centuries, with an ensuing influx of Italians in the first half of the twentieth century, and then Puerto Ricans after World War II, this spot was renowned for the diversity of its shops with various ethnicities converging around food. For instance, between 111th and 112th streets on Park Avenue, East European Jews used to sell onions and potatoes in a pushcart under the railroad in the 1920s (Bell, 2013: 12). They sourced their produce from Upstate, New Jersey, or Staten Island farmers at the Harlem wholesale market on 100th Street and First Avenue.

Then, in the 1950s, this space became part of La Marqueta, one of the largest markets in the city, a place where newcomers could find exotic produce, and bond since “El Barrio was a community within a community” (*Ibid.*: 36). In Bell's (2013) recollection of testimonies, a Puerto Rican man who details La Marqueta's shops under Metro-North rail from E116th to E111th Streets explains how most vendors' and clients' experiences as new immigrants were still fresh:

the merchants knew the women and the women knew the merchants. (...) Many of the vendors had very strong accents from their respective languages – immigrants themselves. Among them were Jews, Italians, Greeks in that regard, buyer and seller were bonded. (36)

Specifically next to the block, under the Metro North stonewall, was a fish market near E111th Street, and a place to buy your chicken alive from wooden cases “or you [could] buy it [already prepared] on the other side where there was a poultry place. There you walked into a building and you saw the chickens running around” (*Ibid.*).

All gardens on the block started in the 1970s and 1980s out of cluttered private lots turned public through tax foreclosure and abandonment. The early days of many of those gardens would have remained unclear if Oda had not shared the story she collected for More Gardens! when the garden’s founders were still around or were younger. I drafted the following descriptions and story of the six gardens on the block by referring to Oda’s written descriptions, completing them with my observations and conversations with the gardeners.

Bounded by East 111th and 112th Streets on the north and south, with gardens along Madison and Park Avenues respectively on the west and east sides, the first garden to form was on the north-east corner from the work of a Puerto Rican woman, now grandmother, who still gardened until the groups were evicted in winter 2018. Constanza eventually shared the space with a fellow Puerto Rican man who arrived in East Harlem at the age of 19 in 1949 and lived across the street. Emilio came from the same city as she did, and they decided to name their gardens after their hometown, Santurce. He started gardening with his wife in 1978,⁸⁹ and it slowly evolved in two separate gardens with their own schedule and activities, divided with a fence that was already there,⁹⁰ and with different names – **Santurce Garden** and **Villa Santurce Jardinera**. When Emilio moved to 111th Street in the early fifties, the block hosted a pharmacy and a few clothing stores, he says. In the sixties, the Young Lords – a Latino civil and human

⁸⁹ They probably only registered the garden with GreenThumb in the early 1990s.

⁹⁰ The City had probably put up the fence when it gained ownership to the lot.

rights organization – even had their headquarters⁹¹ by the pharmacy. On a blazingly hot and sunny afternoon, Emilio explained to me that in the seventies, many people were moving out, and few of the stores on the block remained, so the City took possession and tore down the abandoned buildings.

On the ruins of the pharmacy on the northwestern corner later appeared **Chenchita's Garden** – named after its founder – probably in the 1980s although I was not able to confirm the specific year.⁹² When the founder-gardener Chenchita became old and sick in the mid-1990s, a neighbour who had helped her in the garden and lived in the same NYCHA building across the street replaced her as garden contact person, the person responsible for the garden and answerable to the City according to the license agreement. Tiana was the only Afro-American garden leader on the block. She organized a daycare with Celia in the garden and their apartment. Celia, Puerto Rican, also lived in an adjacent building subsidized with Section-8. Later, both ladies hosted a green class in the garden with a nearby school, located a few blocks south on Madison Avenue. Not long after Tiana became garden leader around 1998, they divided the garden, and **Mission Garden** was created just south of Chenchita, because of aesthetic and programming differences. Tiana redesigned the garden on permacultural precepts and hosted poetry class for people with disabilities, and Celia operated her orderly-fashioned garden with her husband and neighbours to receive mostly religious, elderly or kids' groups.

The story of the creation of **Little Blue House Garden**, located on the south-western end of the block, is one of the most vivid on the block: a man nicknamed “El Chino,” or the Chinaman,

⁹¹ See Morales (2020) who suggests in the historic line of the Young Lords their East Harlem headquarters may have closed in the early 1970s, probably before 1972.

⁹² Those lots of this garden became city property in May of 1978 according to the New York City Department of Finance records on New York City Digital Tax Maps. However, since they rezoned Block 1617b for Sendero Verde, they merged all records in one list, and the data I gathered before the rezoning are not available anymore.

started this garden around 1988 in which he kept his five dogs. He later sold his garden for \$500 to the Rodriguez family, and the membership eventually stretched beyond family ties.

Also vivid is the story of foundation at **Friendly Garden**. Around 1994, on the south-eastern corner of the block, the Santiago family cleaned up the lot with their friends. They recalled removing 13 large automobile parts and over 200 garbage bags to build and tend to nine planting boxes. Twenty years later, when the wife and spouse got older and one of them got sick, they transferred the garden to a neighbour-gardener with Italian roots in East Harlem who had been involved in the garden for a few years, Lisa.

Although four gardens were invited to be relocated once the three phases of the mixed-use and mixed-income buildings are built in three to five years on this block, two gardens were left out. It was not clear why, but some believed it may be because they didn't respect some of the Garden Rules or weren't open or active enough. GreenThumb suggested to Little Blue House members to join another community garden, but according to the last news I got, the gardeners were not interested in joining another project in which they would have very little or no control. The Friendly Garden relocated on a lot that GreenThumb considered underused a few blocks north, on Park Avenue, between 116th and 117th.

Besides the old pharmacy, Young Lords Headquarter, and clothing stores, I wasn't able to find much information on the buildings that used to be on that block, despite what the resurfacing bricks of old buildings on the evicted block would tell me in fall 2018.^v However, this block was a testimony of how urban renewal and public housing construction adversely affected and transformed this area, dislocating the local fabric of small stores and services, as Bell (2013) suggests:

During the 1950s the neighbourhood underwent a tremendous change through the creation of public housing projects. (...) Bulldozers rampaged throughout the neighbourhood and replaced its tenements with public housing projects. Through eminent domain, East Harlem's (...) lifestyle, camaraderie and sustenance ended. Its diversity, homes, apartments,

and businesses were destroyed. East Harlemites and other city residents who protested these actions were ignored as their rights were nullified. To this day the neighbourhood has not recovered from this period. (Bell, 2013: 103)

The Federal Housing Authority, which insured home mortgage, and banks started redlining⁹³ the neighbourhood in 1940 as an “unprofitable investment” zone, disproportionately impeding black and brown residents from becoming owners, as another clear sign racial regimes of property were well established at the time (see Bhandar, 2018 and Dymski, 2009). Public housing construction began in 1941 in East Harlem and accelerated in the 1950s (Bell, 2013: 104). The New York City Housing Authority (NYCHA) was then building towers in the park, following Le Corbusier’s idea to expand the city vertically instead of horizontally with the intent of limiting the buildings’ footprints and creating more open space. Jane Jacobs (1961) decried this “vertical model left the streets and the sidewalks devoid of stores and other businesses,” at least relatively to before (104). Approximately 3,000 stores were thereby displaced, according to Markovitz and Rosner (1996: 226).

The two NYCHA towers adjacent to the gardens on the north side of East 112th Street block were **King Towers**, built in 1954, and **Taft Houses**,⁹⁴ completed in 1962, each having ten 16- to 19-story buildings with their maze of fenced pathways and short grass. On the west of the block was a Section-8 building, where rents were adjusted proportionally to incomes through a federal subsidy. To the east, beyond the above-ground railroad, was public school 375, and to the south were old tenements of 3 and 5 stories as well as new 11-story mixed-income housing, with a liquor store, a convenience store, and a grocery store.

⁹³ “Redlining, in which the Federal Housing Administration, which insured home mortgages, refused to support lending in minority or ‘declining’ neighborhoods, kept capital out of the inner city and made it difficult to buy or renovate housing in black neighborhoods (Ferguson, 2007,142-4; Morales, 1997; Morales, 2007)” (Starecheski, 2016: 56).

⁹⁴ Or Robert F. Taft Houses was named in honour of Robert Moses’s friend who Ohio senator and son of 27th U.S. President, William Howard Taft (Bell, 2013: 114).

However, after urban renewal, many areas just remained abandoned, like block 1617b, the East 111th Street block under study here, that the Milbank-Frawley⁹⁵ Circle urban renewal project targeted with many surrounding blocks in 1966 to clear and build low-income and moderate-income housing (see endnote vi). Revised in 1983, block 1617b and a long list of other blocks were still to be “acquired for clearance and redevelopment” (City Planning, 1967). The block was never rebuilt (except for lot 121 with a narrow 4-story building hosting a convenience store and a few residential units). East 111th Street block consequently remained a vacant open space. In this context of abandonment, gardens were residents’ last resort to keep control of their neighbourhood and make it liveable; gardens were resident-led tactical interventions reacting to centralized, top-down urban planning policies.

The policy documents of the Milbank-Frawley Circle also made apparent the discriminatory and racist perspective prevalent at the time. Urban renewal was to be an “intensive campaign against the culture of poverty which has created our ghetto areas” since “improving the quality of urban life [was] the most critical domestic problem facing the United States,” according to the Congress in 1966 (City Planning, 1967: 1). To attack this “prime domestic problem”, they sought to clear and replace the “substandard, dilapidated and unfit housing which contribute[d] so heavily to the character of the ghetto (...) [as] to break the cycle of poverty and to give the present prisoners of poverty a chance to *advance* into the mainstream of American life” (*Ibid.*: 2; my emphasis).

While this made evident the racist logic to “uplift” inner-city populations and their environment, as criticized by Harris (1993), local anti-eviction activists have denounced and exposed the government agencies’ spatial deconcentration analysis of displacement (Midnight Notes Collective, 1990, 1981). Responding to the 1960s riots, like in Harlem in July 1964, urban

⁹⁵ Proposed in 1964 by the NYC Department of City Planning.

planning policies sought to deconcentrate poor people of colour from inner-city neighbourhoods to “diminish their capacity to organize and rebel”⁹⁶ (Starecheski, 2016: 55; Morales, 1997, 2006). Pushing poor people of colour out of neighbourhoods as they became uninhabitable, the “planned shrinkage” of the 1970s with reduced services permitted neighbourhoods to further deteriorate until they could be cleared and rebuilt according to the City’s visions (i.e. Housing New York) (Freeman, 2000: 277 in Starecheski, 2016).

With more limited funds than expected, the anti-eviction and spatial deconcentration analysis nonetheless gained traction, but the Milbank-Frawley Circle Urban Renewal became even more controversial for its inefficiency and the racial tensions it prompted (*Ibid.*; DCP, 1967). Not only was there an attempt to sue the City through a class-action lawsuit⁹⁷ in 1973, but racial rivalry became more tensed. With increasingly limited housing, Puerto Ricans moved west from Fifth and Madison Avenues and, as they “sought housing, [they were] often competing with a growing African American population itself expanding eastward out of Central Harlem” (Markowitz and Rozner, 1996: 225). Consequently, many felt that “under the guise of democracy and support for community involvement in decision-making, that the administration was, in reality, ensuring the ‘maintenance of the ghetto’” (*Ibid.*: 221). However careful the phasing of clearance to be replaced with rehabilitation and construction was supposed to be planned,⁹⁸ many painful evictions and relocations had already happened with the construction of the NYCHA projects a decade earlier (*Ibid.*: 4). For instance, in 1961, Alfredo Alfano, resident of East Harlem, reflected

⁹⁶ The Midnight Notes Collective (1990) defines the deconcentration analysis as “the State’s effort to economically isolate and then eliminate the ghetto as a space for organized mass political power”.

⁹⁷ Class action *Feliciano v. Romney* in 1973 that was dismissed because it was not sufficiently clear if plaintiffs were subject to relocation by the Milbank-Frawley Circle or a Housing Act program or if they suffered from inadequate site maintenance or discrimination in training and employment (SDNY, 1973).

⁹⁸ “The rehabilitation of vacant buildings and the construction of new housing on vacant land will create new housing into which residents can move before their present homes are renovated or razed. Careful phasing of the program can minimize the painful relocation process which weakened many of our earlier renewal efforts.” (City Planning, 1967: 4).

on the impact of the construction of public housing projects, which only became more acute with urban renewal:

Housing developments of the past twenty years... intended to remedy a slum situation, caused untold hardship to countless displaced families and small businessmen, drain[ing] the community of unseen and unappreciated value. (Markowitz and Rozner, 1996: 226)⁹⁹

The E111th Street Block was finally slated for development in 2018; the gardens were evicted in February 2018 and were completely destroyed six long months later in October 2018. None of the gardens have resisted the eviction or destruction of the space, although strategizing and negotiations with NYCCGC and the City had been ongoing for most of them since 2016 (see Chapters 3 and 4). The new development called Sendero Verde will have three large buildings, with the higher tower at 37 stories with a total of 655 rental units, clashing with the surrounding low to mid-rise multi-family residential and mixed residential and commercial properties. The development will also host a YMCA, a supermarket, a job-training centre, a DREAM charter school, a space for local non-profit Union Settlement, a restaurant, and a preventative health care facility run by Mount Sinai Hospital. As mentioned, the project relocated four of the six community gardens on site but at different locations, although Little Blue House and Friendly Gardens were not invited back.

A few blocks east, bordering the East River, just north of 116th Street sat one of the oldest gardens of East Harlem, **Pleasant Village Community Garden (PVCG)**. East of Third Avenue, from the late nineteenth century to at least World War II, this area used to be the heart of the biggest Little Italy in New York City, before downtown's counterpart gained more importance.

⁹⁹ Talking more generally of urban renewal caused by rezoning projects or the construction of public housing in NYC, as HANA Housing committee chairman, David Dinkins –who later became the first Afro-American mayor of NYC– said in a discourse:

renewal had 'meant the uprooting of families, the destruction of neighborhoods, the exodus of the middle-class and the disruption of the limited business and commercial patterns... a varied and complex urban unit is transformed into a rigid, single-purpose low-income housing area. The cleansing of the area is so thorough as to create a sterile community that is barren and lacking in supportive and social resources (Markowitz and Rozner, 1996: 222).

In the 1970s, a social worker named Rose Gardella who was part of the Block Association and lived across the rubble-filled site on Pleasant Avenue between 118th and 119th Streets – the most eastern avenue, close to the East River and FDR Drive – started cleaning the lot to slowly turn it into a garden. This lot had most probably been a tenement building destroyed by fire in the early 1970s¹⁰⁰ as part of the white flight resulting from the deindustrialization of NYC. Testimonies from people who grew up on that street in the 1960s recall a TV repair shop, Laundromat, and pastry shop on the ground floor of the building that used to stand there on the east side of Pleasant Avenue, with kids playing stickball¹⁰¹ in the street (Bell, 2013; Bella, 2018). Accordingly, an old-time gardener still active at PVCG recalled seeing the top section of the adjacent building to the garden blackened by what could have been heat or flames. This old white man who used to squat but has lived in NYCHA Wagner Houses in East Harlem since the early 2000s said it was common to see a fire lit on the top floor at the back to give tenants time to exit the building. This same gardener also remembered seeing the East River from the garden when he first joined the garden.

For a long time, PVCG was located next to the rubble of an abandoned wire manufacturing plant, the Washburn Wire Factory, which Bourgois (2003: 360) describes as being squatted by crack addicts in the eighties. This certainly reveals the neighbourhood's lengthy heritage of a substance abuse-driven underground economy, especially since this area used to be called 'Vinnie-land' in reference to the Italian mafia gang that hung on Pleasant Avenue (*Ibid.*: 59, 68).

Similarly, Bourgois – who lived a few doors down the garden – visited the Game Room close by,

¹⁰⁰ A man, who contacted me through Angela's Italian Harlem website and grew up on this block, thinks the building most probably burned down in 1971. Between 118th and 119th streets, from south to north on the east side of the avenue where the garden is now located, he remembers a grocery, pizzeria, tenements, Scotty's candy store with the best egg cream and used comic books, a liquor store (Dak's) and a TV repair shop that became an Italian social club. On the south-west corner of 119th and Pleasant was the Night Hawks club. On the north-west corner was the Pleasant Pharmacy. On the west side of the avenue, going south, he remembers a grocery store, a bakery (Kushka bakery which was very famous for its pies and donuts), a dry cleaner, and a bar.

¹⁰¹ Similar to baseball but played with a stick like a broomstick and a rubber ball.

where they sold drugs, and old timers remembered the Night Hawks men's social club on the corner across the garden at 119th. Closed down in 1976, the factory used to separate the garden from the East River and sat derelict for almost three decades before it was dismantled to build the East River Plaza, a huge mall that opened in 2009 to host large stores like Target and Costco. A second mixed-use phase with housing in a large tower right behind the garden to the East – with the consequent shadow – was supposed to follow in the near future.

The garden was incorporated as a not-for-profit in 1986 and the main section became parkland in 1997. In 2011, the garden leased two additional adjacent HPD-owned lots that now hosted the chicken coop, large community compost bins,¹⁰² a wildflower meadow, and a plot for the local pantry or a nearby schoolyard market. This was the section under threat by the affordable housing plan for the construction of a building of 15 to 30 multifamily rental units for households making up to 165%¹⁰³ of the city's average median income (AMI), or \$134,640 for a household of three in 2016 while East Harlem household median income (MHI) in 2016 was \$34,400, the seventh lowest in the city (NYS Comptroller, 2018). Moreover, gardeners feared the new construction, advantageously located by the East River Plaza mall and its second residential phase to be built in the next years, could possibly have a door with direct access to PVCG.

The garden has had two subsections for a long time. Although operating under the same name and same paperwork, the north section with ornamental and vegetable-growing plots used to be predominantly Afro-American but has now whitened. The other side of the fence to the south is the Puerto Rican section where pig roasts and mechanical repairs of all sorts are held.

¹⁰² They call it a community compost bin since the bin is opened to all surrounding neighbours with a can laid at the garden's entrance for easy drop-off of green waste which is later transferred in the larger bin and managed for an adequate amount of oxygen and brown material by stirring and adding leaves or straw).

¹⁰³ 165% of Average Median Income (AMI) is \$149,490 for a household of two or more and \$104,775 for a single person. The Median Household Income in East Harlem is \$31,329.

In Central Harlem, **Mandela Community Garden**, right behind the legendary Apollo Theater jazz club, on West 126th Street, near Frederick Douglass Boulevard, was another garden threatened by the affordable housing plan. This garden started a few years back in 2015 when a group of neighbours unpaved the lot over the course of a summer, under the experienced advice of Depave.org to transform the parking lot in a wildflower and pollinator meadow. Robin, one of the garden members who has lived next to the garden her entire life in the house her grandparents purchased in the late nineteenth century and which was bequeathed to her parents and then to herself, said she remembered when the lot sat abandoned for 20 to 30 years. It had successively been used as a parking lot by the neighbouring church and funeral home. Robin felt this new round of investment Uptown was to attract newcomers and not to maintain in place those who went through the neighbourhood's divestment. Endangered as the other aforementioned gardens, the envisioned real estate project there was led by a minority or woman-owned business enterprises (M/WBE) developer, as required by HPD through its tendering process, and will include a restaurant, space for a tech company, and 29 units with unclear rent brackets"¹⁰⁴ (HPD, 2015; City of New York, 2017; CityRealty, 2020).

Another endangered garden in East Harlem was threatened by the affordable housing plan, **Jackie Robinson Community Garden**, located just east of Park Avenue, on the corner of East 122nd Street, but I was unable to visit and collect data. Just before I moved to East Harlem to begin my fieldwork in early summer 2016, GreenThumb closed the garden for an indefinite period due to an extraordinary incident, apparently because one member had been violent with other members. The membership of this garden was composed of elderly people, and tensions hit a peak with the garden's eviction and the neighbourhood rezoning. Like Egerer and Fairbairn (2018) explain, "social tensions from urbanization permeate [the] garden (...) and the social

¹⁰⁴ The city's request for proposals (RFP) mentioned, "HPD expects that proposals [of the M/WBE RFP] will base AMI [average median income] levels on market studies and outreach to neighborhood stakeholders" (HPD, 2015).

relations within the garden.” In other words, the local urban pressures were internalized in the garden in multi-layered and intersectional ways (62).

3. Conclusion

In this chapter, insisting on the area’s past of exclusion, I have narrated the recent history of endangered community gardens in East Harlem and traced the history of the community garden movement Uptown. This story had mostly remained left out of scholars’ attention that focused mainly on the well-documented history of community gardens in the Lower East Side. Relating this story is one means by which we can insist on the resolution those residents have exemplified in cleaning those spaces to create and maintain garden spaces despite the successive threats. Because of their collective work and dedication to making the space more liveable despite the specific context of injustice, gardeners felt they developed property interests for themselves and the community although the City denied any recognition of shared ownership.

Moreover, relating the story uptown and downtown has shown the rootedness of the garden advocacy movement with other social or political organizations: many organizations were networked and supported each other, like the Lower East Side Collective, squatters and gardeners, More Gardens!, Time’s Up!, or local neighbourhood coalitions like the Harlem Urban Growers (HUG) and the South Bronx Urban Gardens (SBUG). However, as time passed, practices changed, activist-gardeners grew older, and eventually, direct action and networked activists slowly drifted toward discussions, negotiations, and legal actions. Like the More Gardens! activist I met at the Puerto Rican celebration, Oda told me, as she reflected on her own experience, some older activists got tired, especially because of the financial insecurity, since grants are usually for supply and programs, and never for salaries. “I eventually chose stability,” she concluded. Nonetheless, the 2002 Community Gardens Agreement signed between New

York State General Attorney Elliot Spitzer and Michael A. Cardozo, NYC legal chief officer,¹⁰⁵ which put a 10-year development moratorium on many HPD gardens, highlights the concrete contribution social movements can make to the legislative landscape.

By the same token, with the fluidity of urban space rendered visible with the historical step back taken in Chapters 1 and 2, it is clearer how gardeners have helped the City maintain the plentiful vacant City-owned properties in the aftermath of the fiscal crisis, white flight, and deindustrialization. Gardens sprang up from a striking past of abandonment and exclusion from ownership; they were resident-led tactical interventions to respond to the local urban and social fabric transformation that redlining, urban renewal, and the construction of numerous NYCHA buildings caused. These spaces are as much “commons” as they are “public” since the residents did a lot of the work of producing them. However, in de Certeau’s terms, the City responded to these tactical interventions with the strategy of legalizing the gardens and overseeing them with a contract clarifying that the City retained legal ownership of the space and specifying gardens were only interim land uses. In other words, through this strategy of interim urbanism that nonetheless lasted 30 or 40 years, the City used the citizen’s know-how to create gardens to maintain the City’s vacant property portfolio until it would be prime for development and fit for private transfers.

In a sense, this could be seen as a rising strategy to what Caffentzis calls neoliberalism’s “Plan B”, by which government-sponsored organizations “recruit local artists and young people [or ‘disadvantaged’ people like gardeners] who, with no pay, will engage in activities increasing the ‘social value,’ defined as social cohesion and above all reduction of the cost of social reproduction” (Caffentzis and Federici, 2014 : i98). In other words, this strategy of interim urbanism prepared the way for future capital accumulation.

¹⁰⁵ His official title was the Corporation Counsel of the City of New York.

This chapter also synthesizes how the City's approach to managing its vacant property portfolio has changed. The City doesn't put to auction hundreds of lots at once anymore, and instead, establishes a public tendering process among competing development proposals. Then, when a property is in tax arrears, instead of foreclosing it, the City puts the property up as a tax lien sale, even if owners are patrimonial or community groups in a phase of instability. Nonetheless, the City still doesn't know exhaustively how much vacant land it owns, but it chooses to slate for development long-standing community gardens regardless.

Denying – instead of acknowledging – the racist past of abandonment sharpens the feelings of injustice in the face of this new round of dispossession affecting gardens, which are durable citizen-led local institutions. One might even stubbornly ask when does something interim becomes permanent? This points to the subjective urban planning process but also to the subjective aesthetic norms of ownership performance that may have informed why some gardens were saved and not others. The structural inequities and unequal abilities gardeners hold to defend their interests also influenced these subjective decisions. Finally, as the City is reclaiming those lots for the affordable housing plan, NYC garden politics might be entering a new era. In 2019,¹⁰⁶ NYC Parks proposed new versions of the garden's licence agreements, partially answering the expiration of the 2002 Agreement, a question to which I will turn to in the next chapter.

¹⁰⁶ The licence agreements were still under negotiation as I submitted this dissertation in spring 2020.

Chapter 3

When License Agreements Don't Reflect Land Use

“Bulldozing a working garden is an act of neighbourhood violence.”
(Editorial Board, *The New York Times*, January 14, 1999)

“‘Racist,’ ‘immoral’ and a ‘land grab for the rich’ is how [East Harlem] locals described the City's plan to rezone the neighbourhood and build affordable housing at a public hearing Tuesday.

The harsh words came during a Community Board 11 meeting that included presentations on both the rezoning proposal and a plan to build a massive affordable housing development, called Sendero Verde, on East 111th Street.”
(Clark, *DNA Info*, May 17, 2017)

At the monthly meetings of the New York City Community Garden Coalition, numerous gardeners claimed a sense of ownership over their gardens after many years of devoted work and time to a small parcel of land. Gardeners raised a similar sentiment to the one used for the apartments they have lived in, or their parents had lived in, over the past 25 years or more. “This is our land, this is our city. The mayor works for us!” they claimed.

However, the gardeners I worked with along East 111th Street knew all too well that they didn't own the garden. Some were “invited back” to relocate their garden on the same block but on a different, smaller allotment with more shade, beside tall mixed-use and mixed-income housing branded as affordable housing. They had tended it with care for more than 25 years, and it often felt like a green oasis, a sanctuary in the middle of the city. Gardeners signed a license agreement every year without really reading the contract because they felt it wasn't up for negotiation, and by doing so, recertified the City's ownership of the land while allowing their use. The repeated threats of development and eviction over the previous years nonetheless made them nervous.

Looking at our recent license agreements, we found out that the lots on the contracts didn't represent the land we used. Was it a clerical error? This discrepancy between the formal title and the actual use of space sets the stage for uneven power relations between gardeners and the

city officials when negotiating the contractual terms of their occupation. The City never acknowledged the error, instead accusing gardeners of falsifying the document or inventing the error. Neither did they consider the error during the relocation process, adding to the microaggressions gardeners had to deal with regularly.

This situation revealed how the City's actions and statements, even when inaccurate and misleading, nonetheless had authority. The document's authority created a presumption of truthful representation of space fulfilling specific interests and goals, like transforming a City-owned lot into a private mixed-use and mixed-income affordable housing. In this sense, license agreements as abstract legal knowledge on property were tools toward social and political ends (Riles, 2004: 783). Conflicting or collaborating, the gardeners embodied property relations, and the use gardeners made of the urban space did not necessarily reflect the agreement the City had with them. Gardeners sometimes voluntarily overflow from the licensed and bounded area to extend their farmed area, but the discrepancy between the used space and licensed space also came from errors on the license agreements tying city agencies with the gardens.¹⁰⁷ In other words, this was a case where the City forced the creation of a putative¹⁰⁸ fact assumed to be true because authorities said so. The word 'putative', from ecclesiastical Latin and old Middle French, refers to a bond we assume legitimate or valid without legal proofs, usually for lineage or marriage. In this case, I use it to signify the abstract knowledge representing the land in the license agreement became a putative fact because its "adequate representation" was asserted forcefully by the State. Consequently, this putative fact ended up disregarding or excluding with authority – and sometimes violence – those who dealt with this representation on the ground even when they knew it was misleading, like in this case.

¹⁰⁷ During fieldwork, many other land-insecure gardeners at NYCCGC meetings confirmed errors on titles were frequent, to the point that some developers fraudulently falsified titles to gain ownership of a lot used as a garden.

¹⁰⁸ Putative means "supposed to be true" or "alleged", meaning it doesn't necessarily correlate with facts (Merriam-Webster, 2020). Therefore, it introduces a possibility for authoritative or partisan decisions.

In this chapter, I argue NYC housing and parks agencies¹⁰⁹ use license agreements as a legal device that allows them to control space while appearing to offer citizens a voice in decision-making with regards to land use and discharging the maintenance responsibility unto gardeners as a cost-effective strategy to maintain the City's public property portfolio. To support this argument, this chapter puts forward four sub-arguments building up in the mechanisms through which gardeners are excluded from developing property interests and from influencing the license's interpretation, which participates in feeding racial regimes of property today. First, I explain how license agreements came about in NYC politics and how they have evolved from 1978 up to the latest version released in 2019 that was still in negotiation in spring 2020. Secondly, by looking into the clerical error on the license agreements of gardens on the East 111th Street block, I suggest the powerful actors participating in the urban space production process, like city officials with the development team, are forcefully affirming their authority on the interpretation of these documents. To do so, these actors – whom, using Busà's (2017) vocabulary, I call city producers – create putative legal representation over which they are asserting accuracy, despite the public's claim of an error, to be able to turn this public land into private land. Thirdly, I look at the gardeners' various political representations along the relocation process at the city-developer-gardener negotiation meetings and community board sessions. During these, the City's feat of strength flattened other interpretations, specifically the gardeners', by excluding and disqualifying them when they voiced their concerns. Moreover, to crystallize their interpretation of the license agreement, city employees worked closely with developers and improvised to manipulate and configure a context helping them implement their goals, in this case, rezoning for affordable housing. In other words, the official's interpretation was "built not on sudden emergence of consensus, but on the violence of constitutive exclusion"

¹⁰⁹ NYC Department of Housing Preservation and Development and NYC Department of Parks and Recreation.

(Hetherington, 2011: 121). This chapter accordingly explores how the City permitted and acknowledged gardeners' land use through the City's license agreements, which was the material form communicating and negotiating the abstract legal knowledge of property. Studying this legal knowledge built as a contract and how its interpretation is crystallized is one way of exploring gardener's property relations among a broad set of actors, like land users, owners, municipal workers, lawyers, politicians, developers, all of whom enacted ways of negotiating power that were akin to political practices. This negotiation revealed how license agreements were and are still paramount in preventing gardeners from becoming owners of spaces they have maintained for some time now, but also in keeping gardeners obedient citizen-subjects.

1. Dealing With Land Through Abstract Codes

GreenThumb's license agreements tying community gardens to the City of New York were the abstract code indicating that the land remained the City's property but permitted temporary use by a garden group. A license agreement was consequently an "institution created by contract for the mutual benefit of all those contracting in" (Hetherington, 2011: 120). This contract "supersede[d] the material and allow[ed] for governance to be conducted at the level of nationally recognized representation of ownership rights (titles) and legal contracts" (*Ibid.*: 121). As such, this institution created expectations for all parties involved, and those expectations related to an anticipated performance as a citizen and subject. Not just for the City, but on the part of gardeners as well (Moore, 1978a).

Since the launching of Operation GreenThumb in 1978, a program of the NYC Parks and Recreation Department, community gardens located on City-owned land in NYC have had to sign contracts with the City. The first lease was signed in 1974 with Liz Christy on the Lower East Side. As I explained in the previous chapter, vacant lots were over-abundant in that era; in 1977, there were more than 25,000 vacant properties in NYC (Ferguson, 1999). Community gardens

were consequently an inexpensive way for the City to maintain those lots. Contracts clarified the term of what the City perceived as a temporary loan or, in other words, a strategy of interim urbanism. The GreenThumb contracts' terms have evolved over the years, like leases or license agreements, being short term or long term, and setting different normative requirements for gardeners to perform property appropriately in the eyes of the City, like requiring liability insurance or setting expectations in terms of aesthetics and programming.

Until 1984, "the typical lease was a one-year renewable for \$1 per year, with a thirty-day notice if revoked" (Lawson, 2005: 259). Later, GreenThumb developed a long-term lease providing five to ten-year agreements. To be eligible, garden sites had to hold liability insurance, be appraised at no more than \$20,000 and required a "rent" of \$120 to \$360 per year depending on the site value, much higher than the dollar amount asked between 1978 and 1984. In 1987, they increased the upper limit of the lot appraisal to \$35,000, and the rent was stabilized at \$120 per year (*Ibid.*: 259).

Then, in 1995, the long-term lease program ended, "and leases were replaced with [shorter terms] license agreements", a notorious legal move to extricate gardens from potential tenant-landlord rights, responsibilities and jurisdiction in case of a dispute (*Ibid.*: 260). Licence agreements have nonetheless become common legal technicalities used by municipalities to grant someone a provisional and conditional right. Three years later, in May 1998, NYC Mayor Giuliani – who happens to be an attorney – transferred all GreenThumb gardens from the Parks Department to HPD, thereby enabling the City to dispose of its property through either development or auction (260-1).

Later, the 2002 Community Gardens Agreement required there to be a garden review process before slating for development. To replace the expiring 2002 Agreement between the State and the City of New York, the City of New York developed the NYC Parks Garden Rules in 2010, to

which I turn next (Hernández, 2010). During my fieldwork in 2016-2017, license agreements were signed on a year-to-year basis, but new four-year license agreements were proposed in 2019. As many gardeners noted during my fieldwork, with its new director, GreenThumb now took a more punitive approach when enforcing its rules with, for instance, more frequent inspections.

While a license agreement allowed a garden to occupy public land, the NYC Department of Parks and Recreation, with its GreenThumb program specifically dealing with community gardens, explicitly ruled that the land gardeners used should remain City property. Hence, gardeners couldn't hold and develop any formal property interest on this land, despite what gardeners claimed. In the NYC Parks Garden Rules, the City clarified its limited responsibility as a landowner, and the restricted claims gardeners could make as a licensee of this land. Section 6, Part 3, Indent (e) of the NYC Parks and Recreation Department Regulations, the Garden Rules, states:

The City will retain title to the Lot and the Licensee will not have any leasehold or other interest in the land comprising such Lot, any improvement thereon, or any equipment provided by GreenThumb. (Section 6-03 (e) in NYC Parks, 2012)

In that sense, gardeners were no more than stewards (i.e. workers, caretakers) of the land and had to give up any improvement the lot bore stemming from their work. While some may argue this land was public because the City held it in trust for public use (per legal public trust doctrine, see Rose, 1986), in this case, the City transferred this responsibility to gardeners who were supposed to properly maintain it and hold open hours to obey the license agreement, as Article 6-03 (b) suggests:

Licenses will set forth terms and conditions under which the Licensee will design and install a plant garden on a Lot and will thereafter maintain such Garden and all plants and conforming structures contained therein (including, but not limited to, all raised plant beds, planters, tables, benches, and other ornamental items) in a safe and orderly condition.

However, this transfer of responsibility was only provisional until the City sealed once and for all the fate of this parcel, usually through privatization and transfer of the land title. Because dedication as a garden on public land may be less lucrative for the municipal government (i.e. no tax payments), the final dedication was very rarely preservation of the garden on public land – some may even say, only fortuitously preservation because of class, racial, or other socioeconomic biases (see Reynolds, 2014). Nevertheless, although preservation remained one possibility that would enable the worker – with other users – to benefit from his or her improvement, gardeners were precluded from creating property rights through improvement. Although the Lockean language of ownership and improvement in the license agreement’s wording should be acknowledged, the contract highlighted that workers of the land (i.e. gardeners) were nothing more than its guardians since ownership would remain the City’s. Similarly, the Garden Rules’ Indent (d) specified the City’s limited responsibility as the landowner and gardeners should follow a “proper behaviour” to maintain their user privilege:

The Licence will provide that (i) the Licensee accepts the Lot “as is”, in whatever condition it may be on the date the Licence is fully executed, (ii) the City makes no representation or warranty of fitness of the Lot for gardening purposes, (iii) the Licensee must meet GreenThumb’s Registration and Licence requirements; (iv) the Licensee must comply with all applicable federal, state, and local laws, rules, regulations, codes, and ordinances, and (v) the Licensee must comply with such other requirements as the Department may establish (*Ibid.*).

Hence, these rules specified in a patronizing way that in order to maintain the use of land, the gardener must design and plant his or her lot in a “safe and orderly condition” (see Article 6-03 (b) in NYC Parks, 2012), implying aesthetics, tidiness, as well as being open 20 hours a week. They also prohibited certain behaviours like drinking and smoking, and specified gardeners must comply with local laws and other GreenThumb requirements that may change over time. In other words, these license agreements and Garden Rules constituted the

abstract code limiting any claims based on land improvement, customs or property relations progressively developed by gardeners.

When the Garden Rules were presented in fall 2010, gardeners were disappointed the regulations devoted so much space to the relocation process, and instead wished the rules had been more in spirit with the 2002 Agreement, which offered more permanent protection of the gardens (Hernández, 2010). Gardeners claimed: “the City needs to recognize that the parks and gardens belong to the people.” City officials responded that their power was limited, and they needed to retain leverage in case a garden was not “properly maintained” (*Ibid.*). The Garden Rules were written to treat gardeners neither as trespassers nor renters, but as guardians while development would become possible. Consequently, the license agreements and Garden Rules were devices of power for the City to accomplish social and political ends.

This normative vision of property – be it private, public or common, like a community garden – forms through the interplay of freedom rights and civic responsibility as it is expressed and regulated through this abstract code (Blomley, 2005a). In other words, expectations toward property relate to the performance of citizenship. Consequently, Alexander (1997) contends disciplinary devices operate during the enactment of property on the ground fulfilling one’s self-defined projects while at the same time rendering a normative vision of how society and polity should be structured (in Blomley, 2005a: 621). As Low and Smith (2006) claim, there is an inextricable relation between “the physicality of the urban space and the politics of the urban sphere” (11). According to this liberal dialectic, property is simultaneously a means to express one’s freedom and freighted with civic responsibility. Firstly, being one of the three core rights along with personal freedom and security, property is a means to attain privacy and autonomy, or to put it otherwise, for the owner to exert freedom over their dominion. Secondly, ownership is also freighted with public responsibility with regards, for instance, to the aesthetics of one’s

own front yard or community garden. In this sense, property can be seen as a vector to manifesting citizenship as a kind of performance. To the point that scholars like Bhandar (2018) suggest propertied abstractions are also implying the abstraction of a proper citizen holding racial and gender traits. Hence, the identity-property nexus has a “contact point” between propriety and property (Bhandar and Toscano, 2015).

In this particular context, the owner, which was the City, acted as the trustee for the public to retain ownership of the space so it could remain a publicly-owned open space.¹¹⁰ But if gardeners were not owners, then why did they have to be responsible? Was this a fight on the part of gardeners to be recognized legitimately as citizens? Here, because community gardens were as much public as commoning spaces, the entanglement of the public and the private put much pressure on the public-commons spaces of the community gardens by influencing considerably the sharing of rights and responsibilities. For those reasons, the favoured legal interpretation stemming from those license agreements and Garden Rules implied that gardeners were not responsible or reliable enough citizens to become owners. In a way, the license agreements and Garden Rules seemed to be the tools to coopt the community gardens, to control and make open spaces and its caretakers “proper” so that they would be part of the “triarchy” with the neoliberal State and market in peaceful coexistence (Caffentzis and Federici, 2014; Bollier and Weston, 2012). In a sense, somehow similar to when the Europeans appropriated indigenous commons to create colonial commons (see Chapter 2), the City tried to impose its conception on these citizen-managed publicly-owned open space used as gardens by residents who sought to collective gain more control over their lives.

Therefore, while gardeners have difficulty securing any legal property rights, they develop an imagined and felt sense of ownership, or informal and customary property interests which Rose

¹¹⁰ Here the law has evolved in different directions to apply public trust and customary doctrines (see Rose, 1986).

(1986: 723) defines as a right to access and use, and what Been¹¹¹ (2006: 4) characterizes as an expectation interest to act as they always have. Similarly, according to Blomley (2014), a property interest is generally embodied through property relations on the land among users, neighbours, and the ecosystem (3). For instance, at La Nueva Esperanza, gardeners believed that, through their care and because of the past of injustice that affected them, they developed property interests for themselves and the community in this space. Although the City is denying any recognition of shared ownership, the gardeners believed they were gaining ownership by way of working the land, and that community gardens were as much public land as commons space because they, as citizens, produced them.

Consequently, as this thesis demonstrates, tensions have persisted between the material use and the legal knowledge created and accepted by the contracting parties. To limit land conflicts and assert its ownership despite the responsibility transfer, the City created those contracts (abstract knowledge) to supersede the land use on-the-ground (materiality). Similarly, John Locke did believe that property, appropriated through material work that “became the extension of [the worker-owner] body” in the State of Nature, subsequently “moved into the realm of abstract rights tacitly agreed on by members of society” (Hetherington, 2011: 120; Radin, 1993). In this context, license agreements were consequently an expression of the hegemony of the abstract over the material in our property regime. With the licenses, it became even more difficult for gardens to secure land.

However, in addition to providing an eight-year moratorium and a list of gardens that “would be subject to development after a garden review process” in 2010 (Spitzer and Gardozo, 2002), the 2002 Community Gardens Agreement introduced a provision for helping gardeners to make

¹¹¹ Vickie Been, a lawyer and professor at NYC School of Law, served as HPD commissioner during the first steps of the affordable housing plan between 2014 and 2017 and was recently appointed Deputy Mayor of Housing and Economic Development in April 2019.

a case for themselves. From then on, a garden review process required “providing advance notification to the gardener, completing paperwork on the description and activity of the garden [in a garden review statement], and offering alternate sites if available” (Kuras, 2006). It also provided an opportunity for the gardener to appeal to their community board or councilmember and fight for protection. More specifically, it usually included: a garden review statement, an alternate site notice,¹¹² a retention agreement for relocation,¹¹³ and an eviction notice¹¹⁴ (Articles 6-01 to 6-05 in NYC Parks, 2012). This review process, created in 2002 and reinstated in the 2010 NYC Garden Rules, was meant to clarify the City’s limited responsibility as a land owner, confirm the use of the garden space as “underutilized” and interim, make gardeners feel less cheated, and confirm the restricted claims gardeners could make as a licensee of the land. In other words, the process remained quite flexible for the City to decide unilaterally what is considered best for the management of its real estate portfolio (although this unilateral decision may result from debates among different interests and actors), as the 111th Street case demonstrated.

2. Alternative Interpretation of the License Agreement

The East 111th Street case illustrated how clerical errors on license agreements during the garden review process were authoritatively dismissed. The City’s interpretation of the license agreements had an authoritative power and disqualified gardeners as responsible licensees and

¹¹² GreenThumb or the responsible agency owning the public lot (i.e. HPD) will provide an Alternate Site Notice with a list of City-owned sites of similar size within a mile of distance, if available, to which the garden contact person has 45 days to communicate its choice of new gardening site (NYC Parks, 2012). The Garden Review Process suggests the alternate site be delivered “‘as is,’ and a Gardening Group will be responsible for performing all necessary work on such lot” (NYC Parks, 2012). However, upon request and depending on sufficient resources, availability and staff, the city agency or program can assist the group “with its relocation and gardening efforts.”

¹¹³ GreenThumb can also suggest a “Retention Agreement” for the “retention of part or all of a Garden as a community and/or open space as part of a project to be developed”, like in the case of four out of six community gardens retained or invited to be relocated aside the mixed-use buildings.

¹¹⁴ Once the transfer or the development with retention of part or entirety of garden is approved, GreenThumb or NYC Parks Department can by a notice “direct the Gardening Group to vacate the Lot” (NYC Parks, 2012).

users of the land. This authoritative representation conditioned the owner's interplay of freedom and civic responsibility (Alexander, 1997) as to how one should perform citizenship on their property, thereby enacting a private property normative vision.

Referring back to my research question, I suggest exploring the City's normative vision of property by looking at how users and owners negotiate power stemming from property relations, more specifically when negotiating the legitimacy of the license agreements during the gardens' relocation process on East 111th Street. A wide variety of actors were involved during those negotiations to define property relations, like land users, owners, municipal white- and blue-collar workers, lawyers, politicians, developers, but also passers-by, neighbours and other East Harlem residents. In the next section, I describe how the garden's relocation negotiations unfolded to show how gardeners were on unequal footing with the various city agencies working closely with developers. This illustrates how city planners, officials, and developers improvise to manipulate and configure a context that favours their control of the license's interpretation as to implement their urban planning goals, even if such license contained errors according to the licensees, the gardeners.

In mid-February, at the monthly New York City Community Garden (NYCCGC) meeting, there were some new and old faces; people from environmental justice organizations had joined in addition to gardeners from all over the city. Did they want to participate in a campaign to help save the gardens? Or stay informed of their natural allies? That month, unlike other coalitional meetings, the GreenThumb director exceptionally participated. He wanted to propose a consultation among New York City community gardens to develop a strategic plan for the next five to ten years to see how GreenThumb could best serve their needs.¹¹⁵ He also announced

¹¹⁵ In April-May 2018, the City announced it was developing an Urban Agriculture Policy with a steering committee composed of NYCCGC, stakeholders, and city officials, holding a listening session for Fall 2018. NYCCGC asked their members to fill out a survey or participate in a monthly public meeting. Not all members felt this was an adequate

GreenThumb would like to review the garden license agreements at the end of 2018 to better reflect the reality of community gardens, which were still under contentious negotiation in spring 2020.

After a quick update from the coalition on the lawsuit involving the Boardwalk Community Garden in Coney Island that had been evicted and destroyed on the sly in the middle of the night to build an amphitheatre,¹¹⁶ the conversation moved to the situation of threatened gardens in East Harlem. The next project in the pipeline would be the East 111th Street Block, as we had only recently been informed through the news. My fellow gardener Renee, a young black woman, eloquently expressed how angry she was to have learned Jonathan Rose Companies was the developer the City had finally selected for our block by reading the news online.

Renee was an articulated and wise gardener in her 30s who has always lived in a project in the now-super-gentrified neighbourhood of Chelsea, near the High Line¹¹⁷. She worked in a healthy fast-food chain kitchen preparing soups and stews and was a student at City Farm School at night. When not at work or school, she was busy at Chenchita's in the garden or all the meetings. What struck me the most as a white French-Canadian similar in age was the resignation she felt regarding her future; she disbelieved she could get a better job, for instance at NYC Parks, partly because of her skin colour but also due to the high competition. Yet she sometimes dreamed of opening a small CSA-based farm¹¹⁸ or food truck. Nonetheless, she and I had developed a synergetic partnership rooted in friendship by exchanging impressions, and information, slowly building our own interpretation of what was going on.

surveying strategy and felt they deserved a place at the table, instead of only hearing their representatives from the coalition. For more information: <http://nyccgc.org/event/nyc-urban-agriculture-policy-public-meeting/>

¹¹⁶ Allegedly, the Boardwalk community gardens had been destroyed overnight by the developer while the City still had not officially accepted the real estate project. The case is still pending.

¹¹⁷ The High Line is a popular and busy post-industrial scenic promenade landscaped with greenery and art installations over an abandoned train rail.

¹¹⁸ Community-supported agriculture (CSA).

We finally knew who our new neighbours would be: the Sendero Verde project, developed by Jonathan Rose Companies, which would include a YMCA, Icahn School of Medicine from Mt. Sinai Hospital, Harlem RBI/DREAM Charter School, and Union Settlement, in three different buildings with a total of 655 residential units. Six months earlier, the City had launched its “Request for Proposals,” the public tendering process for selecting real estate proposals from developers that have to follow several prerequisites from the City. The Request for Proposals (RFP) for East 111th Street called *SustainNYC* asked for passive solar housing construction, a ratio of affordable housing, community involvement, and to implement some recommendations from the community visioning process held in February 2016 as part of the East Harlem Neighbourhood Plan (more in Chapter 4; HPD, 2016b). The RFP also required the integration of four of the six existing gardens on the block. The gardens’ activities and needs were stated in a report GreenThumb included as an annex to the RFP (GreenThumb, 2016; HPD, 2016b), which was featured as the garden review statement of the NYC Park Garden Review Process.

That day, NYCCGC was meeting in one of the 10 six-story buildings on West 135th Street that Jonathan Rose Companies (JRC) had acquired and redeveloped¹¹⁹ in West Harlem. To showcase what kind of “ecological and community-centred real estate” JRC was able to do, GreenThumb probably lobbied NYCCGC to do the meeting in one of their buildings in West Harlem. Responding to Renee who had just stated her anger, GreenThumb director admitted they or the HPD crew should have contacted the gardeners before holding the press conference announcing which developer they had selected. “This decision has been made at City Hall,” he admitted.

NYCCGC president, Ray, stated that GreenThumb should find “a way to leave those gardeners, the community alone. The decisions are not focused on the community, but on land, and this is insulting to the people because these are sacred community amenities,” he said. Thereby, he

¹¹⁹ To see this development: <http://www.rosecompanies.com/projects/west-135th-street/>

referred to the multiple past assaults this community felt because of divestment, their resilient dedication, but also to the increasing value of the neighbourhood's land and real estate that seemed to supersede the community-built infrastructure. Then, another old-time gardener from a threatened garden located on a privately-owned space in Central Harlem, a white and frail woman with an afro added: "GreenThumb cannot be our advocate; they work for the mayor. It's our advocate, but it's not." Renee nodded and added this lack of communication to announce who was the developer had tainted the atmosphere: "Everything will make us suspicious now. Will I have to double-check everything they say?"

I jumped in, explaining we were worried about our acreage and were looking for our past leases. We had contacted several people, but nobody had gotten back to us – from GreenThumb who told us to ask HPD, the city agency that owned the properties on East 111th Street, and HPD who stayed mute. "Could you tell us who to contact specifically? Who could help us find this info?" He instantly corrected my words, specifying these were license agreements, not leases, and hence subject to another set of rules and legislation than tenants. In the same breath, he also stated he could give us an email, but could not give information he didn't have. It seemed that the register of license agreements didn't exist – or was to be hidden – unless the agreements were formally requested, or gardeners had stored them adequately. The license agreements were devices of power after all. Nonetheless, the director finally conceded GreenThumb met every week with HPD and that he would ask for it.

As this section shows, various city agencies, like HPD and GreenThumb, worked closely with the development team. In the face of this synergy, gardeners didn't feel they were on an equal footing with these actors, and this put a huge burden on gardeners to defend their interests. The City had promised a paid independent resource to represent the gardeners throughout the Garden Review Process, but that promise of "neutrality" and "resources" was never fully realized,

and, instead, gardeners had the regular GreenThumb outreach coordination to represent them. This way, the city agencies retained the interpretative authority.

In that case, as Hetherington (2011) explains in his ethnography of bureaucracy on *campesinos* land titles in rural Paraguay's transition to democracy, gardeners felt like "documents exist[ed] by and for the elite" (203) because the City had the authority to give credence to any argument on paper offered in front of them. In his book, Hetherington presents the peasants' auditing¹²⁰ strategies of land titles and official documents to consolidate their claims to land in the late 1990s and early 2000s. To become owners, land users had to "prove their worth as rational economic subjects (...), a process through which they would be phased¹²¹ into full ownership and full personhood" (31). This comparison to NYC gardens is pertinent because gardeners, like *campesinos*, were subjected to a similar test of citizenship in the face of a bureaucratic elite, or what Hetherington calls the lettered city.

Here, wealth, technical knowledge, language, and citizenship are tightly connected, and brown gardeners, who are often renters and precarious, saw their ability to participate in this technical and highly literate arena challenged (*Ibid.*: 140). Their poverty communicated inferiority and non-membership in public life, impeding their ability to exercise their rights and relegating them to second-class citizens (*Ibid.*). Some gardeners, therefore, chose not to participate in meetings because they saw "documents [as] a vector of exploitation on the part of bureaucrats" (*Ibid.*: 160), but also an opportunity for some gardeners to demean their neighbours-gardeners. Although gardeners understood the need to have black-on-white promises from officials, they feared – like *campesinos* – documents would instill "superfluous mediation inserted by elites into

¹²⁰ However, gardeners' political representations do not fit in Hetherington's guerrilla auditing. Rather gardeners submitted to the paperwork they blindly filled and signed since it was completely normalized and caught within the continual hubbub of all the City's requirements and the complex urban planning process.

¹²¹ Phased through three ladders of documents leading to land ownership: *mejoras* (improvements), *derechas* (rights), and *títulos* (titles) (see Hetherington, 2011: 105).

otherwise straightforward transaction” (*Ibid.*). Gardeners thought this mediation was superfluous because they could not totally grasp the highly technical process. In other words, taming interpretation of official documents, like license agreements, was “not about creating a stable representation, but about formatting and disciplining who can interpret documents and how” (Heterington, 2011: 182). Consequently, gardeners’ interpretation was systematically rejected, as we will see.

The week after the NYCCGC meeting, GreenThumb’s director sent email copies of our 2008 and 2014 license agreements. What happened to other previous agreements remained a mystery, but we felt the director was already doing us a favour by sending these, and we didn’t dare ask for more. Nevertheless, those two documents revealed interesting information: an error.

2.1. Setting The Facts Straight and Crystallizing The Interpretation

While the 2008 license agreement^{vii} stated Chenchita’s Garden was authorized to use lots 51, 52, and 53, the 2014 document^{viii} declared we were only permitted to use lots 51 and 53, thus losing the middle lot. Hence, because of what seemed to be a clerical error, the garden lost 1,925 square feet, decreasing from a total of 6,154 ft² for the three lots to 4,229 ft² for lots 51 and 53 as indicated on the latest license agreements (see Figure 4 on the next page). Nonetheless, the latest version became authoritative, as the City communicated it to the developer through the garden review statement included in the RFP for the garden’s relocation, and by doing so, “enforced” the contract with its performative and institutive authority in the sense Derrida (1992) suggests it (see Dokié, 1998).

Seeing this, Renee and I measured the garden acreage to see for ourselves if there were any further discrepancies as we were losing confidence in the numbers that the City had provided us. We now understood this would be an important step for the future of the garden since GreenThumb communicated to the developer the lot numbers inscribed on the latest 2014

license agreement. For the City, the acreage of these lots established the “true” size gardens could occupy when relocated on the block. We also realized that even if those agreements contained errors or the City modified its lot distribution to gardens passively, by accident or clerical errors, the City was entitled to unilaterally manage the land it owned based on how its representatives saw fit despite any prior land use or even contradicting city records. In this sense, using Das (2004) terminology, the license agreement gave an “aura of legal operations” as a signature of the State’s transparency even if this specific document also recorded “the lie of the state” (225, 245). Consequently, the acreage they erroneously attributed gave the four relocated gardens smaller parcels, and a bigger piece of land remained for the developer. The city administration acted forcefully, even authoritatively, as if the error didn’t exist even if gardeners spoke up.

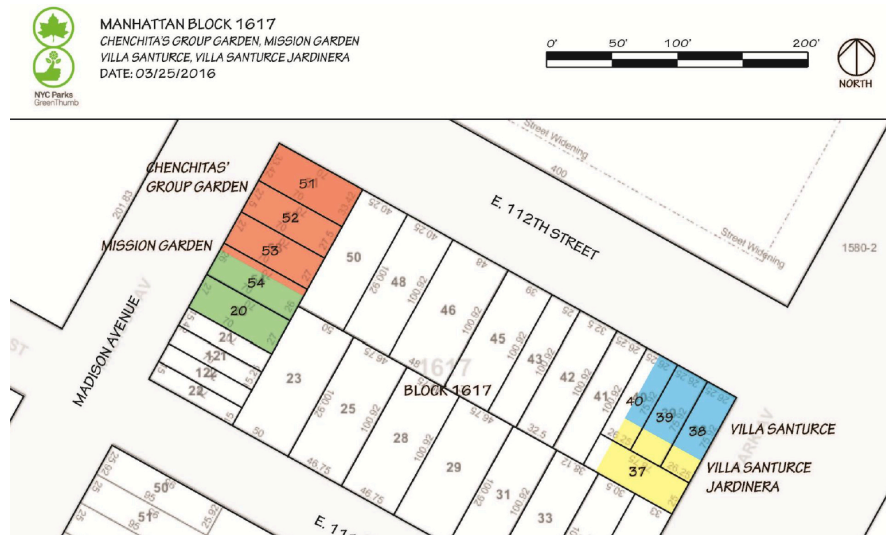


Figure 4. Original Lot Distribution of Community Gardens on East 111th Street Block

Chenchita used lots 51, 52, 53; Mission used 52 and 20; Little Blue Housing used lots 121, 122, and 22; Santurce used parts of lots 38, 39, and 40; Villa Santurce Jardinera used lot parts of 37, 38, 39, and 40; and Friendly Garden used lots 35 and 34. Issued from GreenThumb’s Garden Review, this map reflects what I had also seen on ArcGis map before the lot was rezoned as one unique lot. Taken from GreenThumb’s Annex on Community Gardens in SustainNYC RFP. (GreenThumb, 2016: 5)

From one fence to the other, we arrived at 68 feet by 92 feet, for a total of 6,256 square feet, which was larger by 102 ft² larger than the sum of the three lots totalling 6,154 ft², which meant

we were using more than we were licensed to. However, GreenThumb stated in the RFP we had used of 6,510 ft², an even larger acreage. It probably included the temporary extension beyond our fence in the baseball field one gardener had tended the previous summer¹²² without consulting other gardeners and that we didn't recognize as an official part of our garden (see Chapter 6). So the acreage we measured inside the fence and were using as a group during summer 2016 seemed pretty close to the total land of the three lots, but the discrepancy of 102 ft² was indeed quite strange. We speculated that the fences – which had been installed by the City some time ago, probably in the 1990s – probably didn't fall precisely on the cadastral property lines¹²³.

Chenchita's Garden Acreage		
2008 Licence Agreement	51, 52, 53	6,154 ft²
2014 Licence Agreement	51, 53	4,229 ft ² (- 1,925 ft ²)
Our Measurements	51, 52, 53 and part of 54 because fence is not on cadastral lines	6,256 ft ² (+ 102 ft ²)
GreenThumb Report in RFP	51, 52, 53 and additional space in baseball field	6,510 ft ² (+ 356 ft ²)

Figure 5. Chenchita's Community Garden Acreage According to Various Sources

Taking note of these irregularities on the garden's license agreements, I asked the garden using the adjacent lots if we could consult their documents. Celia received me once again in her cozy and pristine Section-8 apartment¹²⁴ decorated with Betty Boop figurines, and located in the building on the other side of the street from her garden. As with Chenchita, Mission Garden's license agreements had also seen a mysterious shift in lot numbers, holding a license to the two

¹²² Nasir grew beans on vines, cucumber, Asian eggplants in soil, but also on a pergola and the fence. He also used a container that had been sitting there from who knows when.

¹²³ Some of the older gardeners remembered a period when no fences were separating the gardens. These fences seem to have resulted from the gardeners' demands.

¹²⁴ Section-8 refers to privately-owned federally-funded affordable housing.

adjacent lots 54 and 20 in 1998 (3,710 ft²), then switching to 53 in 2009 (1,890 ft²), changing again to lot 52 in 2011 (1,925 ft²). The most recent license agreement from 2015 stated again lot number 52, but with 53 crisscrossed, maybe realizing lot 53 had been licensed to Chenchita in 2014, but denying 52 was in the middle of Chenchita's space. As a consequence, when comparing past and more recent license agreements, the acreage Mission had been licensed on paper was divided by almost two (3,710 ft² vs. 1,925 ft²).

Additionally, according to cadastral maps, it made no sense that Mission was squeezed in the middle of two lots licensed to Chenchita's (for a breakdown by gardens, see endnote ^{ix}). At the time, Mission was located in the middle of the block, next to a three-story building hosting a convenience store and hairdresser's, and just south of Chenchita, the garden located on the northwest corner. All in all, official documents like license agreements – which are legally binding contracts – were far less reliable than I imagined. The variable dedication of lots in license agreements between HPD and either Chenchita or Mission Gardens seemed to “flout the very thing documents [we]re supposed to be for” and “thr[ew] doubt on the [democratic] promise” they were supposed to underlie, just as Hetherington (2011: 189) remarks for *campesinos* land titles.

Consequently, we were convinced the City had modified its lot distribution to gardens passively, probably by accident through clerical errors. As we will see next, city officials represented the license agreements as putative facts just because these officials forcefully claimed these facts were true, as if no harm and no error had been committed throughout the garden review process and public meetings. HPD or GreenThumb city officials never admitted the mistake, as this would threaten their legitimacy and authority. Therefore, they disqualified and ignored the gardeners' property relations and work invested on the ground. They repeatedly silenced them.

In this sense, the city officials *enforced* the contract as is, using its interpretive and performative force. As Derrida (1992) mentions in “Force of Law,” the justificatory discourse of the State becomes a *coup de force*, an interpretive violence precisely because it is the State who claims it, thereby using the performativity of its institutive language or authority. Then, evoking Pascal and Montaigne, Derrida specifies this authoritative *coup de force* usually faces silence or a mystical limit that he refers to as the “mystical foundation of authority of law,” (Derrida 1992: 12, 14; Dokié, 1998: 451). In other words, in this case, city officials applied the letter of the contract without pondering on the “ordeal of the undecidable” (Derrida, 1992: 24), working instead toward the city producers’ goal of privatizing this public parcel without giving the citizens’ asks too much credence. Doing so, they were silencing them. They perpetuated a colonial “censorship of black communities” strengthening “the struggle of oppressed people to come to voice” because the speech of past and present suffering, necessarily a part of today’s political demands, was a “sound nobody want[ed] to hear”, as hooks (1989) argues. Nonetheless, this contract’s *coup de force*, or the *enforcement* of the license agreement, created the merging and emergence – or (e)merging – of justice and law in the public’s eye, or the appearance of legal operations, as Das (2004) suggests.

2.2. Performing the Garden Review Process

The Sendero Verde was on a roll since its public review process was concurrent with the East Harlem Rezoning Plan and numerous other projects in the neighbourhood were in the pipeline (see Chapter 4). The Sendero Verde would be the first affordable housing project to break ground under the new East Harlem Rezoning Plan. Because the municipal elections were in less than a year, officials were in a hurry to approve the new projects. While the usual Environmental Assessment Statement (EAS) and Uniform Land Use Review Procedure (ULURP) public review processes for any zoning change usually took eight months at the very least, the

City tried executing them in four months instead. It was evident people and officials were overwhelmed, as often mentioned during interviews and community board meetings.

However, while the review process for the East 111th Street gardens stayed under the radar at the community board level as most of the attention was on the neighbourhood rezoning, negotiations took place among the gardeners with GreenThumb, HPD, and the development team. Following the Garden Review Process prescriptions, GreenThumb organized approximately four city-developer-gardener negotiation meetings in spring 2017 to reach a “Retention Agreement” and dividing the land the developer had identified among four of the six gardens. I am not sure how frequent these city-developer-gardener negotiations had happened in the past for NYC gardens (probably not a lot), but they seemed – from my point of view – to be “experimental” and giving way to improvisation. Nonetheless, this improvised garden review process would later be praised as an example of participative design in public releases announcing the project successfully passed its last step and was being approved at City Hall.

Despite the strict and technical procedures, such development projects or governance strategies rarely “play out the way they are intended, and everything about the field of these projects remains politicized,” as other scholars have noticed elsewhere (Li, 1999; 2007; Hetherington, 2011: 8). As such, to promote social acceptability for such projects, information was used to promote democracy and economic growth. However, as explained above with reference to Hetherington (2011) in Paraguay, this focus on documents for the appearance of democratic transparency created two classes of citizens: “those who [were] appropriately rational actors in a world of representations, and those who [were] not. In other words, those who [were] able to speak in the language of transparency and who [were] therefore capable of full participation, and those who cannot and can therefore only be governed”(8). While the creation of those two classes highlighted once again the actors’ literate ability to navigate a

technocracy, it also emphasized other racial, class, and socioeconomic qualities that compared to the dominant white male standard (see also Bhandar, 2018). In Hetherington, while a ladder of documents toward full ownership with *mejoras*, *derechas*, and *títulos* were devices to create more transparency and democracy in post-Cold War era Paraguay, NYC license agreements were devices impeding full ownership and giving gardeners a sense of legitimacy while delegating to them responsibility. In other words, the license agreements were legal means to help the City save money on maintenance until the land became prime for real estate development and could generate tax payments. However, when trying to challenge the license agreement's authority, the gardener's literate, rational or socioeconomic qualities were put to the fore or called into question as means of disqualification.

What I would come to understand was gardeners and citizens were often unaware of the City's inner workings regarding the public review processes, which gave city officials and developers a lot of power, while the detailed procedures maintained the image of transparent democracy, or an "aura of legal operations" (Das, 2004), although being ridiculously complicated and even sometimes inaccurate. On the one hand, for citizens to understand, to be prepared to participate, and engage in such processes required a lot of time, skills, and courage. On the other hand, full-time city employees and officials worked closely with developers and improvised to manipulate and configure a context that helped them implement their goals (i.e. rezoning and affordable housing). City officials and the development team worked so closely that scholars like Busà (2017) have named them city producers to refer to the local and extra-local individuals organized in governing coalitions impacting the urban space production (more in Chapter 4). Despite the techno-scientific and participatory processes for probing the potential effects of zoning and real estate development (and consequent destruction of open space), city producers retained power in different ways. The tyranny of rationality in a technocratic government failed

both to include the most marginalized and to acknowledge the significant past of local injustice, despite the participatory and progressive rhetoric city producers put in place (see Chapter 4).

As I argue next, gardeners, who were deemed irrational, were repeatedly excluded or disqualified from influencing the documents' interpretation at the city-developer-gardener negotiation meetings. City officials committed different kinds of microaggression along the negotiation process: for instance not only did city officials repeatedly challenged the gardeners' authority by not acknowledging the clerical errors on the license agreements, instead accusing the gardeners of falsifying the license agreements by changing the lot numbers themselves and accused them of being unreasonable by using more acreage than allowed to the detriment of a general, abstract, and universal public. Above all, City officials denied gardeners much-needed resources to represent their claims. Consequently, these kinds of microaggressions happened in two correlated ways. The first functioned through ordinary bureaucratic operations by not taking gardeners seriously and asking them to redouble efforts when formulating their applications (Das and Poole, 2004). I suggest this was a form of microaggression, which can be defined as subtle, often unconscious, verbal and nonverbal behaviours excluding, negating or nullifying the thoughts, feelings or the reality of a person, with the effect of invalidating or insulting him or her (Meyers et al., 2019; Pierce, 1970¹²⁵). This subtle racism with cumulative psychological effects was working at the intersection with gender, class, language, sexuality, immigration status, phenotype, accent, and so on (Pérez Huber and Solorzano, 2014). Secondly, facing this incessant form of disqualification (see also hooks, 1989), racialized gardeners ended

¹²⁵ On microaggression, Pierce (1970) writes:

Most offensive reactions are not gross and crippling. They are subtle and stunning. The enormity of the complications they cause can be appreciated only when one considers that the subtle blows are delivered incessantly. Even though any single offense can ... be relatively innocuous, the cumulative effect to the victim and to the victimizer is of an unimaginable magnitude. Hence the therapist is obliged to pose the idea that offensive mechanisms are usually a microaggression, as opposed to a gross, dramatic, obvious macro-aggression such as lynching. [...] The study of microaggression by whites and blacks is the essential ingredient to the understanding of in what manner in the process of interactions must be changed before any program of action can succeed.

up competing in front of city producers to communicate how they more successfully performed property and citizenship, which sometimes took the shape of gardeners demeaning other neighbour-gardeners. Overall, these ways of excluding gardeners made the NYC government racist, classist, and complicit in exacerbating gardeners' interracial tensions, despite the so-called progressive politics and rhetoric.

This first city-developer-gardener meeting was particularly evocative of how the whole process was planned: all meetings were set up at the city employees' and the developers' convenience, and scheduled at the last minute with an invitation to gardeners made less than a week prior. This only added to the feeling of improvisation. At a conference table in the basement of the local councilmember's office were seated the development staff and city employees from GreenThumb and HPD as well as observers from the East Harlem Community Board and the Manhattan Borough's Office for a total of nine persons. For their part, a dozen gardeners sat at a distance besides the table, creating a sort of divide between the public and the bureaucrats. Some gardeners arrived prepared with a list of questions, concerns, and demands, while others seemed shy and intimidated.

Soon, gardeners would realize they had to speak up if they wanted their demands to be heard, and those colloquial interpersonal relationships would play an essential role in getting their ideas through. If you bonded with the decision-makers, you could maybe hope to have your demands realized. While a neutral facilitator had been promised, as I mentioned earlier, the GreenThumb outreach coordinator took the lead of the discussion. Another member of GreenThumb's team was there to help with the translation for gardeners in Spanish and English, but he wasn't seated with the gardeners, and was instead at the table with the development staff and other city employees, making it unclear for whom he was working.

Power plays that already existed among gardeners amplified in the face of heightened stress and pressure and displayed some interracial and linguistic tensions. Trying to make a good impression on city producers and fearing to lose their equity, gardeners performed to the best of their capability the image of the good and obedient citizen-subject, and by doing so discredited other gardeners.

For instance, Celia, the Puerto Rican gardener at Mission who was shy at first and had refused translation so far from GreenThumb maybe because she didn't want to be cumbersome, abruptly burst out in high-pitch Spanish at a fast pace. A black gardener Tiana aggressively exclaimed: "Excuse me?!" annoyed that Celia didn't speak English in an attempt to limit her ability to speak up by imposing English as the only acceptable and normative language. This was really uncomfortable, but not the first time it happened in meetings. Others didn't seem as disturbed as I was. Jealousy did reign on the part of those feeling other gardeners were better geared at funnelling their demands and preferences because they were more vocal and articulate. In this case, language was used among gardeners to try to disqualify other gardeners, which officials let happen. Similarly, Marisol – the Nuyorican granddaughter of an old garden contact person who didn't want to participate in what she termed "nonsense" meetings¹²⁶ – said Tiana had a magic tongue, referring to the fact that she eloquently and creatively monopolized the conversation. Celia, for her part, eventually inflated her garden presence with new members at future

¹²⁶ Some gardeners preferred keeping their distance from those meetings as they found them offensive. For instance, three old-time gardeners told me on a hot late-October evening, as they were seating and chatting at a table in their garden, they didn't bother going to meetings anymore. I had come in the garden to spread the word about yet another upcoming meeting, and Celia, Jose, and Miguel were exchanging in English and Spanish, switching from one to the other. They looked annoyed at my presence while usually, the three were exaggeratedly welcoming and kind to me. They used to go to meetings, they said, but now they have become too old for that, and the meetings with other gardens are not civilized anymore.

Similarly, the grandson of one of the first gardeners on the East 111th Street bloc explained they used to have meetings with councilmember Mark-Viverito before she became Speaker of City Council, but they don't know what's going on anymore. "You know, when the City is involved, there's a good chance they make good money," he said, believing they will probably receive news about the meetings only at the last moment. He understood the money the City could make would supersede the gardeners' and neighbours' needs and claims.

meetings, since this would signal the dynamism and openness of her garden and align with the City's expectations. In that sense, some gardeners were using the rules or normative standards, like language, to their advantage against other gardeners. This pointed to the emotions that were arising when making a claim and attempting to control the interpretation of the document dictating the future of their garden's property relations. These claims were expressed in multiple registers, from language, eloquence, friendliness, presence, and so on, which were all performances of citizenship and performances of property (Blomley, 2005a).

From then on and at the next meetings, the development team and city officials moved around in herds, as one gardener called it. They gathered after each meeting to check in and strategize for the next steps; they definitely developed interpersonal and friendly ties, making it harder for gardeners to blend in and represent their concerns. This exemplified how the development team and city employees closely collaborated, here and as we suppose elsewhere.

After the first meeting, one gardener claimed she didn't trust the process: "There's so many problems going on right now, and you know it." She referred to the errors on the licenses, the lack of translation in written notices and during meetings, the confusion concerning the timeline of these negotiations as well as the disorientation created by the concurrent public review processes for Sendero Verde and the neighbourhood rezoning. She added: "It's like, you know you're going to fall but you keep on walking. I feel like we probably shouldn't be speaking with HPD anymore." Another gardener answered back that, to the contrary, she now wanted to talk to them every day to be abreast of what was going on. This same gardener tried developing interpersonal ties and joining their circle after meetings for accessing privileged information, asking more questions or, even better, channelling her demands.

During a NYCCGC meeting following up on these negotiations, Ellen, who sat on the coalition board and was involved in Time's Up, notably during La Nueva Esperanza Garden eviction, said:

“Don’t play their game. This is not our story.” Thereby, she insisted we needed to create our own narrative to build moral claims (see Starecheski, 2016: 92-104). Regularly, Ray would also signal the disparity of resources between full-time, experienced, and paid city officials to support the developer’s team while gardeners dedicated lots of time to represent their claims on a volunteer basis after work, in addition to gardening and meeting other city requirements. Not only did they participate in coalitional work and their garden’s collective decision-making and regular activities, but they also attended countless public meetings. For instance, gardeners were encouraged to take part in their local community board’s different committees, mainly the Open Space and Land Use committees as well as the full board meeting. Despite having only advisory power, many community board members said public officials recorded gardeners’ attendance to those three monthly three-hour committees and full board sessions since this gave gardeners credibility and leverage when making their claims. However, the representations to save a garden could last many years. Time-consuming and stressful, I would often catch Renee sleeping upright during those meetings in early summer 2017, near the end of my fieldwork; she was exhausted from work, school, the regular garden activities, and the stressful garden advocacy at public meetings and coalition meetings. Not only were they over-solicited and overburdened with multiple meetings at the community board, public hearings, or with city agencies and the development team,¹²⁷ gardeners often felt disqualified by the City or other gardeners when trying to represent their claims.

At the next city-developer-gardener negotiation meetings to locate each garden’s new site on the geographic breakdown the developer had delineated, some gardeners challenged the

¹²⁷ For instance, East 111th street gardens participated in the East Harlem Neighbourhood Plan (EHNP) workshops and hearings in winter 2016, then, GreenThumb collected information from garden leaders to depict the gardens’ activities and needs to include in the RFP. Then, started the public hearings and presentations for the East Harlem Rezoning Plan and for Sendero Verde, which were concurrent, happening at the same time. Later, the negotiations among the gardens with the developer, GreenThumb and HPD followed, and some even attended the CB11 Steering Committee meetings on the rezoning.

document's authoritative interpretation of the minimal and maximal acreage prescribed in the GreenThumb's Annex. When a gardener mentioned the error on the license agreements, HPD took the lead and squarely rejected our claims. We would repeatedly bring the clerical error up at those negotiation meetings or community board meetings and HPD or GreenThumb would continually deny the error, and disqualify the gardeners by blaming gardeners. They accused the gardeners of falsifying the license agreements by changing the lot numbers themselves and accused them of being unreasonable by using more acreage than allowed. In an attempt to discredit the gardeners, a HPD official from the Office of Neighbourhood Strategies also argued the gardeners had no specific interests and were over-represented compared to other residents who may hold claims just as valid for the use of such public spaces.

The gardeners realized how restrictive the developer's geographic breakdown for the garden's relocation was. The development team and city agencies refused to move any of the project's three buildings and privately-owned open space, but the gardeners' preferred location for the new space followed their habit or expectation to continue their activity as is. As such, all of the gardeners located along Madison Avenue refused to move to Park Avenue, where the above-ground train regularly resonates. Mentioning the contact garden persons¹ on the block were over 60 years old, one younger gardener asked: "How can you change the habits of those old-timers?" One of them retorted: "Why can't we stay where we're at?" And then another inquired on the necessity of moving around already environmentally and socially productive spaces: "Why should we destroy an ecosystem to build another one?"

Gardeners also requested that acreage be equal for all gardens, invoking the councilmember's authority saying she had promised them equal spaces with relocation. To this, a GreenThumb's employee replied this created confusion as to whether this meant equal acreage for all or the same acreage as they were using. Others appealed that the oldest gardens should remain and

have a larger size. These negotiation meetings were, indeed, the arena for debating which criteria would prevail and have authority in the allocation of public space. Despite the gardeners' attempt at creating alternative meanings, the 2014 inaccurate license agreement still dominated and was used to relocate the gardens on the block along with the other towers.

"Moving is already traumatizing, plus we'll get more shade and less acreage. That's unfair. And there's nothing in writing yet, so all this is hypothetical. And meetings are set up to their convenience," said Ray, president at NYCCGC, who agreed to meet different gardeners to talk of the negotiation meetings and the errors on licenses on a Saturday morning. "*Como a ellos les gusta*," Celia added, meaning they were leading the process the way they liked it, to their preference, with no regards to ours. "The thing is I feel grateful they've allowed us to come back and, because of that, I feel they have an upper hand," she added, admitting they were coopted. Another gardener then conceded she wished they would have provided drawings to articulate their demands better, but in the same breath admitted that it wasn't fair that the City and development team employees were "working full time and that we [didn't] have their resources." Despite the City's efforts to accompany gardeners, confusion was still palpable.

Many gardeners felt lost in the process, not understanding how the complex public review processes for the rezoning plan, Sendero Verde, and the garden's relocation intersected, especially since these processes were being fast-tracked and Sendero's was concurrent with the neighbourhood rezoning's public review process. Without a proper explanation in the early stage, the gardeners didn't know what to expect and what the next step would be. Additionally, with material not always translated and some gardeners being illiterate, many admitted they had a hard time understanding the documents. Some thought the colours on the maps were confusing. Seeing it like another microaggression, they claimed: "we deserve more info to

understand fully!” In brief, this shows how the City’s dominant interpretation maintained its hegemony despite the gardeners’ attempts at challenging and participating in the process.

2.3. Disqualification and Microaggression: Confronting Interpretations and Maintaining Authority Along Procedures

Despite the strict procedures, city officials nonetheless had to improvise to make sure they preserved control of the interpretation. At the Just Food Conference, in mid-March 2017, gardeners circulated the news that two letters had been pinned on Chenchita’s gate, one letter was intended for Chenchita and the other for Mission, the adjacent garden, signalling the ridicule of the lots’ distribution on the license agreements (i.e. the error). Renee emailed GreenThumb outreach coordinator and director with a few of our fellow gardeners cc’ed, including me. When the director replied an hour or so later, he explained this was part of the Garden Review Process and to contact HPD Director of Land Use and Policy for further questions. He also intentionally deleted my email from the thread, but Renee shared it back with me. I think he was aware of the inconsistencies related to lot numbers and was trying to limit the information I received. To add to the confusion, the Alternate Site Notice for gardens on East 111th Street, which is designed to communicate a list of sites where gardens can be relocated and for gardeners to communicate their choice within a prescribed timeframe of 45 days, didn’t include a list of alternate sites. It only stated: “TBD.” The HPD Land Use and Policy director, newly in office, replied:

Under HPD’s Garden Rules we are required to send out an Alternate Site Notice informing garden contacts of available relocation sites if applicable. We are also required to send the notice by mail and to post it at or near the garden. Mission Garden is licensed to lot 52, which is why the other notice was posted in that location.

[...] the alternate site lot number(s) and address identified in your letter are listed as TBD with the offer for no less than the square footage for the licensed garden. It was described that way to provide flexibility and allow for continued discussions about the exact location – the southwest corner or the southeast corner of the block. It is not intended to lock you into the site plan that you saw at the meeting.

Seeing a possibility to address and discuss the errors on our license agreements, Renee asked by email: “how is it possible for Mission to have a lease for lot 52? This puts it in the middle of

Chenchita's whose lease is for lots 51, 53?" To this, HPD Land Use and Policy director replied ten days later: "Given that Chenchita's and Mission Gardens preceded my time at HPD and have been in existence for quite some time, I cannot speak to the reason for the assignment of those specific lots; however, that is how the lots were licensed at the time of the original settlement agreement and listed in 2002." Yet our 2008 license agreement stated we were licensed to lots 51, 52, and 53. Nonetheless, by posting the two gardens' alternate site notices on the same gate, HPD inadvertently demonstrated the ridiculousness of the lot distribution on the erroneous gardens' license agreements. She also thereby restated the hierarchy and authority of the documents, whereby the 2002 Agreement supervenes over the latest license agreement, deferring to the letter of these documents and the City's interpretation despite the evidence of an error. She enforced a justificatory discourse, a performative and interpretive violence that served the City's interests by following the procedures with no reflexive iteration possible – or in Derrida's words, without going through the "ordeal of the undecidable" (1992: 24). This showed how inappropriate their support and the Garden Rules could be to gardens; it may be "legal," it was not necessarily "just" because the State said so or because the document seemed to suggest so.

While gardening around, I asked Renee: how could they have sent the letters like this and display gardeners' personal information? She instantly replied: "Probably because it's a bunch of whities who didn't think of the consequences – no offence, Chantal." I was, indeed, the only white person in this group of gardeners. The pinned notice on the fence, with names and personal info, displayed to all and not translated into Spanish, disrespected their privacy, and was exposed to being blown away with the wind, washed away by the rain, snow, or to fall on the ground. Gardeners complained the process should have been explained to them, so there would be no surprises. Gardeners read this lack of communication as a racial and class

microaggression not respecting or taking into consideration their reality and attachment to space.

A few days later, at a session held downtown at GreenThumb's office where we were receiving the guidelines for a grant¹²⁸ from the Mayor's Office I had helped draft and we were awarded, the director asked Renee to speak outside the room privately. He let her know HPD had no intention of negotiating the license agreements. This showed us that GreenThumb and HPD were not always necessarily walking hand in hand, that they didn't agree on everything, and that GreenThumb used its closer ties with gardeners to influence them against resistance or being too vocal.

At about the same time, in mid-March, GreenThumb informed the four gardens invited back on the block that another meeting with the development team was scheduled for a week later, on March 20th to share three scenarios for the gardens layouts. HPD director hoped gardeners would have reviewed these options together within their group and with other gardens over the week,¹²⁹ an almost impossible timescale to have this conversation. Was this the gardeners' responsibility anyway? It also stated, "this meeting is strictly for garden members." Was that intended for me? I started to feel I annoyed city workers and officials, and they tried to set me aside, maybe seeing me as a potential threat since I could write about the process. Public officials thereby revealed how wary they were to control information directed to gardeners and how unsure they were about how the process would go. Errors on the lease and confusion about the letter and progress of relocation showed just how the City was constantly trying to patch up

¹²⁸ The 'Building Healthy Communities' grant sought to advance health outcomes in 12 high-need neighbourhoods that had the highest rates of poverty and violence, the most neglected parks and open spaces, and the lowest access to healthy food, which together all bear the heaviest burden of chronic disease and poor health.

¹²⁹ On my end, I contacted Celia to let her know about the letter since the City failed to reach her by pinning the letter on our fence.

the previous mistake and improvising, leaving us to fall to mere reaction, without really integrating us in the decision-making process.

Finally, and despite palpable tensions, gardeners reached an agreement for their relocation that spring of 2017. The City sought to show good intentions by replacing gardens' amenities with equal or better quality as developers usually request if evicted and as NYCCGC had advocated for at West Harlem NYCCGC meeting even though this was not required per Garden Rules. With the help of a landscaper architect the developer hired, they promised to preserve, rebuild or replicate the gardens' fences, murals, and *casitas*.¹³⁰ In other words, the gardeners would not receive the new sites "as is" as suggested in NYC Parks Garden Rules, and would rather receive help from the developer and GreenThumb to recreate the garden they had before relocation. In brief, this upgraded garden review process acknowledged in some way all the work and improvement those gardens put in the last 30 or more years in this under-served neighbourhood, a tiny concession compared to being uprooted and the past divestment they endured.

Nonetheless, as I have already pointed out, all gardens lost acreage, had more shadow, had to rebuild their ecosystems, and had no interim space to use during the construction period that would last at least three years. Although GreenThumb should provide lumber and soil to gardeners, they could not place plants in a nursery during the construction process. Gardeners lost much of the work and benefits infused in the specific space, such as enriched soil with microorganisms and compost moved and integrated with collective sweat from the landscaper around the corner in addition to all the memories attached.

We witnessed many times at subsequent meetings, like at Community Board 11 meetings, how HPD dismissed and disqualified the veracity of the error, reinstating its force of law in the

¹³⁰ Casitas are small sheds often used either as summer kitchens, meeting points, or tool sheds.

Derridian sense. By doing so, the city officials recited the Lockean rationale of the license agreements and the Garden Rules, whereby the City retained ownership of land and the authoritative power to decide unilaterally how to manage public land despite the errors.

3. Discussion

To enforce their authority, city officials used different strategies to discredit the garden's concerns. For instance, at the Community Board 11 sessions, not only were speaking turns regularly not attributed equitably and allowed city officials to interject when they wanted, but gardeners had to wait and be succinct. Most galling, gardeners held a poor reputation in the eyes of decision-makers; they were deemed unreliable, unreasonable and misinformed, all characteristics Hetherington (2011: 8) contends were given to *campesinos* who were treated as second-class citizens.

More specifically to our case, at a CB11 Land Use committee, a young white male board member working in the city apparatus and coincidentally a neighbour to the gardens on East 111th Street said the gardens were not sufficiently open or public, since he claimed gates were always closed and gardeners acted as if this was their fiefdom. He was unaware that GreenThumb already required from gardens to be open a minimum of 20 hours per week, and he judged them unfavourably based on his personal experience and sentiment.

At the last Open Space committee before the CB11 full board meeting vote on the Sendero Verde project, where gardeners felt slightly more comfortable as they had more natural allies on the board, Renee asked again about the errors on our leases. While the question was not directly targeting HPD but the community board members, HPD Land Use director stepped up and interjected to restore the City's hegemonic interpretation of the license agreement, saying she had answered this several times already, and only one license agreement showed 51, 52, and 53, which additional lot number she claimed was added by a gardener. Later, a male public official

inquired where we got the information, saying the ArcGIS system, the NYC online cadastral map, was not the most up-to-date source, trying to dismiss again the credibility of the information we held, and challenged our assertion and how we used space on the ground. As I said, gardeners were deemed unreliable, unreasonable and misinformed.

Gardeners were also afraid their new space would look like private gardens owned by the development. Would there be adequate signage indicating that these were public community gardens? Who would control access to the gardens? A privately-owned public open space (PoP), squeezed between the gardens and the three buildings, sitting on top of another lower edifice, also raised concerns of accessibility. Gardeners had negotiated for a bathroom and meeting room, which they requested would not be made public *per se*, but be reserved for gardeners. Frances, an old-time gardener at Pleasant Village Community Garden and vocal community board member, asked who would be responsible for the maintenance of those rooms, but the question remained unresolved: would it be the property manager's chores, NYC Parks' or the gardeners'? Neither HPD nor GreenThumb nor the development team proposed an answer. The HPD director consequently claimed the community room and bathroom should not be reserved for gardens, as she believed other groups might need those amenities although they may not be here to voice their stakes. Hereby, she opened up again the definition of whom the public may be, discrediting any specific moral claim gardeners may have on the space. Although the block became formally private and public (where the gardens were relocated), the sharing of responsibilities was not straightforward.

Ray, from NYCCGC, who attended this meeting in support of community gardens, complained all trees^x would be cut down, gardens would receive less acreage and more shade than they had while being uprooted and displaced. Even more frustrating, board members and city officials systematically failed to mention even once the two gardens – Little Blue House and Friendly

Gardens – that had not been invited back on the block where the mixed-use development project will be constructed. Ray suggested an ultimate alternative at that meeting: selling the garden’s development air rights, so the building could end up higher while letting gardens sit at their place. The session’s Chair then declared there were previous meetings Ray should have attended to which he countered gardens received no legal counselling in this case, and consequently unjust legal and political representation at the diverse community board and city-developer-gardener meetings. We had tried to seek legal counselling, but the attorneys we approached were never experts in public environmental law nor did they take the time to look at our license agreements. We also had no money to offer them. As Ray had pointed before, we lacked resources. It was clear to us that gardeners were not taken seriously, or as seriously as other actors involved in the case like the developers. Consequently, to continue to act unilaterally, city officials discredited gardeners by imposing silence on them.

Right after the vote where CB11 committee recommended the approval of the project to the City, the development team and HPD left together as usual before the meeting was over to meet outside the room and debrief what just happened. After the meeting, while Ray went to speak with the chair of the committee, I went to see Frances telling her that it was unfair to let HPD lie. They lied by suggesting we changed the leases ourselves and we overstepped our boundaries when this was overall not true. I told Frances if we had known all the possibilities, like selling our air rights, we may have chosen differently, but we had very little assistance. The final votes on our project and the rezoning plan were scheduled at the same time as the last hearing session on the East Harlem Rezoning Plan in a week, on June 20th, 2017, (see Chapter 4). We now fully understood the gardeners on public land were represented as a more specific group and, alas, less worthy than the “more universal” and silent public of the private mixed-income affordable housing and privately-owned open space (e.g. renters and park-goers).

4. Conclusion

This chapter shows how ‘public’ and ‘public good’ can be variously defined (Low and Smith, 2006:3) and how the City repeatedly stated the citizen-led community gardens did not uphold their performance as proper City-owned open spaces to defend the City’s authoritative interpretation. To do so, they contended gardeners did not abide by the license agreements and the expected performance of property the City expressed in these contracts in terms of aesthetics and openness. In a representative democracy, the city officials’ definition of a public space always predominates; this is the representative governance and management of public property (Bollier and Weston, 2012: 350 in Caffentzis and Federici, 2014: i100; Rose, 1986: 735¹³¹). However, as Isin (2012: 45) suggests, with reference to Rancière and Arendt, “the crisis of sovereignty is not about *authority over a given territory* but about *absorbing the subject into ‘we, the people’*” (my emphasis). The State is rather concerned with governmentality for maintaining capitalistic subjectivities, and managing public spaces is one way of conducting conduct and feeding into the social construct of a “we”.

For instance, acquainted with what Ghertner (2011 in Roy, 2017: 8) names “zones of incivility and nuisance,” a NYC official framed community gardens as an unmaintained private fiefdom in an interview in 2001, similarly to what the white male CB11 representative said above:

The best of the community gardens are truly accessible to the community. The worst of the gardens are weeds. (...) the vast majority of the time they’re locked, and the vast majority of the public does not have a key to the garden. (Staheli, Mitchell, and Gibson, 2002: 199)

Despite all the time and resources gardeners devoted to these spaces, they could easily be perceived as failing to promote the public good, not sufficiently responsible, and unorganized, which normative vision also permeated the license agreements and the public sphere.

¹³¹ Public trust doctrine flourished alongside classical economic theory, which generally rejects that the general public could own and manage property (Rose, 1986: 730). Instead, following representative democracy tenets, the public is usually organized into governmental bodies that hold the power to alienate or dedicate public trust rights to land. In other words, following the picture theory of representation, the legislature is said to be the “same” or to represent the public (735).

Staehele, Mitchell and Gibson (2002) also emphasize how this NYC city official more plainly discredited and devalued the work of gardeners who were often renters by praising how homeowners would feel more compelled to maintain their surrounding neighbourhood when justifying why housing is more pressing than community gardens. This HPD official claimed:

Homeowners in a distressed neighbourhood, in good times and bad, will rally for sanitation, they'll rally for schools, and they'll rally for crime reduction. They'll rally for housing needs in ways that renters, who are not necessarily invested in their neighbourhood, won't do. (Interview, 27 April 2001 in *Ibid.*: 199)

When signing the license agreements, gardeners agreed to the responsibility of maintaining the lot according to a set of expectations fixed by the City in exchange for being able to use the land. In other words, this was for gardeners a way to become legitimate and act as responsible citizens. Acting responsibly, almost like owners, made gardeners more legitimate. However, if gardeners didn't meet the required standards of proper aesthetics and openness set by the City, they could be excluded and lose access to space. Overall, concerned with keeping and communicating their garden in good standing, gardeners negotiated this performance of the proper gardener citizen through consent, accommodation or resistance (see Li, 2007), but more than often simply complied with GreenThumb requirements (see Chapters 5 and 6).

Consequently, the license agreement was the device the City developed to keep authority over its property and its users while discharging a part of its responsibility as an owner onto gardeners, the active users of land, to save money. Even though the City had abandoned these lots for some time and gardeners used the property for the past 20, 30 or 40 years by which use they improved the land, the City retained the authority to deal with its City-owned land and to sell it now that it was alluring for development. The City could manage its land the way it thought was more fit, far from its local brown and black constituents' concerns. Indeed, disregarding and dispossessing them favoured the public-private accumulation process. The City was using the flexibility of the law to serve its interest (instead of its constituents') and

refused to acknowledge the errors on the license agreements, excluding black and brown gardeners and depicting them as unworthy and irresponsible. The ambiguity of the procedural and technical land use public review process seemed to be precluding the community gardens' ability to make claims (see Chapter 4) and favouring the City in distorting the groups' claims.

In other words, the City acted or made decisions unilaterally and forcefully, which was *democratic*, but no less violent in the actually existing neoliberal representative democracy. This violent prejudice was shown repeatedly over time through the urban planning policies managing which spaces poor people of colour could occupy (i.e. public housing, urban renewal, redlining, etc.). This representative governance and management of community gardens in NYC seems to fall into this violent, racist logic. The City had no intention of remedying or repairing the past violence of its racist urban planning policies, and the delicate mission of GreenThumb was to act for the City but by looking like an intermediary, which confused the gardeners in terms of possible action to be taken. Even if the words of those legal and legislative devices were not racist per se, their effect was and imposed disproportionate burden.

As a result, license agreements were devices protecting interim urban planning strategies that seem to facilitate cooptation and encourage gardeners' discipline. In an editorial in 1999 about Giuliani's auction of hundreds of gardens, the *New York Times* claimed: "Bulldozing a working garden is an act of neighbourhood violence." Similarly, today, gardeners and residents alike feared the rezoning that favoured a wealthier incoming population over the poor population of struggle that still suffered from the past racist urban planning policies:

'Racist,' 'immoral' and a 'land grab for the rich' is how [East Harlem] locals described the city's plan to rezone the neighborhood and build affordable housing at a public hearing Tuesday. The harsh words came during a Community Board 11 meeting that included presentations on both the rezoning proposal and a plan to build a massive affordable housing development, called Sendero Verde, on East 111th Street. (Clark, 2017)

In other words, gardeners and residents alike saw their claims disqualified to better stimulate the urban space production accumulation process, and this was done in a neighbourhood with already a deep past of inequities making the workings of “Housing New York” and the displacement of community gardens racist. This consequently supports arguments about racial regimes of property being still active (Harris, 1993: 1003; Roy, 2003, 2017; Bhandar, 2018). As shown with Chapters 1 and 2, from Lenape dispossession and slavery in Mannahatta, then redlining, urban renewal, and housing projects to the contemporary threats of displacement under the guise of promises of affordable housing, structural racism has been and still is rooted in the production of urban space. The current chapter has sought to suggest that white-back hierarchies influenced the performance of citizenship and property in East Harlem notably when negotiating the garden’s license agreement interpretation. This chapter also shows how, in subtle racism, “different criteria of belonging on the basis of civilized conduct by categorically distinguishable (dominant) others [is] entangled with culture, race, and class” (Williams, 1991: 2-29 in Ong, 1996: 80). In other words, “[w]hite-black hierarchies [have been] homologous with levels of civilization, a racist hegemony that pervades all areas of Western consciousness” (Memmi, 1967; Fanon, 1967; Alatas, 1977; Said, 1978; Nandy, 1983; Gilman, 1985; Stoler, 1995 in Ong, 1996).

The abstract code and the way its hegemonic interpretation were maintained and defended by officials through two correlated kinds of microaggression, which revealed rules and rituals producing consent and regulating conduct (Ong, 1996). From a Foucauldian perspective, the license agreements and Garden Rules were the tools to governmentality, whereby gardeners were encouraged to perform a “modern attitude” meeting the City’s expectations. The set of microaggression and disqualification described in the present chapter nonetheless reveal how relevant were Butler and Athanasiou’s (2013 in Roy 2017) questions: a) What is to count as

property? b) Who can count as the subject who can claim home and land? And c) who holds the place of the human? These gardens' politics of emplacement was consequently a "practice of seeking human recognition in the face of constant, even ontological, denial" while at the same time challenging in some instances the normative grounding of property in possessive individualism, like urban commons sometimes did (Ghertner, 2017: 2; see Chapters 5 and 6).

In sum, I argue the abstract code of the license agreements and Garden Rules acted as authoritative representations of the land enabling the City to act forcefully, and consequently violently as it was excluding and acting as disciplinary means of control. Treating gardeners as neither renters nor trespassers, the license agreements' role was to protect the City's ownership of the land as potential political leverage or source of income. In other words, since "land titles (...) protect[ed] the owner from eviction by tying them into networks of state power" (Hetherington, 2011: 203), the City used its state power to protect ownership of its own property so it could be transferred from public-commons use to mostly private use. Even if those agreements contained errors, the City was entitled to manage its land the way its legislative representatives thought was fit beyond its constituents' concerns. It was not essential to communicate "true" information, but to appear transparent, and to enforce authority required disqualifying the other party especially if they didn't qualify to the normative performance of a proper citizen-subject (i.e. along the white-black hierarchies or other socio-economic qualifications like education or language).

In 2019, GreenThumb, with NYC Parks and Recreation, released a new license agreement, changing the parameters of the authoritative abstract code slightly. GreenThumb offered four-year-long license agreements but required from gardens new sets of responsibilities in addition to the ones they already had like that gardens bought liability insurance, submitted "acceptable" bylaws^{xi} to GreenThumb, shared an updated list of members, and held a minimum of 20 hours of

operation weekly with an open gate. The license agreements also posed restrictions for selling land or air rights, required a permit for any event held in the garden, and was limiting fundraising activities. It also further clarified other maintenance responsibilities in the gardens, such as snow removal^{xii} from sidewalks adjacent to their garden, which in NYC was not the City's responsibility but the property owner's. Here again, the City diverted its duty to hold gardeners-stewards accountable, posing serious limits to gardeners who were old or disabled. Overall, these extended the gardeners' responsibilities and took a more punitive and enforcing approach, almost as a strategy punishing poverty.

Realizing how important the license agreements were for the garden's future, the NYCCGC offered advice to gardeners on whether or not they should sign the new agreement as "there [were] concerns the new license [was] designed to make gardens more vulnerable [and] subjected to [old] Urban Renewal [zoning], and not just the HPD land gardens" (NYCCGC email, 2019). Many gardens decided not to sign, although others did sign. Above all, gardeners seemed to raise flags about unclear or over-jargony license terminology, and NYCCGC "recommend[ed] not to sign if you [didn't] understand or if you [saw] some [flagged] keywords" (see endnote ^{xiii}).

Some saw this new license agreement as drifting further away from preservation and toward the management of quality of life assets, potentially facilitating license forfeiture if not in good standing, as one gardener commented. Finally, by limiting or framing what gardeners' proper behaviour may be, the new license agreement insisted once again gardeners deserved to be uplifted¹³² (see Kendi, 2016; Murrey, 2018) through a patriarchal framing such as the license agreements, and by the same token making gardeners more vulnerable to eviction.

¹³²"At the center of Kendi's historiography of racist ideas is an insistence on acknowledging 'the diverse truth of Black people' as an anti-racist intellectual practice (328). This practice sits in direct opposition to the assimilationist notion of 'uplift suasion,' or the idea that Black people in the US need(ed) only to show or be recognized for their 'proper' characteristics and individual qualities, like hard work, honesty, and determination, for racist ideas to disappear. Uplift suasion emerged within the American abolitionist movement, including in the

ideas of leaders like William Lloyd Garrison, whose life is a microcosm of the racist and anti-racist tensions in the American abolitionist movement. Kendi reminds us, 'interracial organizing can be racist [...] if the emphasis is on elevating inferior Blacks' (p.320). In another passage, he calls the white savior the 'most popular racist relic' (p.370)" (Kendi, 2016 in Murrey, 2018: 96).

Chapter 4

Performing Participation

Lisa, a white gardener at the Unfriendly Garden, as she liked to call it, located on the southeast corner of East 111th Street block, shared how she thought the eviction of her garden was unfair. When city officials made their decision in 2015 about the fate of gardens on the block, it was her first summer as the primary garden contact person in charge of liaison with the City at the Friendly Garden. Although she gardened and helped in this space for several years, the Puerto Rican old man finally handed the garden to her after losing his wife. She didn't understand why the City wanted to evict her garden, although that same summer, she temporarily abandoned the garden because rats had infested the space. It seemed the garden's fate was sealed because she didn't fulfill GreenThumb's expectations, although rat control in gardens is supposed to be the City's responsibility. Finally, she was able to secure relocation a few blocks north. The gardeners from Little Blue House on the southwest corner of the block, also not invited back, were not so lucky. Most gardeners there – who spoke only Spanish – didn't understand what was going on and they were disconnected from the City's established process for relocation. While they did not answer the City's eviction notice, they also shunned the list of gardens they were invited to join.

Lisa is just as bitter about the rezoning. After going to the Gaylord White Houses' community centre in 2016 for one of many East Harlem Neighbourhood Plan visioning sessions for the community-led rezoning proposal, she explained she didn't trust the process. She was skeptical of who participated in those community visioning sessions where she met developers instead of East Harlem residents, and she had concerns for the affordability offered to residents who were rent-burdened like her. In the following, Lisa described her experience at the community visioning session and the community riposte to the rezoning as an unfair consultation process:

Lisa: [I]t was a visioning process to get input from the community, and we had different groups, but crap, I ran into people who worked for developers, and they were like 'these gardens are messy, we don't need more gardens, what we need is business here', and I'm like 'who are you? Get out of here!' And he was yelling at me... Like if you work for a contractor or a builder, this [community visioning] meeting is not for you!

Anyway... And they were, like, so 'do you want to see what the housing looks like, how much is affordable housing, what's the income, bla, bla, bla...' and housing would start for people with an income of \$38,000... but that's not the demographic of this neighbourhood! Where are the 3-bedroom apartments for new Americans who already live here and are going to get priced out? My friends and I who are professionals are priced out... You can make \$100,000 a year and not live comfortably in East Harlem! Most of your money goes to rent. And you know... Adults shouldn't have to... I don't want a roommate! I'm 50 years old! Okay, I'm a special case... But we're all special! And they talked about height, asked where we would like to see the gardens, what kind of commercial stuff we would like to see... And I don't want to see a supermarket there that attracts rats. You know... There's already a supermarket on Madison Avenue and 110th Street. I mean, what about dry cleaners and daycares?

So, I haven't been going to all those meetings that you've been going to, but you've probably been hearing... Well, I've been hearing a little bit, and actually, I was hoping you could tell me hum... there is a lot of push back from activist groups, right?

Me: *At the public hearings, yeah, there is, and sometimes during the community board meetings too, but not as much. People are very vocal at public hearings, but I feel like officials are saying, 'we already had your input: there's been a process that's been going on for more than two years now. You had the opportunity to voice your concerns...'*

Lisa: I kept going to the [NYCCGC] coalition meetings, and I was like 'what do you need me to do, what should I be doing?' They said: 'keep coming to the meetings'. I'm like, 'no! I don't think that's useful!' So, you know, it's hard to get people to do some things, and then, activist groups will, but you have to have some decent work in the process, not just talking. You have to be able to go to a public hearing. You have to be able to expose a developer, you know.

Me: *Do you feel like gardeners on the block have been able to do that kind of work?*

Lisa: They're not an activist group. They're just not. I mean... I sat down with Tiana and asked: 'what are you gonna do? What should we do? Should we chain ourselves to the fence?'

Me: *Oh yeah, you asked her that?*

Lisa: Yeah, you know, you have to realize what you wanna do, and realize who wanna do it, and nobody [on the block] wanted to do it, so I'm not gonna spend like... So, whatever... My first impulse was to say 'no, you're not developing this at all,' and I went to meetings here, and I asked gardeners to come, and you know what I heard? From every person on the block: 'Melissa [the East Harlem councilmember and City Council Speaker at the time] will take care of us. We knew it was gonna happen. It'll be okay.' And I'm like: 'You're outgoing counsel!' but you know, this was a done deal before all these community meetings. All these community meetings for input and our local politicians listening to us is all bullshit, and now, what you're getting is the activists at the public hearings. Now, you're getting the pushback from people.

Although the community was pushing back at public meetings, Lisa explained that no concerted reply reached consensus on the block, as her steps with Tiana demonstrated. She eventually gave up on fighting eviction and chose relocation a few blocks away.

During winter and spring 2017, the daily concerns of the gardeners whose space would be relocated on the block consisted mainly of trying to understand the garden's review process for negotiating the garden's new layouts (see Chapter 3). This uncertainty about the process and whether they would come back next year caused a lot of anxiety for gardeners who dedicated most of their time in those spaces. Gardeners felt helpless, but they came to understand this pre-development process was long, multi-actor, and complex. Some would call it overwhelming or even *illegible*.

Although the City Charter provided a lengthy and detailed urban planning review process seeking to foster public participation and transparency, in this chapter, I argue this process failed to attain social acceptability. Even if NYC Department of City Planning reformed the comprehensive rational urbanism approach to include new collaborative approaches, dissension remained palpable, as Lisa pointed out above, and urban planning projects were nonetheless rubber-stamped and instituted. This collaborative approach, which stressed transparency, required a lot of time on the public's part, in addition to complexifying already technical and complicated processes. More so, city producers – like city officials or the development team members who were powerful actors participating in and being *heard* in the public-private urban space production process – did not appropriately render visible the incremental community input stemming from the process, which was all the more frustrating to participants. This experimental process could also have unplanned effects on citizens.¹³³

¹³³ For now, within the five boroughs, the newness of policies like the certificate of no harassment and right to counsel meant no one could say for sure whether and how they would work. (...) 'A lot of the tools are brand new and it's going to be a while before we have evidence of how they do work and whether there are unintended

Consequently, despite the programmed review process permitting public participation, NYC urban planning still had racist impacts. The affordable housing rezonings targeted neighbourhoods of poor people of colour and failed to include their concerns in the project while giving credence to anti-eviction deconcentration theses¹³⁴ (see Chapter 2) and racial banishment arguments (Roy, 2017). Angotti’s map (2017: 11; Figure 5), based on the 2014 US Census (ACS, 2015) eloquently shows New York City segregation, and these segregated neighbourhoods, like East New York and Far Rockaway in Brooklyn, Jerome Avenue in the Bronx, Inwood in northwestern Harlem and East Harlem, are being rezoned under “Housing New York.”

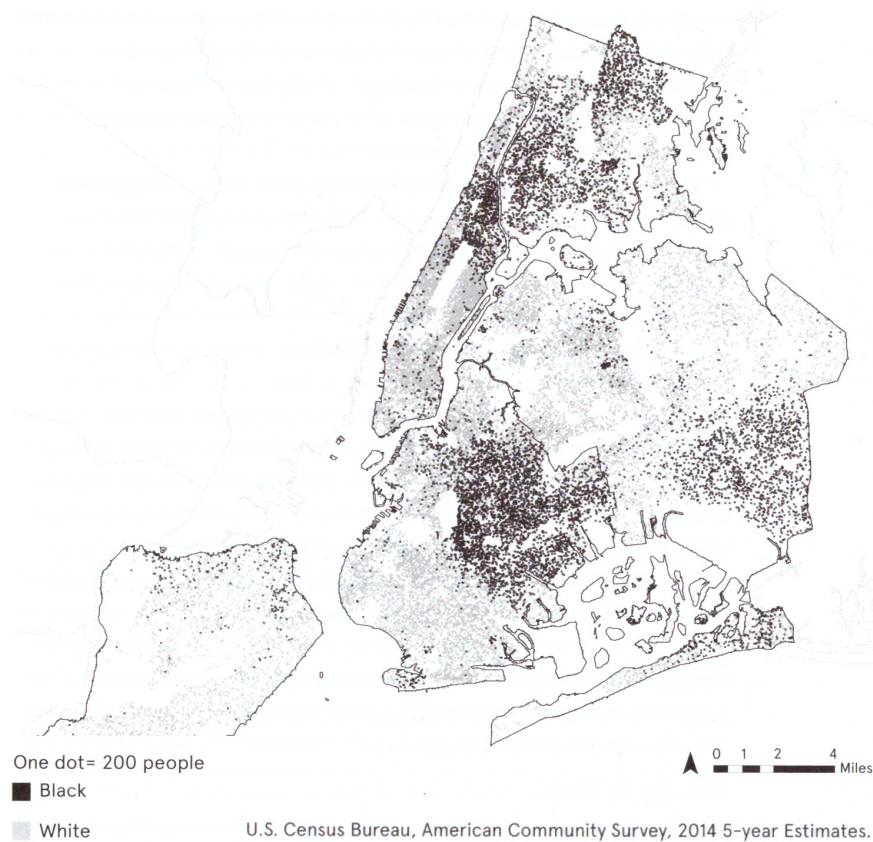


Figure 6. Segregation in New York City (Angotti, 2017: 11)

consequences,’ Byron says. ‘But it’s like a medical situation where the drug hasn’t been tested but patients are dying. The potential downside of implementing one of these tools – how does that stack up with the cost that we know we’re incurring from the way things are now?’” (Murphy, 2018)

¹³⁴ Reminder: activists argued urban planners favoured displacement through gentrification by deconcentrating poverty from the inner-cities ghettos created in the aftermath of urban renewal, white flight, and NYCHA project construction.

This map of rezonings located in poor neighbourhoods of people of colour supports the arguments about the public-private partnerships to appropriate underperforming spaces to produce, transform, and tailor these spaces to wealthier city consumers' needs, which exclude the dispossessed and feed into accumulation-by-dispossession processes (Brenner, Marcuse and Mayer, 2012; Busà, 2017). As already noted, this process is not new. For instance, looking at roads and coasts, Rose (1986) argues the primary purpose for the State to hold and maintain public land is to foster commerce, by in this case favouring real estate development. Another historic instance of this is the appropriation of public land for the creation of roads facilitating exchange and commerce (*Ibid.*), showcasing at the same time the intimate intricacies of the public and private sectors. Transformed since the scorned years of redlining and urban renewal, the unequal dedication of land is again reproduced through the so-called progressive rhetoric of affordable housing to “uplift” or “help” communities of colour in “underperforming” areas of Manhattan and New York City (see similar arguments in Harris, 1993; Kendi, 2016; Murrey, 2018; Chapter 2).

The East Harlem rezoning was presented in its best light during the public review phase through a coordinated public relations strategy among city producers. Together, they were trying to appear more transparent while mechanically performing the public review process. By not trying to balance out the disparity of resources of claimants, these urban planning projects were deepening and reproducing social, economic, and racial inequities, which is an argument that builds off from the previous chapter. More so, with microaggressions and overlapping technical public review processes, this chapter illustrates how complicated it was for gardeners to make political representations to maintain as commons their community gardens. In a way, this is the story of how those community gardeners were coopted and unable to resist the

transformation of their space during these highly complex, technocratic, and mechanical consultation processes branded toward transparency and progressive politics.

Urban planners designed this public review process as a window-dressing ritual (Arnstein, 1969) that was deployed procedurally to supposedly acquire the community's acceptance, while also creating instability, ambiguity, and even a break in the legibility of the process and its performance (Das, 2004: 227). Indeed, the garden's review process, itself a part of the site-specific Sendero Verde real estate review process, happened at the same as the neighbourhood rezoning review process. These overlapping review processes proved to be quite difficult to understand, becoming almost unreadable for citizens.

Das (2004: 226), who conducted ethnography on India's regulatory forms, mentions the gaps between regulations and their performance introduce instability, and this *illegibility* has specifically become the State's signature. In other words, while the "[S]tate institutes forms of governance through technologies of writing," these written rules designed to achieve social ends are doomed to remain imperfect because of what Derrida (1988) calls the impossibility of saturation in writing. Consequently, Das (2004: 227) argues these illegible regulations oscillate between a rational mode and magical mode. While the State constructs itself as rational and may construct the outsider or the opponent as irrational, forms of regulation become magic as they *acquire a life of their own* in the practice of the community, through interpretation or by modifying the community customary practices. In this chapter, I focus on how this unreadability appalled gardeners and citizens who tried to understand these various public approval processes, thereby facilitating the commoning gardens' cooptation toward relocation or eviction.

Building on Chapter 3 by further looking into how the hybrid governing coalitions of city producers manage land forcefully with an aura of legal operations through license agreements, here, I link the City's dedication of land more closely to processes of accumulation-by-

dispossession and creative destruction in a context of confusing yet legal operations. I also connect these confusing yet legal processes to the rhetoric of participation and progressive politics with the specific goals of furthering urban production. In other words, democratically and legally managing the City's public land amounts to zoning and attributing it for the prominence of commerce (Rose, 1986). Using and adapting Busà's (2017) argument, to further commerce and promote profit extraction from urban space, public-private city producers appropriate underperforming spaces to produce, transform, and tailor them to city consumers' needs, and by doing so, exclude the dispossessed and feed into accumulation-by-dispossession processes (Brenner, Marcuse and Mayer, 2012).

In section 1, I explain how rational comprehensive planning shifted toward a more collaborative approach in NYC urban planning politics. Then, I define how city producers and city consumers formed hybrid governing coalitions by exchanging transactional gifts for the production of urban space, which was by the same token reproducing and normalizing inequalities. Section 2 looks into how city producers used the affordable housing plan and the East Harlem Rezoning Plan as symbols of progressive politics, which described –at least in part– how these hybrid governing coalitions functioned. Finally, Section 3 explains how gardeners and residents navigated with difficulty some of the participatory review processes specific to the East Harlem Rezoning Plan and the Sendero Verde project on East 111th Street block.

1. A Byzantine Public Review Process

Developers and city agency officials worked together through the complex inner workings of the city government to design participatory review processes that nonetheless hindered citizens from effectively being heard in the polity. As a recent newspaper article (Plitt, 2018) mentioned:

New York City's zoning code is complex and byzantine, and can be all but impossible to understand [...] Still, the raw zoning code is thousands of pages long, and can be difficult for laypeople – or even those who consider themselves well-versed in urban issues – to grasp.

What I have observed over more than 250 hours of participation at community boards and garden relocation negotiation meetings was that developers and city employees across various city agencies did collaborate regularly, and knew each other. They worked so closely throughout this byzantine process that they developed a transactional attitude, by which they became liable toward the other, not impervious to Mauss's theory of the gift (1924). Consequently, it was not surprising – although not less shocking – to witness how agencies were distributing land in capitalism's favour.

In addition to the already complex city-developer-gardener negotiation meetings (Chapter 3), NYC Department of City Planning (DCP) held a public review process specifically for the East 111th Street site. This block-focused review was concurrent with the public review process of the East Harlem Rezoning Plan, also led by DPC, that enforced mandatory inclusionary housing (MIH) (i.e. requiring a ratio of rent-restricted units) on a 96-block area in the neighbourhood, including E111th Street block.¹³⁵ The usual steps of the public review process first consisted of the City Environmental Quality Review (CEQR)¹³⁶ – which involved an Environmental Assessment Statement (EAS) drafting the scoping frame of environmental impacts. In other words, the EAS drafted the methodology for assessing the environmental impacts of the urban planning project. The Environmental Impact Statement¹³⁷ (EIS) then followed the EAS in a draft (DEIS) and final (FEIS) versions, both submitted for written and oral comments at public hearings.^{xiv} After the CEQR process (with the EAS, DEIS, and FEIS), the Uniform Land Use Review Procedure (ULURP)^{xv} usually followed to review the zoning changes (e.g. from industrial to

¹³⁵ On NYC checked street grid, this block is bordered by East 111th Street, East 112th Street, Madison Avenue and Park Avenue.

¹³⁶ CEQR is NYC municipal implementation of the State Environmental Quality Review Act (SEQRA): <https://www.dec.ny.gov/permits/357.html>

¹³⁷ The EIS looks at the impacts of the project under study on social services as transit (including MTA stations, traffic, and parking availability), library, open space, shadows, historic and cultural resources, the effect of construction.

residential). In this case, zoning changes allowed taller buildings than what was permitted per prior zoning code and required mandatory affordability quotas over large sections of the neighbourhood. These overlapping review processes on East 111th Street block proved to be quite difficult to understand and were almost unreadable, embodying the instability illegible regulations introduce when performed (Das, 2004: 226).

Both CEQR and ULURP stemmed from the post-war-era rational comprehensive planning approach, which allied technical and scientific data in a positivistic approach to inform public action toward the “one best way” after an “exhaustive” survey of options and consequences¹³⁸ (Dunlap, 1992; Friedmann, 1987 in Bacqué and Gauthier, 2011). Many criticized this approach because of its scientific and technocratic tendencies, suggesting it instrumentalized rationality and emphasized the overriding role of urban planning professionals at the expense of the diversity and plurality of concerns that could be taken into account (Hamel, 1986, 1997 in Bacqué and Gauthier, 2011). Overall, the four main critiques to rational comprehensive planning concerned: 1) the exaggerated use of mathematical schemes in the planning phase, 2) the linearity of the process linking the problem to solve with the process-planning phase and its execution, 3) a narrow definition of rationality excluding complexity, and 4) a pretense to political neutrality and objectivity (Ghorra-Gobin, 1989 in *Ibid.*).

To address some of these critiques, rational urbanism shifted to a more collaborative approach to urban planning, of which the 2002 Community Garden Agreement was a manifestation. However, this shift only added new requirements to the existing process without genuinely reforming it, consequently not resolving all previous conflicts. Brownill and Parker (2010 in Bacqué and Gauthier, 2011) suggest general keys for city officials and real estate actors in North America to overcome these challenges and promote participation in urban planning

¹³⁸ Reviewing effect from traffic and air quality to open space and visual resources.

processes. First, the process should allow and favour various modalities of translations where, in a Foucauldian perspective, communication is assumed to be woven in power relations (Watson, 2009 in Bacqué and Gauthier, 2011) or, according to Das's (2004) and Derrida's (1988) arguments, should acknowledge the vulnerability of utterances and actions. This would address diverse kinds of knowledge and referents by using more inclusive practices on the part of professionals. For instance, such practices should insist on translation, and favour the use of participatory maps. Secondly, such processes should make visible the concrete effects of participation on the urban planning policy or project to show the incremental contributions of public participation. Thirdly, they should inquire and make visible the impacts of the participatory process on participants and the consequences on their marginalized status. For instance, these impacts can be empowerment, politicization, pacification or burdens as citizens participate since they may have to pay for babysitters or miss a night shift.

Nonetheless, the move from rational urbanism¹³⁹ toward more citizen participation occurred in the seventies as NYC land-use policy has been rooted in community action (Burke, 2018). In this sense, the ULURP process was established in the 1975 new City Charter to answer the community's concerns as a response to their activism (Dunlap, 1992). ULURP was instilled two decades after Manhattan Borough President Robert F. Wagner Jr. had implemented community boards citywide in 1951 (*Ibid.*). Community boards were the first formal platforms for citizen and neighbourhood participation.¹⁴⁰ The process hasn't really changed since then, although perhaps a few experiments like the city-developer-gardener meetings described in Chapter 3.

¹³⁹ From 1922 through 1968, Robert Moses – by holding the position of NYC Parks commissioner, simultaneously along with 11 other positions at one point – consolidated much of the power to change urban space with no formal public review process (Eldredge, 2015).

¹⁴⁰ Community boards seem to be a duplicated form of the Community Action Agencies, also called “neighborhood councils” or “neighborhood advisory group”, that Arnstein (1969) suggests as examples of nonparticipation, oft-times used “to ‘prove’ that ‘grassroots people’ are involved in the program” (218).

Therefore, committed community groups were usually choosing the legal path to bypass the usual public review process that largely proved inefficient for them. NYC lawyers representing community groups against real estate interests explained these legal cases were hard to win (Burke, 2018). However, if community groups were involved early on and did the proper research, they could prevail. Still, developers were usually prepared and equipped to anticipate and face legal arguments. Consequently, the burden weighed on the opposition: community groups had to prove to the court there was a “threat of immediate, irreparable harm and an imbalance in the equities” or that the government had acted “arbitrarily and capriciously” (*Ibid.*).

This time, for the East Harlem Rezoning Plan (EHRP), the Department of City Planning (DCP) tried being more inclusive with a *neighbourhood* rezoning plan that even predated the EHRP. This East Harlem Neighbourhood Plan¹⁴¹ (EHNP) developed a community-based vision for the rezoning of East Harlem. The EHNP lasted over a year and a half (from fall 2015 to the end of 2016) with the collaboration of 25 organizations, which hosted several community visioning meetings, like the one upon which Lisa commented above. Here, NYC urban planners tried to break the linearity of the public review process by integrating more participation beforehand with a community plan. However, the iterative input from public involvement wasn’t made clear along the process, and as a result, many residents criticized the gap between the community rezoning plan and the DCP rezoning plan. The confusion was acute when participating as a citizen in the various overlapping public review processes, as the East Harlem Rezoning Plan and Sendero Verde were concomitant.

¹⁴¹ The East Harlem Neighborhood Plan (EHNP) held over a year and a half in 2015-2016 and presented to the Department of City Planning and other city agencies in February 2017 (although the first DCP draft of the rezoning plan was submitted to the city in November 2016). Steering Committee Members included 25 organizations, of which the local councilmember’s office, Manhattan Borough’s office, the East Harlem Community Board, and advocate Community Voices Heard were the leading project partners. Consult the EHNP here: <http://www.eastharlempplan.nyc/>

Compelled by the visioning sessions and fearing eviction, gardeners and I came to understand together that these processes were so complex and peculiar that very few people – city officials included – could accompany us in its specific technical steps. On this matter, writing about the (il)legibility of the rules and the human actions performing these rules, Das (2004: 234) also notes that “the very persons charged with implementing rules might also have to struggle with how to read the rules and regulations.” For instance, few could explain the site-specific Sendero Verde public review process was concurrent with the East Harlem Rezoning Plan public review process. There would consequently be two voluminous CEQR documents with EAS, DEIS, FEIS variations, and two ULURP processes done almost simultaneously.¹⁴² Planned for efficiency, this was not intended to give the best clarity for East Harlemites. As public review processes were fast-tracked, the timeline blurred. DCP usually led such review processes in six to eight months at the earliest, but they hurried this one through in three or four. Not so coincidentally, the New York State amended the Environmental Quality Review Act (SEQRA, Title 6, NYCRR, Part 617) in June 2018 to accept the streamlining of its process. Voted in 2018, a year after DCP fast-tracked the East Harlem Rezoning Plan, this was the first significant amendment since 1996, and it would undoubtedly facilitate future neighbourhood rezonings that would implement the mayor’s signature plan (DEC, 2018).

In this precipitous haste, I sensed politicians and officials were pushing the timeline to frame the Sendero Verde project as the “perfect” example the mandatory inclusionary housing development would trigger. Sendero Verde was meant to be the councilwoman’s lasting legacy for what change the rezoning represented. There were so many projects down the pipeline to review to make community board members and citizens dizzy. For instance, other popular projects discussed at the same time at East Harlem Community Board (#11) were the

¹⁴² See p.158 in this chapter.

restoration of the African Burial Ground (located by the old village of Nieuw Haarlem's¹⁴³ church and cemetery) into a memorial with mixed-income and mixed-use development. The Metropolitan Transportation Authority also sought to expand in East Harlem the yellow metro line that stopped in the Upper East Side. NYC Department of Sanitation wanted to relocate an open-air garbage truck garage, the second in East Harlem, two blocks away from the memorial at the island's entrance by Willis Bridge, which presented as a textbook case of environmental racism.¹⁴⁴ There was also the controversial construction of a 68-story residential tower at East 96th Street in exchange for the restoration of three schools located on the ground floor with a playground and soccer field.¹⁴⁵ Parallel to those large-scale urban planning projects, numerous other site-specific development projects and the restoration of local playgrounds as part of the Community Parks Initiative¹⁴⁶ program for areas that suffered from underinvestment were unfolding. Amid those projects and the upcoming municipal elections of fall 2017, city officials

¹⁴³ During planning to revalorize the historical meaning of this land, the Lenape claimed ownership of the land in a letter sent to Community Board 11, since the old village of Nieuw Haarlem coincides with the Lenape site of Schorrakin of the Rechgawawank community (see Chapter 1).

¹⁴⁴ At the CB11 full board meeting on March 21, 2017, civils were adamant that the open-air facility was inappropriate, the neighbourhood was already burdened with CB10's garage, and the neighbourhood deserved as much a state-of-the-art garage as SoHo's that cost \$250,000,000. DoS selected the site located at the island's entrance, by Willis Bridge and one block away from the Burial ground. Despite the clear audience disapproval of the project, East Harlem councilmember and speaker Viverito spoke up to invite the community board to approve the project. CB11 nonetheless voted firmly against the proposition with 27 votes against, 1 opposed and 2 abstentions. Still, I was astonished to see what seemed like a textbook case of environmental racism with the garbage truck garage the City pushed through the Department of Sanitation (DoS) while the rezoning plan and the memorial burial ground two blocks away were still being discussed.

¹⁴⁵ Located at the southern limit of East Harlem, many criticized this public-private partnership (where developer invests in the schools, including Co-op Tech, a technical school for adults, the soccer field and playground infrastructure) for alienating permanent NYC Parks open space without the state legislative consent, a first many feared would be replicated. At a public hearing, councilwomen Viverito played the racial card by asking: "Where are my people?" referring to citizens of Puerto Rican descent and denying the white folks seated in the first rows with hands raised to ask questions, whom she implied came from the Upper East Side rather than East Harlem. This project was, indeed, on the frontier of the two.

¹⁴⁶ CPI makes investments in parks with the greatest needs, usually parks in poorer neighbourhoods that were acknowledged to have received less funding than parks in other neighbourhoods:

The initiative, announced last October, originally chose 35 small parks and playgrounds for top-to-bottom renovations in places like the South Bronx, East Harlem and central Brooklyn, all densely populated, fast-growing communities struggling with poverty. Another 32 parks are slated to be rebuilt, and 85 others are to receive fresh paint and light repairs. (Foderaro, 2015)

and developers closely collaborated to fast-track the public review processes to deliver on their promises with the Sendero Verde and East Harlem rezoning. Such projects would trigger development, but with the appearance of community input, sustainability, and affordability.

1.1. NYC Hybrid Governing Coalitions to Implement “Housing New York” and the East Harlem Rezoning Plan

The affordable housing plan “Housing New York,” first announced during de Blasio’s 2014 mayoral campaign, promised to build, renovate, and legally preserve 200,000 below-market-rate units over the next ten years to fight inequality and the “tale of two cities” in NYC. Fast-tracking his plan, the now re-elected mayor reconvened his plan in spring 2017: he now sought to provide 300,000 units. To implement “Housing New York”, he was rezoning entire neighbourhoods with a trade-off of mandatory inclusionary housing (MIH) that was a percentage of affordable housing units, usually between a quarter and a fifth, depending on the depth of affordability. In exchange, rezoning allowed higher buildings, gave developers tax breaks or other financial incentives like offering away public land among different strategies and tools. In this sense, the East Harlem Rezoning Plan was implementing “Housing New York” locally.

With rezoning came multi-step public review processes that were long and complex to understand, and operated in a decentralized structure. Approval stemmed first from the neighbourhood community board that had an advisory power, then to the borough’s office, the Department of City Planning, and finally to City Council. There, the mayor had a veto.

It was also multi-actor. Various members of the public voiced their concerns at public hearings and community board meetings. Plus, different agencies and bodies represented and assembled the city’s decision-making apparatus, like the departments of Housing Preservation and Development (HPD), City Planning (DCP), or Parks and Recreation. As consortiums, these public bodies worked with the development team, which was comprised of architects, landscape

architects, construction firms, project managers, lawyers, etc. Since HPD owned much of the public land, it often led the public bidding process of selecting the private developers to break ground on these public-turned-private lots. DCP then led the rezoning and land use modification process. Meanwhile, the Department of Parks and Recreation dealt with vacant land used as gardens or community open space through its GreenThumb program. This assemblage of city officials and developers formed governing coalitions that Busà (2017) terms city producers. In consequence, citizens and gardeners had to recognize various sets of actors composing a complex configuration of hybrid networks that “buil[t] and provide[d] infrastructure and public services” (Valverde and Moore, 2018).

The urban regime theory most prevalent since the late 1980s, also called the growth machine theory, unified eclectic actors of similar class in governing coalitions interested in profit-extraction from urban land (Molotch, 1976; Logan and Molotch, 1987). While the growth machine theory describes urban-based class alliance promoting economic growth through urban development, I choose Busà’s alternate breakdown of city producers and city consumers to gain a finer-grained analysis of the relentless and connected transformation process of the physical, symbolic, and social space of our cities (Lefebvre, 1974; Busà, 2017: 56).

These city producers and consumers assemble in formal institutions and informal networks to talk about the complex and hybrid public-private partnerships forming governing coalitions. While, like urban regime theory, Busà offers a relatively stable breakdown, the latter emphasizes better the multiscalar and multifaceted perspective of urban governance and the contribution of heterogeneous forces for the production of urban space (*Ibid.*: 256). Moreover, using Busà’s typology of city producers and city consumers in a context of accumulation-by-dispossession enables one to highlight the connectivity of dispossession to the accumulation process in urban production. For instance, in his book, Busà (2017) describes New York City’s neoliberal creative

destruction process of urban space production during Bloomberg's time in office (2002-2013) and de Blasio's first mayoral term (2014-2017). In his view, city producers seek to produce urban space by dispossessing if need be – like community gardens on public land to be privatized, as I document throughout this dissertation – and opening up new channels of consumption for city consumers.

City producers are the local and extra-local individuals and social groups who are heard during the urban space production process because of their social, economic, and political leverage (*Ibid.*: 56). For instance, they are city and extra-local authorities, real estate and corporate industries, the media, but also marketing and branding agencies. Among city producers, Busà also includes various neighbourhood groups, civil-rights organizations, nonprofits, and “more or less institutionalized community-based alliances that operate within the community”, although he acknowledges their different and less influential impact (*Ibid.*). In sum, the various actors who are city producers enjoy positions of “overpowering influence in decisions affecting the production of the city” (*Ibid.*).

Consumption in the city is also an essential dimension for the production of urban space because, as Marx said, production is consumption and vice versa (Marx and Engels, 2014: 131). Indeed, one of the reasons for producing or revamping what is deemed an “underperforming” urban space is to fuel the capital accumulation process (Harvey, 2005; Busà, 2017: 51). Hence, the (re)commodification of urban space consists of a strategy to “open up new channels for capital accumulation by expanding the scope of the private market for housing, retail, infrastructure, and services” (*Ibid.*: 57).

To open up new channels for capital accumulation, city producers listen to the needs and trends of city consumers, who are high-profile individuals and social groups whose consumption patterns have the power of profoundly influencing the urban development agenda or keeping

the process of capital accumulation alive. They are composed of the creative class of highly mobile professionals, other mobile residents, local and international corporations with their employees, local and extra-local property investors and developers, tourists, urban consumers, as well as the elite of super-wealthy consumers (*Ibid.*). City producers all have social and political leverage.

Consequently, the space community gardens use is considered “underperforming” in the eye of capitalist urban producers, and therefore, should be privatized, commoditized, revamped to encourage consumption from city consumers. The affordable housing plan with its neighbourhood rezoning plans permits just that. Still, according to Busà (2017), city producers and city consumers have an array of different yet complementary strategies for commodifying the urban space, from rezoning to city branding or legitimating infrastructural and policy work. For instance, city consumers fuel urban development efforts through their consumption patterns in the retail and housing sectors. These consumers also legitimate policies and endorse new representations of the urban space that cater to new populations of consumers (*Ibid.*: 58).

However, although Busà’s breakdown permits an acknowledgment of the multiscalar, multifaceted, and heterogeneous forces influencing the production of urban space, his breakdown of city producers and consumers ignores those who are dispossessed in this accumulation process. Poor people and gardeners – who participate in the production of urban space, resist these new spatial representations (i.e. branding strategies), and whose opinions are largely disregarded because they have little social and political leverage – can neither be considered city producers nor city consumers. To highlight the inequality of this process, which Busà mentions in his book, I suggest completing his typology with a third category: the dispossessed, who are not victims, but active users and producers of space but have no voice in the representative governance and management of urban space, including public land allocated

to private mixed-income housing. Busà (2017) does mention community interests,¹⁴⁷ but does not name them per se as a category, perhaps voluntarily leaving them aside to highlight how unpowerful they are. In contrast, I suggest this third kind of actor should be made visible by specifically naming the unheard and dispossessed, like the gardeners and residents in this chapter, to highlight how they are embedded in a complex uneven and unequal development process ultimately feeding into arguments of racial banishment (Roy, 2017).

In New York City, at least since Bloomberg, rezoning has been a strategy of the urban producers (Busà, 2017). Rezoning – or the creative destruction for the “rewriting of obsolete zoning code” – has tied in the “production of seductive representations of a consumerist New York experience through city branding that reframed the city as an attractive post-industrial, tourist-friendly destination for more affluent residents and consumers” (*Ibid.*: 56-7). Indeed, as Busà explains, Mayor Bloomberg rezoned over one third of NYC while he was mayor (2002-2013) (*Ibid.*: 50). To do so, city producers have made campaign contributions, received or made promises of tax returns or job creation, which ingrained them in the inner workings of city production through reciprocal and transactional gifts. Participating in and embodying (with others) such inner workings gave city producers massive influence affecting political decisions in the rezoning of neighbourhoods, in the writing of requests for proposals (RFP), and maybe even during the bidding process (*Ibid.*: 56). For instance, NYC lawyers who represented community groups in real estate battles said:

developers generally gain traction when they can work undercover, behind closed doors. (...) It’s the old battle: open government versus closed-door governing. Developers thereby gain influence with the decision-makers so long as the process remains covert, and of course, that’s wrong from a democratic standpoint. (Burke, 2018)

With the public review process slowly evolving to increase citizen participation, “developers now determine[d] ‘at the earliest stage’ whether a development can be built as of right or if

¹⁴⁷ See Busà (2017: 52).

discretionary approvals [were] required” (*Ibid.*). In other words, developers did their best to better their odds of receiving government approval. To overturn a project, the burden was then on the opposition to convince the court the government approved the project arbitrarily and capriciously. This was standard, but a high bar to overcome. “[Developers] [did] not want to be in a situation where, instead of a local community group, it’s the government that’s challenging the developers’ plan,” explained one lawyer, and “courts [were] generally loath to overturn governmental decisions, so you [had] to prove that the governmental decision [was] illegal” (*Ibid.*).

Consequently, amid this public-private intermingling, De Blasio was pursuing major rezonings to implement the citywide affordable housing plan, and neighbourhood rezonings successfully progressed in the pipeline of public review processes. It was becoming clear Mayor de Blasio used the affordable housing plan as a central pillar and symbol of his progressive politics in his public relations strategy. Several examples illustrate this in the next sections.

2. Branding Development Toward Acceptability: Faux-Gressive and Participatory Rhetoric for the Production of Urban Space

Although city and state agencies engineered the urban planning public review process with great details and prescribed delays, officials made tainted decisions. They settled their decisions with overflowing statistics, details, and tables while intermingling with the private sector. The East Harlem Rezoning Plan and Sendero Verde followed the path of business-as-usual, only fast-tracked to an unprecedented pace with some participatory innovations, like a community plan for the former and relocation negotiations for the latter. To facilitate the process, the vocabulary to present the projects became crucial.

In this section, I argue these urban planning projects used participatory and progressive rhetoric as a public relations strategy to appease activists. Triggering development, these projects were at the same time disengaging the most affected citizens because the numerous

long and overwhelmingly complex public review processes unmotivated them. In other words, despite efforts for integrating community input in the East Harlem Rezoning Plan and Sendero Verde, many decisions seemed to be already fixed and not open for dialogue. Many participants in these public review processes felt they wasted their time. Was it just a matter for the City of finding creative ways for the community to accept the upzoning and the loss of public space, and swallow it all despite the bitter taste?

“Housing New York” played with the meaning of affordable housing. When a building is labelled affordable, one might think that majority of the units would be rented at a price below market catering to the most vulnerable population of the area. But these developments often constituted arrangements of temporarily subsidized rents (e.g. for a generation) with permanently affordable units in addition to a majority of market-rate units. Moreover, leases were provided to different income brackets, and the middle-income renters seemed to be the best served by the affordable housing plan. Besides, these middle-income renters had an income higher than the average income of the surrounding rezoned neighbourhood. In other words, were these new affordable units catering to the local population, or were they triggering an influx of more affluent population causing city-led gentrification and displacement?

While federal institutions generally defined poverty through the “relationship between income, family size, and an estimate of expenses”, subsidized affordable housing in NYC was calculated “based on the applicant’s family earnings in relation to the Area Median Income (AMI) for the metropolitan area”¹⁴⁸ (US Census Bureau, 2013; Starecheski, 2018: 84). Poverty and affordable housing definitions were consequently enmeshed in complicated mathematical calculations evolving annually, an apparent legacy from comprehensive rational planning. More so, these mathematical calculations and statistics invisibilized the neediest in the neighbourhood

¹⁴⁸ For NYC, the AMI oddly includes the posh area of Westchester in Connecticut.

by camouflaging the poorest as the index of the area median household income rose. With an influx of a higher-income population in a relatively poor and modest neighbourhood, the ratio of poor population proportionally decreased even if they remained relatively stable numerically. The poor population in that area, then, became statistically less visible.

Under de Blasio's plan, the mandatory inclusionary housing (MIH) targeted a variety of income brackets, from moderate-income households¹⁴⁹ xvi to very-low income¹⁵⁰ (i.e. in 2016, for a person living alone making more than \$19,050 but less than \$76,200 or, for a household of three, more than \$24,500 but less than \$97,920¹⁵¹). "Housing New York" offered three main MIH options to developers targeting mainly low-income and middle-income households (Farkas and Newman, 2015). One, if a development project did not receive government funding, **30%** of "affordable" units should target moderate-income households making up to 130% of NYC AMI (referring in 2016 to earnings of \$106,080 for a household of three or \$82,550 for a single-member household) with a monthly rent averaging \$2,500 for a 2-bedroom apartment (Busà, 2017: 218; HUD, 2017; U.S. Census Bureau, 2015; HPD, 2018). Two, if the developer received public funding, he could reserve **25%** of the units for households earning 60% of AMI (\$48,960 for a household of three) with an average 2-bedroom rent around \$1,630. Three, with funding, the developer could set **30%** of units for households making 80% of AMI (\$65,250 for three) with rent around \$2,000. Hence, these options, before further city-developer negotiations, assured a monthly rent bordering \$2,000, which remained pretty high while only applying to roughly a quarter of total units of a building!

¹⁴⁹ Moderate-incomes correspond to an AMI of 81-120%. See Table in endnote iii.

¹⁵⁰ Very low-incomes correspond to an AMI of 31-50% while low-income is for AMI of 51-80%.

¹⁵¹ In 2019, those numbers increased considerably: to hope to be eligible, a person living alone needed to make less than \$89,640 but more than \$22,410, a household of three had to earn less than \$124,930 but more than \$28,830.

In East Harlem, still in 2016, the median household income (MHI) was \$34,400,¹⁵² down 9% since 2010 because of stagnant wages. Thirty-eight percent of the population was extremely-low income and made less than \$25,770 (or less than 30% of AMI) while almost 70% of East Harlem households was low, very-low and extremely-low income and made less than \$68,720 (or less than 80% of AMI for a household of three) (ACS, 2011-15; HPD, 2018: 3; HPD, 2017b: 7; MBO, 2017: 7; NYS Comptroller, 2018; see Endnote xvi). More so, rents in East Harlem had increased by 40% between 2002 and 2014, although they only increased by 24% citywide. Consequently, gentrification was already a matter of concern in the area. Moreover, three quarters of the 122,434 residents in East Harlem lived in rent-regulated units, either NYCHA projects (30%), Section-8 or other subsidy programs for owners (45%) (City Planning, 2016a; HPD, 2018). Still, more than half of East Harlemites were rent-burdened, paying more than the third of their income in rent (*Ibid.*). No matter how acute their situation may be, the affordable housing plan did not cater to the needs of East Harlemites. It mainly served moderate and middle-income earners, and a few low-income (from 60% to 120% of AMI), but totally eclipsed very-low and extremely-low income earners who make up more than 55% of the neighbourhood (City Planning, 2017b: 6). Besides, market-rate renters would end up occupying more than three quarters of the new units built (see graph xvii in endnotes). In other words, what the city frames as a strategy for alleviating poverty is rather reducing the housing pressures for middle-income earners, and involves complex mathematical calculations. Many criticized the excessive use of such arithmetic in urban planning (Ghorra-Gobin, 2009) since it failed to cater to the neediest.

The rent structure of the Sendero Verde's buildings was finally clarified through a conversation between the Manhattan Borough Office (MBO) and the developer during the

¹⁵² This 2016 East Harlem MHI is in 2017 dollars. In 2015, the median household income in East Harlem was \$30,380 (City Planning, 2016a). In a decade between 2006 and 2017, this MHI has only risen by \$4,000, although the higher bracket seems to be currently increasing faster.

ULURP process and released in the MBO written statement after the neighbourhood public hearing and the community board vote (MBO, 2017). Despite overflowing details, this reveals how crucial information is not easily made public. Of the three MIH options above, Sendero Verde chose to mix the first and third. Although Sendero Verde would be 100% affordable when opening, with 42% of units (or 273 units out of 655) for moderate and middle-income households while the highest income was capped at 130% of AMI (i.e. \$82,550 for a single-member household or \$106,080 for three). This rent structure was nonetheless deeper (i.e. more affordable) than many other projects (see complete rent structure in endnote xviii). At the last CB11 meeting before approval, many board members and citizens feared the three buildings would be segregated by income with higher stories of the tallest building reserved for the more expensive units and all poorer renters located in another building. Indeed, the moderate- and middle-income apartments would occupy almost 75% (or 273 on 365 units) of the tallest building on the northwest corner, but the development team reassured all units would all have similar material during the CB11 meeting. Nonetheless, with deeper and 100% affordability (but not all permanent) and 50% of the lottery reserved for East Harlem locals, Sendero Verde sure was a rare, shiny project bolstering the rezoning and affordable housing plans.

Not all projects were as lustrous though. With its polymorphic definition, “affordable housing” seemed to be one strategy for triggering real estate in “under-performing” neighbourhoods, making the rezoning look more acceptable to most uninformed citizens. Some citizens have coined the expression “faux-gressive” to describe the mayor’s politics and highlight how he was displaying a false image of progressive politics (Oder, 2018).

“Although there have been relatively few critiques of broad spatial impacts of the real estate lobby, its close ties to the federal government, and its definition of building the American way” (Hayden, 2006: 45), the proximate ties between the public and private sectors were visible. For

that reason, in May 2017, the New York State Supreme Court ordered the mayor to release emails he exchanged with outside consultants he called "agents of the city" (Oder, 2018). Not only highlighting the intermingling between the private and public sectors once again, these emails also revealed interesting public relations strategies to direct the media coverage and public opinion¹⁵³ with creative ways of calculating affordable units (*Ibid.*). For instance, 67,000 households participated in a lottery process to access a meagre 90 low-income apartments. In comparison, only 2,203 families applied for 148 market-rate units, which indicated a disconnect between the population's need and the rent structure of affordable housing (*Ibid.*). In addition, in press releases, they mentioned the lower-income boundary but not the upper one, thereby creating an impression – or manipulating people into having the impression – of deeper affordability without specifying the real rent structure with specific numbers of units available¹⁵⁴ (Oder, 2018).

Moreover, the City¹⁵⁵ favoured themed development promoting sustainability or local specificity, so it looked more acceptable. For instance, the City directed real estate development along with specific guidelines when designing its request for proposals (RFP) named SustainNYC, the project we know today as Sendero Verde on East 111h Street. Through the public tendering process, HPD framed the project that would take place there as ecological housing using passive solar energy. The selected developer Jonathan Rose Company dared to call the project "Sendero Verde," meaning green path in Spanish. This name referred to the historic Lenape trail, later

¹⁵³ For instance, in a newspaper title, they only mentioned the lower band of targeted income but not the highest, as in "De Blasio Administration Cuts Ribbon On 300 Affordable Apartments At Pacific Park Brooklyn – First 100 percent affordable building at Pacific Park will serve families earning as little as \$25,000 up to those in the middle class" leaves the impression that incomes tilted down, putting the emphasis on the lower income while it represents only a small ratio of the units in the so-called affordable building.

¹⁵⁴ For instance, the press release of the ribbon-cutting ceremony at Pacific Park in Brooklyn read: "First 100% affordable building at Pacific Park will serve families earning as little as \$25,000 up to those in the middle class," and the final press release for the same project oddly projecting an even lower income boundary (Oder, 2018).

¹⁵⁵ In this case, we could assume this design process is done by HPD under the direction if probably the local councilmember, and maybe the City Council and Mayor.

known as the Old Haarlem Road, which passed on the block or nearby and connected the Lenape Schorrakin camp¹⁵⁶ to a north-south trail traversing the island. On the new development, a “sendero” (path) was designed to go to the south-west corner of the block in between two gardens on a mild slope to access a privately-owned public (PoP) space located on the rooftop of the low building hosting Mount Sinai Hospital and the YMCA Center for Global Health (that included a fitness centre and pool for rehabilitation). The trail opened again with stairs at the northeast corner. Two remaining gardens invited back shared space on the southeast corner at street level below the stairs (see photo in endnote xix). With this name, the developer was thereby claiming he was acknowledging the community’s specificity and history, referring to the first occupants’ use of the land, but stating it in Spanish to acknowledge the current enviroing predominantly Caribbean community.

Nonetheless, this historical and cultural reference seemed opportunistic and pernicious. In a way, it seemed to be fostering what Caffentzis (2009) calls neoliberalism’s “Plan B,” which entails “a political position to evade the antagonistic responses to the privatization of land where they become too powerful and aggressive” (28-29). Perhaps fearing reaction with civil disobedience as the NYC community gardening movement was known for (see Chapter 2), thematic development was a strategy to trump resistance and act as “counter-revolutionary energy” (*Ibid.*: 29). To increase the urban space attractiveness and stimulate consumers’ consumption, Busà (2017) notes the “multiplication of spectacular shopping malls,¹⁵⁷ entertainment zones, and even themed ethnic neighborhoods¹⁵⁸ [as] part of an agenda that seeks to emphasize consumption as the economic engine of a city that has forsaken its industrial past” (57). Whilst this was reminiscent of La Nueva Esperanza Garden case branded as a museum for

¹⁵⁶ The Lenape Schorrakin camp coincides with Nieuw Haarlem’s site at 126th Street by the East Harlem River.

¹⁵⁷ Like the large suburban-like East River Plaza mall, near Pleasant Village Community Garden.

¹⁵⁸ Under which East Harlem and Central Harlem could certainly classify.

African arts that never opened its door a block away, Smith (2002) similarly writes: “today, ‘gentrification blueprints’, under the guise of municipal strategies for ‘livability’ or ‘sustainability’, are advanced more or less explicitly by all local authorities willing to compete in the global market” (60). Sendero Verde fits perfectly into this logic.

With community visioning sessions and steering committees to lead the East Harlem Neighbourhood Plan, this supposedly avant-gardist consultation process raised suspicions. Chit-chatting after a community board meeting, some citizens noticed many organizations sitting on the East Harlem Neighbourhood Plan Steering Committee had been promised space in site-specific developments, like at Sendero Verde. The Steering Committee members, who led the community-plan process and met in expert subgroups, were selected because they were “local leaders and organizations with a rich history serving the community” (EHNP, 2016). However, many citizens feared those organizations benefitted from their participation in the visioning sessions, achieving their corporate agenda of securing space in these brand new buildings instead of representing the community’s interests.

Another example of themed real estate development was the project threatening Mandela Community Garden in Central Harlem where HPD sought a minority- and women-owned developer (M/WBE) (see HPD, 2015). While there was indeed an under-representation of minorities and women in the business world in leadership positions and such incentives should be praised, it seemed again an opportunistic deal to make the development look more acceptable and appealing. Moreover, during the public review process, it became even more challenging to argue against a thematic project led by a M/WBE developer in a neighbourhood like Central Harlem, known for its black nationalism and militancy. Although Mandela Garden would be evicted for 36 units, Community Board 10 most evidently and fortunately welcomed this black

entrepreneurial initiative, which nonetheless shadowed the repercussion on this community-led open space.

An HPD senior staff member even admitted that proposing thematic development projects was an effective strategy for generating consent more easily. Answering my fellow gardener's concern about how solid waste would be taken into account in the environmental assessment of the East Harlem Rezoning Plan in the margins of the EAS public hearing, the HPD staff answered: "there's plenty of room for thematic projects like SustainNYC, which is good for the environment, and it makes a good story!" he said. We were pretty astonished to learn later this HPD senior staffer had worked for many years with the very same developer that was chosen for this block. This was an example of what Valverde and Moore (2018: 7) have noted: public sector senior staff do often come from the private sector, confirming private and public intermingling, and the resulting influence of the private sector on public agencies.

SustainNYC, now Sendero Verde, was the councilwoman Mark-Viverito's cherished project, by addressing the community's need for so-called affordable housing while preserving community gardens by relocating them on-site. However, the City has always failed to mention in its public communications that two gardens were relocated off-site or completely disappeared. The project also neglected to mention the connection between the renting organizations and the community plan Steering Committee. Neither did it state whether these organizations were meant to serve a local or citywide population (i.e. Dream Charter School serves mostly students coming from outside the neighbourhood). The project was fast-tracked – with the public review process being concurrent with the rezoning – to show the population what kind of project the rezoning would trigger. In other words, Sendero Verde meant to give the rezoning a good image, and it worked. Even the attorney-activist defending gardens at the coalition level asked me what

was wrong with this project, downplaying the 30+ years of gardeners' occupation and work, the acreage lost, the increase of shade, and no interim gardening place.

Another way of playing on the history of a neighbourhood was to choose a spokesperson that best represents the local population. For all city agencies' presentations (either HPD, DCP or GreenThumb) during the rezoning process, the main speaker representing the City was always a person of colour. Though possibly a coincidence, the reoccurrence during the hundreds of hours of observation at different community boards' meetings, and at public hearings seemed to confirm this as a strategy to sidestep the racial question. But it did not always work. For instance, while the senior urban planner was African American, the East Harlem Rezoning Plan was nonetheless repeatedly labelled racist. Residents claimed this affordable housing rezoning targeted mostly communities of colour and disproportionately threatened them with displacement. Similar critiques were heard in other recent rezonings, like Inwood or East New York, where residents claimed it was fostering ethnic cleansing (Sanders, 2018).

Strategies for "making good stories" with development projects were not new, like La Nueva Esperanza Garden in 2006 a few blocks away illustrated. Many attempts at neighbourhood rebranding and renaming also took place, with SpaHa¹⁵⁹ for Spanish Harlem, SoHa for South Harlem or the controversial story and name of the Piano District¹⁶⁰ in Port Morris, South Bronx. Playing with the history of the place and branding places were not new strategies,¹⁶¹ but

¹⁵⁹ After the Puerto Rican Day Parade in early June, a mural appeared on a wall in the park in front of my apartment located between Park and Lexington Avenues. The painted wall – separating the emerging tower that was being built and the park that the development had restored and from which the developer had bought the air right to build higher – read: "Welcome to Spanish Harlem. Always Harlem, Never Soha" in the midst of typical iconic Puerto Rican figures and colours, like a *coqui* (frog), flowers, and flags.

¹⁶⁰ See Cheney-Rice (2015), Pastor (2017), and Rodriguez (2018). See also the concluding chapter.

¹⁶¹ It started in 2015 "When Greystone Head of EB-5 Allison Berman went to China last year to score investors for Blumenfeld Development's luxury Harlem rental, it took just two weekends to raise \$25M. "The sell wasn't particularly hard –but it was all really in the positioning," Berman said at Bisnow's Harlem Investment & Development Boom event Thursday. "We actually didn't refer to it as Harlem, we referred to it as the Northern

remained important tactics. This was one of the multifaceted sides of city production, as Busà (2016) notes, but also the complex, almost illegible context – in Das’s (2004) words – in which gardeners tried to save their garden and were being coopted.

3. Gardeners’ Representations Through the Different Participatory Devices

The production of urban space doesn’t strive necessarily toward what is best for all citizens. Because not all citizens-consumers were equal, this affordable housing plan and the related rezoning plans challenged classic notions of citizenship. With patterns of dispossession along racial lines evoking the early colonial project and racist city planning, many residents saw the affordable housing plan as city-led gentrification feeding into politics of racial banishment. Despite the progressive and participatory rhetoric, residents of rezoned areas feared that the displacement of people of colour would be a collateral effect of this rezoning plan. Were community boards and public review processes only a masquerade? Nothing but a complex, technocratic, and mechanical consultation process to occupy local citizens and give them a false sense of power?

Katie, a white social worker living in East Harlem with her family, then president of Pleasant Village Community Garden (PVCG), explained what political representations she and other garden members did for Pleasant Village Community Garden’s (PVCG) rear section leased from HPD since 2011, which was threatened with eviction while the rest of the front garden section remained safe since it was dedicated parkland in 1997.¹⁶² These actions took place when gardeners learned they could lose this section of the garden, not long after getting access to it in 2011 and building the chicken coop. They tried many different approaches, but all fell on deaf ears. She first emailed the local GreenThumb outreach coordinator to ask if it was possible to

District of Manhattan... We had maps that we drew [and] we always made sure we showed Columbia [and] we showed Central Park.” (Hall, 2018)

¹⁶² See Chapter 2, p.101.

incorporate their HPD land into parkland but never received a response. Then, they went to their local community board, CB11, to get support before the citywide affordable housing plan was announced, but the local institution was hardly responsive:

Katie: My very initial thought was we might lose this land, but, that's what the lease that we signed says, so it didn't occur to me to be outraged, because the agreement we had signed, that Leah had signed was very explicit, and hum... the expectations were clear. (...) If I had been part of a garden where all of our land was HPD [and taken away], I would feel differently. I didn't feel the way that I think Leah felt [Leah – with other members – had cleaned and gained access to that lot now endangered]. I didn't think it was necessarily the right choice, but that's life... You know... But, even though I didn't feel like overwhelmingly outraged, I did think it would be nice if we could save it. And I thought it was possible. So I started collecting signatures, and my husband made that movie for us...

We went to tons of meetings. (...) We gave a presentation to CB11. We came back and gave another presentation to their Land Use Committee. And then, we went back to the full board, and then we went to another Land Use... We went to a lot of meetings, anyways, and... You know, I asked people to take their time and to come to these meetings, and ... I kinda felt like I burned a lot of my resources, and I stopped feeling comfortable asking them to do it, because nothing was coming out of it and people were like, coming after work, getting babysitters for kids. It's asking a lot from people. And it just didn't feel like we were getting anything out of it. But I think we probably did five or maybe six meetings that we went to and I spoke at, in 2012 [before a list of threatened community gardens circulated]. And, at that time, I didn't totally understand what the community board was, and I didn't realize they had so little [power]... And I realized that one: they didn't want to, and two: they couldn't even if they wanted to.

The best thing we got out of them was a letter supporting the existing GreenThumb gardens, which was really weak and unfortunate. And then... Christmas of 2015 is when we found out our garden was on a very short list of gardens to be developed and they announced that on like New Year's Day or some shit, something horrible. Leah called me while I was on vacation in Florida to let me know, and she was like crying, so upset. She was really sad. And I just felt very angry. I felt like we had tried so hard, and like, if it's not shady, don't act shady!

So we had one more meeting after that, and it was pretty painful. HPD was like: 'there's nothing we can do: affordable housing is a crisis, and we have to solve this. This is a major item agenda for de Blasio. This is not negotiable.' I mean, they were trying to stop us, and at that point, I was like: 'I can't. I'm done. I cannot spend more of my time at my house doing this.' So, I kinda let it slide, and then six months later, you showed up! (*laughing*) And that sorta got things cookin' again.

What she referred to as “cooking again” was when I showed up early summer 2016 explaining I wanted to become a member and get involved in the garden to conduct this research project on community gardens threatened with eviction in East Harlem. I guess she sort of saw me as a lifeline. Sipping over coffee, as she explained to me how the garden was structured, she put

three heavy copies of the petition signed with 675 names and a big pile of letters of support,¹⁶³ asking me to send them, at once, as she never could find the time to get to the task. I was surprised and felt uncomfortable when she appointed me responsible for the petition and the HPD committee the first time we met while she was registering me as an official member. Although I was there to contribute by taking any task gardeners deemed useful, I felt uncomfortable with being in charge of such an important committee. At that time, I didn't know most garden members, and I didn't understand their take on the situation. However, as Katie explained, she felt exhausted and was looking for support. Doing a lot alone, she started doubting her opinion reflected the gardeners' view. She explained:

I felt that I was doing a lot pretty solo, and like I felt I was doing it because I was supposed to, but I also felt that my opinion didn't reflect the gardeners'. It just seemed like a waste of time, like nobody cared. So, I was burned out from it, and I think the garden membership was also burned out because we had a bunch of meetings, and we talked about it a lot, and nothing had come out of it. You know, people were just like: 'We tried! We tried! This machine is too big. It's New York City...!' And it didn't help that the membership grew so much and that we had some tensions among some members...

Angry, Katie wondered why the City acted shadily by announcing the news during the Holiday season – similar to how they proceeded to evict Chico Mendez Mural Garden in 1998 – if the project was not dishonest. From her experience, these political representations for the garden required a lot of time and resources. She eventually became exhausted and felt like she burned much of her social capital in addition to wasting her time. She didn't feel like she was getting anything from it. CB11 was very reluctant to express any kind of support even if just advisory. Another PVCG gardener, Amy, similarly highlighted how city officials would later sit and listen, but in the end, only to respond their mind was already made up. "The mayor has this big plan, and city officials have to find a way to implement it," they claimed.

¹⁶³ We sent the petition to the Mayor, the HPD Commissioner, and our councilwoman. We also sent 748 letters of support from gardeners and residents, and six other letters of support of local organizations to Community Board 11, our councilmember, NYC Parks and Recreation and its agency GreenThumb, the Manhattan Borough President's office, the Comptroller's office, the City Council, Mayor de Blasio, and even the NY state senator. We never received an answer. In summer 2017, we were also collecting letters from local businesses.

Amy: With the signed contract, it seems as though our petition and showing up at the community board didn't seem to really do anything. I admit I have felt as though the bureaucratic machine is just cranking on without paying attention to us. They have their own agenda, and they're not being transparent about it, and it just kinda feels impossible. It was really discouraging. When they were first announcing that they were gonna take this [land], and we had a meeting with someone from Melissa Mark-Viverito's office, and he was just basically there to tell us, 'this is a done deal'. He kinda sorta politely listened to everything we had to say, and we had a big presentation: Katie showed up the film that her husband made, a lot of people spoke about the garden and what it meant to us, and it really... it fell on deaf ears. It was not a meeting; it was 'I'm here to tell you this is what's happening'. He kinda politely listened, but said, 'thanks for your comments, but it's gonna happen anyway'.

As Amy – a white gardener who has lived in the neighbourhood with her family for the past ten years – and Katie explained, gardeners were involved as early as 2012 in the process, but only to be told the rezoning plan would go ahead as outlined regardless. Later, with a threat of eviction on almost 50 gardens in 2015, despite leading effective political representations as a coalition and gardens, a dozen gardens lost their land while 34 others were saved. Why some were conserved, and not others remained unclear. Nonetheless, the rezoning public review processes, which included the Garden Review process, were held as rituals with no real input from gardeners and the population.

According to Arnstein's (1969) eight ladders of participation,¹⁶⁴ the rezoning and Sendero Verde public review processes subscribed to no higher than the fifth ladder of placation and remains a form of tokenism. Bureaucrats were informing and consulting residents in a one-way fashion while manipulating by trying to cure or lift poor populations. Citizens may hear and be heard, but held no power to ensure their view would prevail. As Arnstein (1969) clarified, tokenism "allow[s] have-nots to advise, but retain[s] for the powerholders the continued right to decide" (217). These steps in the ladder of citizen participation may be simplifications but remain great starting points for releasing nuances, as I will show in the next pages.

¹⁶⁴ Eight levels of participation: 1) manipulation, 2) therapy, 3) informing, 4) consultation, 5) placation, 6) partnership, 7) delegated power, and 8) citizen control (Arnstein, 1969).

In parallel to gardens' political actions, the East Harlem Neighborhood Plan (EHNP) solicited citizens in 2015-2016. Eight community-visioning workshops were held, with participation ranging from 85 to 400 people per meeting, exploring various topics from open space to education, afterschool programs, daycare, workforce, transportation, and housing preservation, etc. (EHNP, 2016). The Steering Committee presented the final EHNP report to the Department of City Planning (DCP) and other city agencies in February 2017, but DCP had already delivered its first draft of the East Harlem Rezoning Plan (EHRP) four months earlier in October 2016.¹⁶⁵ Although city officials acclaimed this innovative and community-oriented process,^{xx} it was unclear how DCP EHRP was inspired by the EHNP. East Harlemites rapidly denounced the gap between DCP rezoning plan and the EHNP, which many claimed to be faithful to their demands. Arnstein (1969) mentioned there's "a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process" (216). Moreover, "an empty and frustrating process for the powerless allows the powerholders to claim that all sides were considered but makes it possible for only some of those sides to benefit" (*Ibid.*). With no clear input from the EHNP in the EHRP, this process consequently put an exaggerated burden on citizens to participate.

3.1. DCP Rezoning Plan Public Review Process

Participatory mechanisms had already solicited citizens for two years with the East Harlem Neighbourhood Plan when DCP started its round of presentations and public hearings for the neighbourhood rezoning. The EHRP – contrary to the EHNP – was not focused on translating to the public the hundred-page technical documents of environmental-impact assessment methodology full of jargon, tables, and scientific data, thereby excluding citizens because of the documents' complexity. More so, these voluminous documents dismissed many citizens because

¹⁶⁵For more information on the EHRP process and dates: <http://www.cb11m.org/east-harlem-rezoning/> and <https://www1.nyc.gov/site/planning/plans/east-harlem/east-harlem.page>

they were only available online and in English. They were not available in Spanish nor in any of the five other official languages recognized in NYC per Executive Order 120¹⁶⁶ (Mayor's Office, 2008). Also, although the City's website read paper copies were available for residents when they showed up at the DCP downtown office, I was turned down when I asked for one. With furrowed eyebrows, the secretary did not know what I was alluding to. Additionally, during hearings, many residents said they did not own a computer, and consequently advised the City to use other channels to reach all the community – like a hotline for complaints, or advertisements on the radio, transportation, and multilingual newspapers. A website to inform residents about their rights as tenants and promoting new legislative tools was not enough, they claimed. Citizen advocacy required an incredible amount of time to dissect such documents and prepare a testimony, but it also necessitated flexible schedules, good relations with city officials and experience to navigate these complex processes. Overall, feeding in the controversy of the “maximum feasible involvement of the poor” (Arnstein, 1969), this complicated process did not seem to allow active dialogue, but only to ritually rubber-stamp the projects.

Although many activist groups supported gardens, they never physically reached gardens to offer help. Only once did Community Voices Heard (CVH) – involved in the EHNP Steering Committee, but now criticizing the plan – organize a protest outside the East 111th Street block during summer 2016. Although they strategically held their protest beside a garden (Chenchita's), protesters and gardeners did not actively collaborate.¹⁶⁷ Tiana complained they should have gone to the other corner, by Little Blue House Garden, a garden that was not invited to be relocated on the redeveloped site. She feared this sent the wrong message to the City and developer who did Chenchita the favour of inviting them back. She sensed she had to return the

¹⁶⁶“25% of city residents do not speak English as their primary language and have a limited ability to read, speak, write or understand English and are therefore considered to have limited-English proficiency” (Mayor's Office, 2008).

¹⁶⁷ Although not in direct relation, activists frequently used photos of gardens to support their arguments that local institutions and residents would be displaced.

favour by communicating accommodation or consent and avoid resistance (Li, 2007), a rather clear sign of the garden's cooptation.

The incremental restructuring for the capitalist production of urban space through creative destruction and accumulation-by-dispossession was a violent process that created different reactions to power, like resistance, accommodation or consent (Luxembourg, 1913; De Angelis, 2001; Li, 2007). In this case, the violent dispossession process targeted gardeners, and perhaps, soon, also the pushed-out renters who may not feel at home anymore and the small mom-and-pop shops that may close down. If they didn't consent or accommodate, resistance against dispossession may be met by "military and political violence" as the presence of police at the vote on the rezoning plan will exemplify in the next section (De Angelis, 2001: 3). For the public-private production of urban space – i.e. destruction of public open space used as commons for the creation of privately-owned and publicly-owned open space – city producers backed by state-sponsored violence are inventing new strategies to limit resistance and instead favour consent or accommodation. This approach was not insensitive to what the lawyers suggested above, meaning that development teams usually had their projects endorsed by city officials as the City's public relation strategies showed.

As a consequence, most gardens being coopted by relocation or exaggerate burden or pressure didn't organize a campaign per se against the rezoning plan. Some held sporadic events, most stayed informed by going to formal meetings or wrote emails to their officials to hold them accountable. However, not all gardeners agreed on the actions to take to resist, consent, or accommodate to the eviction. Some gardeners would have liked to resist the eviction, like Lisa, Renee, and Katie described earlier. However, they didn't feel they had the power or the agency to do it alone, nor were they able to garner support from others. Overall, gardeners adapted to the situation; they didn't consent completely, but neither did they hold antagonistic

actions to resist the relocation or the eviction, which surely contrasted with the earlier strategies of gardeners and squatters presented in Chapter 2.

The fear of displacement by the rezoning for the affordable housing plan was also palpable among other East Harlemites and mentioned many times at the different public hearings and in the papers. For instance, they disturbed public sessions to prevent votes from happening, thereby refusing consent or accommodation, but it fell on deaf ears. At the citywide level, the Coalition to Protect Lower East Side and Chinatown held monthly rallies at City Hall with thirty to a hundred people gathered to make noise against the affordable housing plan and its rezonings. They gave speeches in Chinese, Spanish or English, then translated in each language, pointing to the challenge of intercultural communication when organizing in NYC. These rallies soon transformed into the Citywide Alliance Against Displacement¹⁶⁸ rallies, with youth and anti-eviction groups from various neighbourhoods being represented. In East Harlem, four groups led the organizing efforts: El Barrio Unite!,¹⁶⁹ East Harlem Preservation, Community Voices Heard (CVH), and *El Movimiento por Justicia del Barrio*. While East Harlem Preservation mostly focused their work on research and advocacy in public hearings or on social media, El Barrio Unite! and CVH both separately but strategically disturbed a community forum reuniting 150 people on the rezoning at the Taino Towers in mid-November 2016. When the Department of City Planning started its presentation, a dozen people with CVH blue shirts started chanting their demands on a microphone: \$200 million in funding to NYCHA and deeper affordability, especially on public land.¹⁷⁰ They followed with slogans and eventually left in a demonstration with 30 to 50 people from the crowd following. A few minutes later, still during DCP presentation, another bigger group of yellow shirts started walking in a circle in the middle of

¹⁶⁸ Citywide Alliance Against Displacement: <https://www.facebook.com/groups/citywidealliance/>

¹⁶⁹ El Barrio Unite website: <https://www.elbarriounite.net/>

¹⁷⁰ They were demanding at least 30% of affordable families making less than \$23,000 or 40% on public land.

the room. Their banner read, "Housing is a human right!" and they chanted, "Fight! Fight! Fight! No Rezoning! Hell no! We want you out!" Then, a representative from the Manhattan Borough's Office joined the circle to initiate a conversation with the leaders, and eventually, 30 minutes later, the presentation resumed. El Barrio Unite! worked mostly with people in NYCHA projects while CVH, a citywide activist group, was involved in the EHNP steering committee.

For its part, the Movement for Justice in El Barrio united new American families – women and men of colour, mainly Hispanics, with their kids – dressed in pale blue shirts with signs and delivering speeches about their living conditions in their mother tongue at every DCP public hearings on the East Harlem rezoning. An organizer translated each statement of the dozen testifiers, to accentuate the agency of these new Americans. They arrived prepared with their written comments to recite, and a read translation followed. They were present at almost every public hearing. At the second and third public hearings for the East Harlem rezoning, the presidency of the hearing eventually asked the group to stop their testimonies for the sake of time, saying she "understood what their position is." This interjection raises concerns about the plurality of views that can be expressed when one is asked to withdraw during one of the few dedicated times for the public. I increasingly came to feel these sessions were a problematic yet required moment for city officials to get through, a sort of ritual: what citizens said during the public hearings mattered little because the decision was already made, yet the planned process gave an impression of legal operations (Das, 2004). They had to check the box of the public review process to get it over with.

Overall, city officials and planners failed to make visible any incremental change emerging from the participatory process. There seemed to be no or very little input from the population; only well-calculated compromises were made. As a columnist wrote, "maybe the worst part of city politics is how transactional it is despite all of the 'progressive' rhetoric" in this pay-to-play

city where money means access to power (Trujillo, 2017). For instance, a Manhattan Borough Office administrator proposed meeting Renee and me at their downtown office to hear us out. He probably noticed Renee and I attended most public hearings and community board meetings, where he heard our concerns about the errors on our licence agreements (see Chapter 3). We explained what we thought wasn't fair in the process: letters of eviction pinned on the gate with personal info and not in both languages; disposition of rooms when meeting with HPD and the developer; in addition to difficulties stemming from clarity, technicality, as well as the burden of the process and the lack of resources for our representation, especially since Sendero Verde's public review was happening at the same time as the EHRP. We asked for deeper affordability in the Sendero Verde buildings and we also claimed all gardens should remain, especially since our NYCHA neighbours had access to very few open spaces on their site. Synthesizing our demands as more open spaces for the community, the administrator said he would try his best to advocate for investment in local playgrounds. He also handed us printed copies of the voluminous environmental assessment documents. Later, at other meetings, this same administrator would come to ask whether we had questions or comments. Was he planning on voicing our concerns in the MBO's ULURP report (see MBO, 2017) or to other officials? Or instead, was this a technique to ease the error made on our licence agreement and make sure we would stay calm?¹⁷¹

As Das (2004: 234) suggests, "the documentary practices of the State" and the "utterances that embody" the State's practices "acquire a life in the practice of the community." As such, while gardeners mobilized their license agreements and residents tried mobilizing the technical

¹⁷¹ The answer is both. However, the Manhattan Borough's Office report on Sendero Verdo in the ULURP process states that "according to our conversation with the gardeners, the proposed design and site assignments for the community gardens are small than what they currently use. I understand that the parameters in the RFP for the gardens were based on the original license agreements and that the proposed developers are trying to provide more than the minimum areas, but I believe we can do better," which document was read at the borough's consultation and uploaded on the MBO's website only in summer 2019 (MBO, 2017:18).

documents of the public review processes, like the EAS, DEIS, FEIS produced for CEQR and ULURP processes, by sometimes rejecting them altogether, the community infused the State documentary and regulatory practices of a life of their own by developing their own alternative interpretations.

After DCP's first presentation at the CB11 full board meeting on October 18, 2016, residents were skeptical, sensing a disconnect between the community plan and the City's proposal. While some had concerns about the effect of the rezoning on open green space and the depth of affordability (i.e. would it be affordable to the local community?), others felt they wasted their time participating in the so-called participatory plan. Some others felt powerless and fearful, so they wrote on social media or news articles:

Hard to even talk to my wife about how the place where she was born and raised will be destroyed. Yes destroyed, the character of East Harlem will be changed forever, and there will be no going back. This is not democracy. The more I see, the more I realize that I do not live in a democracy. The real estate developers decide everyone else's fate. Our politicians are a bunch of #sellouts.

City officials and planners embodied various strategies for limiting resistance, and to instead favour consent or accommodation. This explains in part why no concerted efforts among gardeners took place, while activists only invested fragmented efforts. These strategies for limiting resistance became all the more questionable for the plurality of views expressed when one would be asked to withdraw during one of the few dedicated times for the public to speak up. I increasingly came to feel these public review sessions were a ritual planned with great details to limit tensions and build consent – or as Das (2004) mentions, to give an aura of legal operations – during which what citizens said mattered little.

3.2. Final Vote on Rezoning Plan and Sendero Verde

It became evident that the process was run like a checklist, mechanically set up and performed when the East Harlem Rezoning Plan was adopted despite the citizens' clear

opposition and perturbation of the vote. Already, throughout 2016 and 2017, CB11 seemed if not unorganized, overwhelmed at best; they were understaffed, and the president even received a letter of non-confidence by one of the committee chairs. CB11 even submitted its written comment for the East Harlem Rezoning Draft Scope of Work late. Unpaid board members lacked resources, and this was too much work and coordination from them during the Holiday season.

On June 20, 2017, at a Mount Sinai amphitheatre for the CB11 final vote at the neighbourhood level on both the rezoning plan and the Sendero Verde project – hence a massive agenda – the room was filled with at least 200 people gathered holding “Stop Racist Rezoning” or “El Barrio No Se Vende” signs. The attendees were vocal that they wanted a firm *no without condition* for the rezoning plan rather than a *no with* conditions that could make the proposal acceptable. People asked why the mayor was not investing in NYCHA, which made up the third of all units in East Harlem, if he wanted to support affordable housing (City Planning, 2016a; HPD, 2018). They believed this affordable housing plan was promoting racial banishment (Roy, 2017), although they did not use those specific words, since the new units were intended for another incoming wealthier population than them, who were in majority Caribbean or African Americans. The leading DCP planner for the EHRP came to the front saying: “I implore you to state your concerns. I know you don’t want any conditions, but I want you to state, ‘no because of’” but people chanted back, “no means no!” He repeated: “I’m gonna bring this back to the City and I want to see you as involved...”

The senior planner attempted to maintain order while imploring for active participation and consent of the process. Seeing time fly, the CB chair cut some people off while they were voicing their concerns “on record”.¹⁷² For instance, when Ray, our ally from NYCCGC citywide coalition,

¹⁷² Another example is how the Chair tried to shut the people from *El Movimiento por Justicia del Barrio* stating their concerns in Spanish and being translated in English when she said: “Do we agree that all these people are against the rezoning?” to which people in the crowd cried “Let her speak!”

was speaking, the chair interrupted him saying they already heard his concerns at other meetings. Moreover, the signing sheet to register speaking turns for the public was also removed early in the meeting at 7 p.m., only an hour after the session started. Having to register in advance at a specific time with no sign-up sheets available during the meeting and not being able to freely stand in line impeded residents' participation.

The meeting's decorum was slipping. When the motion read, "rezoning proposal fails to achieve community vision and needs *unless...*", people started chanting, "No! No conditions!" The CB11 chair tried interjecting to regain control of the audience, asking if members had questions, but the audience kept chanting. Some people began video recording. Board members on stage asked the audience to quiet down, so DCP could hear the audience out. The community board tried to propose a new motion, but people kept chanting, "No conditions!" Ray then said: "This is the best meeting! We needed this the whole time! You see the cumulative effect of not taking the community into account!" In another corner of the room, I could see the development team seated together. They were sneering, looking nervously at the feisty audience and at the board's disorganization and lack of control.

In this confusion, the board started rolling the call for the vote with people applauding or booing or shouting "sell-outs!" during the vote. People from the audience then moved from the room to go on stage with their banner and chanting: "No conditions!" or "Our board!" In this semi-chaotic atmosphere, the room became so noisy that the full board could not proceed and register each member's vote (but minutes read the vote was 32 in favour, 9 in opposition, 1 abstention and 1 no vote). Some people from the Sendero Verde development team went to speak with HPD before leaving. The administrator from the borough's office seemed anxious talking over the phone, probably wondering if the vote could be considered valid. It was almost 11 p.m.

The board met again, a week later on June 27, at the National Black Theater to vote again on the rezoning plan. This time, police officers guarded the room to impose discipline on the audience. The CB11 chair started the meeting by asserting decorum had to prevail this time. She highlighted interventions to the microphone longer than three minutes would be muted and underlined the presence of the police force as a threat. Despite the warning, the meeting opened on a series of remarks and complaints from the audience. A lady from a land trust organization raised some irregularities about last week's vote. She said many of the new members on the community board appointed the month before in May were not sufficiently briefed on the importance of their vote. She also added the community board should be ashamed of the police altercations¹⁷³ that happened at the last vote. An activist from East Harlem Preservation claimed this threat to remove people if they disturb the meeting, to use police assistance if needed, is a civil-rights issue. She insisted on how the meeting should have happened: community board members should have a limited time to speak to let the public express its various concerns, and a light meal should also welcome the audience, she claimed. Another woman, saying she was born and raised in El Barrio – in local popular beliefs, this added value and legitimacy to the person's claim – said: "I am an educated woman, a mother of three, but I don't make \$50,000 a year. Last week was my first time at the community board and I was told I couldn't sign in to speak because the list was already full or something! I didn't feel respected by the board." After those introductory remarks, the agenda then moved to the discussion and vote on Sendero Verde, ignoring the obvious discontent.

Conversations first focused on the conditions to the motion for the Sendero Verde project, which had not been touched on during the last meeting, and whether a 'friendly amendment'

¹⁷³ I did not witness such altercations.

was acceptable. A new member on the board involved with Picture the Homeless,¹⁷⁴ that was vocally critical of both the Rezoning Plan and Sendero Verde, proposed this friendly amendment to modify the motion toward the alternative property management model of a community land trust for East 111th Street block. But the vote was abruptly called. There seemed to be confusion on what they were voting on, the amendment or the motion. Then, a procedural debate followed; some said the mover of the motion could accept the friendly amendment, and if not accepted, the board could vote on this amendment. Only after that could the board vote on the overall motion. Still in confusion, and despite the previous warning, the mover proposed adopting the Land Use recommendation altogether as a motion, which was seconded and voted. The motion passed with 29 in favour, 5 oppositions, and 3 abstentions.

The audience then started chanting, but with less conviction than last week. Jonathan Rose team walked out right after the vote. The lady behind us said they laughed throughout the vote because of the bewilderment of the meeting. The gardeners who attended, Leah and Renee, commented on the ridiculousness of the process. HPD, seated next to us, overheard us discussing that Rose's team had just left, and they walked out too. Many people in the room seemed confused or astonished and were commenting on the process.

The agenda moved to the confirmation vote of the East Harlem Rezoning Plan held a week ago on June 20. A guy from the Manhattan Borough's Office (MBO) came to the front explaining to the crowd they would have the opportunity to comment through the next steps of the ULURP process, like at the MBO public hearing. A lady stood up to inquire about the legality of such "confirmation vote" and said she felt it lacked transparency. After her remark, two guys from the Manhattan Borough's Office went to talk to her outside the room. Another person stood up and said, "If we had the time to discuss the motion on the 20th, I would've asked to separate the no

¹⁷⁴ Picture the Homeless: www.picturethehomeless.org

from the conditions.” To this, the chair replied, “what’s on the table today is to ratify the vote we had at the last meeting,” showing she was not open to discuss and modify the motion. In the crowd, you could hear people making “s-s-s-s-s” like snakes to show more discretely their disapproval. Since the beginning, about seven people held signs. They continued to read down the list of people who had registered to talk; at least six who had registered on the 20th were not there on the 27th. The motion of ‘no with conditions’, making the East Harlem Rezoning Plan acceptable, was confirmed and passed with 27 in favour, 7 in opposition, and 3 abstentions.

Subsequently, the public review process advanced in a decentralized fashion from local to City Hall: after the community board’s vote on the rezoning plan and on Sendero Verde in late June 2017, the Borough’s office, the Department of City Planning, and City Hall had to vote. And each step’s public hearings became increasingly exclusive. Those meetings were harder for citizens to attend and continue their advocacy work because sessions took place downtown and only during the day, at the usual working hours. For instance, at the City Planning Commission vote on Sendero Verde, only eight people testified, all in favour of the project, either from the development team or the organizations hosted in the new project (Hoffman, 2017). Here, one can consequently wonder what the point was of holding such a complicated process if the goal was to ritually rubber-stamp the projects.

Despite the complex public review process and community plan, the rezoning plan failed to reach acceptability among residents. So was the case also for Inwood’s rezoning that followed East Harlem’s, even triggering a civil-rights court action (Kully, 2018b; Beltran, 2018; Krisel, 2019a,b;). Was it because the residents’ input failed to be made visible because the City didn’t make sufficient effort toward translation for the general public? Or was it because the City failed to take measures for the most insecure residents and mitigate the effects of gentrification and displacement? Following a degree of tokenism, “citizens may realize that they have once again

extensively ‘participated’ but have not profited beyond the extent the powerholders decide to placate them” (Arnstein, 1969: 220).

4. Conclusion

The political representations narrated in this chapter showed how complicated it was for gardeners to try to save their garden and maintain it as commons. Instead, with a heavy burden and several microaggressions when participating, the public review processes were designed to coopt gardeners’ and residents’ concerns. In other words, the chapter testifies to how gardeners and East Harlem residents negotiated their consent, accommodation or resistance to the East Harlem Rezoning Plan and Sendero Verde project. With reference to Das (2004), this chapter also explores how the State’s signature of regulatory and documentary practices oscillated between rationality and magic because of the instability created by these practices’ illegibility and unreadability, as much in their writing as in their performance. It also highlights how officials and planners manipulated branding and the participatory public review process – or in Arnstein’s words, “high-sounding rhetoric” – to favour consent.

If they met resistance, city officials could use violence (De Angelis, 2001), or its threat, like at the community board’s confirmation vote on the rezoning plan with police action or simply by disqualifying and silencing their opponents (hooks, 1989) and favouring private developers. Officials were aware of the housing crisis, homelessness crisis, and gentrification of East Harlem. However, they used these crises to push their plan: “Gentrification is already happening. Now, it’s only missed opportunities,” was what they repeated.

In the meantime, the City seemed to be abandoning the public housing system since it was not investing in ageing public housing infrastructure. Instead, a new public-private partnership was replacing it, which some would more plainly call the privatization of the remaining public property parks and the City’s public housing system. The New York City Housing Authority

(NYCHA) was selling units to private developers in exchange that they renovate part of the building's infrastructure. Nearly 2,400 units in 21 different NYCHA projects around the city will see their kitchens and bathrooms restored, or have new elevators, boilers or roofs through such private-public partnerships (Vamburkar, 2018). Funded through the federal Department of Housing and Urban Development's Rental Assistance Demonstration Program, these projects and their daily management were handed to the developer who led the repairs. Meanwhile, they were supposed to be converting the units to Section-8 federal rent-subsidy program. The City retained ownership of the land, a stake in the building, and "ha[d the] ultimate oversight on the management company", but this was a clear shift toward privatization, and revealed once again how NYC politics was transactional.

Despite the population's sustained fear of displacement and gentrification in East Harlem exacerbated with a rezoning permitting the highest density on Manhattan (Bloomberg, 2018), city officials remained deaf to citizens' opposition. The execution of the prescribed public review process seemed to have sufficed to build acceptability in the project and pursue the creative destruction of the city. Paraphrasing Arnstein (1969) once again, participation for the rezoning seemed to be a "window-dressing ritual" where "citizens participated in participation," and powerholders went "through the required motions of involving 'those people'" (219). What would it need then for an urban planning project to be rejected? Was this putting an excessive burden on citizens? How were the citizens' discrepancies of resources balanced out? Through its apathy and lack of efforts to equalize actors, the City was complicit in racist inequalities.

As I highlighted in the previous chapter, Roy (2017) explains a project of asserting (collective) property rights through emplacement. NYC community garden politics embody an example of this kind of collective property project while it is entangled in the work of also asserting (collective) personhood through human rights. It is consequently a politics of emplacement for

East Harlem residents and gardeners. Although urban producers caused creative destruction, by which community gardens are “designated as zones of incivility and nuisance” (Ghertner, 2011: 1168 *in* Roy, 2017:9) to be revamped as mixed-income and mixed-use real estate branded as affordable housing, their politics of emplacement, political practices, and vocal claims went against punitive techniques that sought to “limit the mobility and rights of those whose principal ‘offense’ consists of being poor, homeless, and/or of color” (*Ibid.*: 8). These political practices and the politics of emplacement for collective property in gardens stemmed from marginalized and racialized groups’ search for respect from the urban producers, the City included.

In Chapters 3 and 4, I focused on the negotiation among HPD and Parks departments, the development teams, and the gardeners to define the community gardens’ political practices and property relations. Such negotiation and political practices illustrated how uneven property relations crystallized foremost around a hegemonic interpretation of the gardens’ license agreements that helped to promote consent of the Sendero Verde real estate project and the East Harlem rezoning. Ultimately, those two chapters exemplify how the State punishes poverty (Wacquant, 2009; Camp, 2016) by instituting policies supposedly alleviating poverty, but instead foster institutional racism and deepen inequalities created through capitalist urban space production. In Chapters 5 and 6, I will focus on the gardener’s on-the-ground enactment of such property relations.

Chapter 5

Turf and Property Relations – Sense of Ownership, Spatial Corporeal Practices, and Daily Management in Community Gardens

I was surprised by how bluntly an elderly Puerto Rican man admitted he didn't like African Americans during one of my first visits to a threatened garden. Approaching his 90s, Emilio has lived on East 111th Street since he arrived in the neighbourhood at the age of 19 in 1949. He started to garden with his wife in 1978 by joining the plot of a woman who came from the same area of Puerto Rico as he did. The tended lot was located on the other side of the street from his apartment. They shared the space for a long time, but, since a fence already separated the area, it slowly evolved into two different gardens with distinct schedules and activities.

When I approached the garden for the first time, I looked inside with a mix of timidity and curiosity, but Emilio enthusiastically waved at me and welcomed me in. Once in, I introduced my research project and myself. I said I would be happy to help out since I would be in the area for some time, at least a year. Then, Emilio had me visit the garden, proudly showing his growing peppers, blooming roses, maturing peaches, but also how he kept everything clean and the furniture an immaculate white with interspersed figurines. Entering the casita to rest from the blazing July sun, he showed me a photo of him as a jockey at the Long Island racetrack. Another picture revealed an old friend playing baseball. Talking about when he migrated to NYC in the late 1940s, he insisted on telling me he came from a "good" family. He also mentioned his garden used to be filled with children who enjoyed picking peaches or pumpkins, as if he wanted to highlight the social mission of the garden.

I could tell he was looking for companionship, or at least he was intrigued by my presence. He recounted how he lost his wife to cancer a few years ago. Most of his kids were now living outside NYC, although one was still in the Bronx, and one was killed on duty as a police officer a few blocks away from the garden by kids he says were high. The conversation was well

underway when he mentioned he only liked people who followed the “right track.” Reformulating, he said he didn’t like blacks because they “don’t follow the right track.” He eventually added this was because they have been “through a lot of suffering a long time ago.” His remarks surprised and shocked me, but I didn’t say anything. He didn’t even seem to feel bad for what he had admitted. Instead, he added he didn’t like to see a white girl with a black man, a piece of paternalistic advice directed at me. A few minutes later, Emilio justified that he liked Africans better; he’s friends with one, he said, and Africans have a “richer history” than African Americans. Trying to understand how he could say this so candidly, I resigned to changing topics with the hope of later finding a clearer understanding. Was he claiming his superiority over African Americans, like Italians had previously done over Puerto Ricans (see Bourgois, 2003: 60¹⁷⁵)? I came to understand these racist remarks on deviant behaviours meant to emphasize his higher-class status. As we talked, he repeated many times that he came from a good family and offered to buy me food or give me money, which I declined every time.

I was welcomed favourably by all gardens from the beginning. Was it because of the help I offered or that my skin colour gave them a sort of respect or prestige? Or did I look like a “well-mannered” non-threatening young woman with no addiction problem? Like Emilio, who said he esteemed people who were on the “right track,” other gardeners also insisted they held dear people who don’t smoke or drink. For instance, Celia, also Puerto Rican, once told me she went to a Mexican baby shower, whom she specified were “good people” since “they don’t drink or smoke.” Similarly to Emilio, Celia made a parallel between drugs or drinking and race. Even though they belonged to a stigmatized race themselves – although maybe not the lowest on the

¹⁷⁵ “Popular memory emphasizes the violence of the Italian-Puerto Rican confrontation, but in fact, the very first link in East Harlem’s latest chain of ethnic succession in the 1930s was the flight of upwardly mobile Jews, who left for middle-class, homogeneously white neighborhoods [in Brooklyn and the Bronx].” (Bourgois, 2003: 16)

“popular racial hierarchies”¹⁷⁶ – they made racialized claims to distinguish themselves. Was it that Emilio or Celia internalized what Bourgois (2003: 34) called the culture of terror, by which a majority of East Harlem population silently witnessed the street culture, isolating themselves from it and, in the process, internalized racist stereotypes? Similarly, Fullilove and colleagues (1998: 926) discussed “complex intergroup prejudices” as the cumulative effects of the 1990s violence epidemics in Uptown, NYC. Nonetheless, in their opinion, criticizing deviant conduct, and not contributing to such behaviour made them respectable people. These distinctive remarks seemed to make their claims to citizenship more valid as if they were disputing who were the fittest to be Americans or New Yorkers.

These claims to citizenship were embodied in the gardeners’ on-the-ground property relations by mediating the State’s and the various users’ formal and informal expectations for the space. As stated in previous chapters, gardeners had to deal with a normative vision of property that was communicated in the license agreement, the contractual and formal piece of paper tying them to the City. However, they also had to deal with the informal normative visions different gardeners may hold for the place. Consequently, as Harvey (2006b) suggests, public spaces have an inherent contested character because of the boundary’s porosity between the public and private spheres. Harvey explains this contested character generates “a sense of space where ambiguities of proprietorship, of aesthetics, of social relations (class and gender in particular), and the political economy of everyday life collide” (*Ibid.*: 19).

¹⁷⁶ In her book *Americanah*, Adichie (2013) proposes her perception of racial hierarchies in the United States. *Americanah* is a novel about a Nigerian woman coming to the United States to go to university and start her early career but is confronted with racial normativity and hierarchy. The character Ifemelu writes a blog entry entitled “Understanding America for the Non-American Black: What Hispanics Means” (p.129) that states the following:

Hispanic means the frequent companions of American blacks in poverty rankings, Hispanics means slight step above American blacks in the American race ladder, Hispanic means the chocolate-skinned woman from Peru, Hispanic means the indigenous people of Mexico. Hispanic means the biracial-looking fold from the Dominican Republic. Hispanic means the paler folks from Puerto Rico. Hispanic also means the blond, blue-eyed guy from Argentina. All you need to be is Spanish-speaking but not from Spain and *voilà*, you’re a race called Hispanic.

On-the-ground property relations consequently reflected a felt sense of owning, controlling, sharing, or belonging in the garden that was negotiated among multiple actors – like *users*, who are gardeners, but also neighbours, the formal owner, and indirectly the surrounding more-than-human things and land. Property relations supported both informal customary property use and formal property deed-holder interests as those relations extended these actors' visions into space while remaining subject to local and extra-local laws and putative authority. In other words, active users of the land came to feel they “acquired” ownership of the land through the work and emotional bonding developed over time.

To describe property enactment, the expression ‘property relations’ highlights the flux and multiplicity of relationships on the ground, among the potentially disagreeing property users and the formal (absentee) owner. Let it be an emotional relationship to space, an abstract legal and contractual relationship, or concrete material practices embodied in the space, these property relations were manifold, often contentious, as they developed over time. To track these relationships, I followed property relations through moments of tension as well as moments of cooperation during the daily management activities. Self-management for communal work and use were not always easily enacted as we will see in the next pages; they can be conflicting processes where negotiation for mutual understanding needs to be constantly renewed, as was suggested for the commoning process.

Commoning in community gardens refers to an active and relational process based on the constant negotiation of access, use, benefit, care and responsibility for the daily management of a garden's collective resources, relations, and activities (Gibson-Graham *et al.*, 2016; Noterman, 2016; Akbulut, 2017). As such, while commons are by definition not permanent, and remain vulnerable to different forces, researchers should look into the social relations that produce this commoning process (i.e. relationships initiating and maintaining the process) as much as the

social relations this process produces (i.e. new relationships resulting from the process) (Eizenberg, 2012a; Egerer and Fairbairn, 2018).

As stated in previous chapters, many community gardens in East Harlem were created in the context of the neighbourhood's dispossession where East Harlemites sought to regain control of the space around them. These community gardens have maintained their activities and resisted for 30, sometimes 40 years. These persistent property relations, taking the form of spatial bodily practices traced in and around gardens, are continuously revealing the daily garden management activities and commoning process. In other words, as I suggest next, those corporeal practices deploy in space the gardeners' sense of ownership that compose the not-always-harmonious property relations and political life of commoning gardens. Consequently, in this context of intergroup prejudices influenced by racial and class distinction in negotiating their claims to citizenship, this chapter delves into the spatial practices performing and embodying a kind of property ownership that is at times rooted in private possession, and at other times rooted in collective landholding or commoning.

1. Commoning and Corporeal Practices

I find inspiration in Slocum (2008) who traced bodies in a Minneapolis farmer's market to see how bodies become gendered, classed, and raced as they assemble and meet in space, to create both groupings and divisions. While the body has long been problematized and put centre stage in feminist theory, corporeal feminism, a branch of sexual difference theories, suggests the specificity of bodies should be empirical and conceptual starting points for exploring gendered/sexual difference rather than only exploring the "socioculturally constructed aspects of gender" (Lykke, 2010). Grosz (2005) – who is one of the main instigators of corporeal feminism – argues "the dynamic capacity of human bodies [should] emerge in relation to each other and things, within social and physical limits, and thereby to form sexual and racial

identities.” In other words, corporeality is defined through one’s positionality in a social space, constituted through its visible sexual and racial identities in the momentous conjecture of the space the body is traversing.¹⁷⁷

Critical food theorist Slocum (2008) uses this lens of corporeal feminism to see how bodies assemble around food in the social space of a market. With reference to Saldanha (2007), Slocum (2008) suggests “a body’s capacities, finally, are always enabled or limited by the socio-physical space in which they are located” (215). I am proposing a similar endeavour in community gardens of East Harlem threatened with eviction by the affordable housing plan. However, while I acknowledge “the ways people sense worlds is part of how differences are shaped” (*Ibid.*: 217), I depart from some corporeal feminist theoretical leanings that seem to reinforce binaries and stereotypes and consequently move away from Grosz’ sexual difference feminism. To do so, I insist on treating bodies in their racial, “sex[ual] and gender diversity as a continuum, rather than a dichotomy” (Lane, 2009: 137). Similarly, raced bodies should not be conflated with inner-city neighbourhoods’ poverty or violence in direct opposition to whiteness. Rather, as Saldanha (2006) suggests, race should be acknowledged as contextually produced, as a “process made and remade not just by exclusions and erasures, but by its ongoing connections” because skin too is a “‘site of subjectivity, crisis, desire, instability’ and, thus, has productive potential in day-to-day practices” (Ahmed, 1998 in Jonhston, 2005: 112). Consequently, acknowledging such bodily differences participates in the positive project of turning differences into strengths by affirming their positivity (Braidotti 1994: 187). However, as bodies do not

¹⁷⁷ As Beauvoir (1949) mentions, the *lived* body “is encountered by others whose response to it mediates our own sense of being” (in Lennon, 2019). The body consequently communicates markers to others and informs one’s perception of her/himself, which in return influences how s/he negotiates the world. In this sense, Beauvoir accounts for the “intertwining of the material and the cultural in the formation of our embodied selves” (*Ibid.*). Thereby, she tackles how governmentalities’ pressures and agentive acts compete: not only does the body enrich the discussion on constructivism, but the body can also help depart from such socially constructed performance to embody agentive acts and practices.

hold innate differences, it is critical to conceptually and empirically tackle race, gender, and other bodily differences in a way to “break any suggested deterministic link between corporeal characteristics, mental faculties and social role” (Lennon, 2019) while recognizing different bodies’ personal and tailored choices that do not suggest a universal treatment (i.e. equality vs equity). The ethnographer, Slocum contends, must then find a way to explore race and bodily experiences, be they cordial or conflicting, to take into account “material tendencies racially differentiating bodies [but] without reifying racist statements or authorizing essentialist identity politics” while still revealing disparities, bias or tailored needs (2008: 218).

Insisting on “the ways people sense worlds [as a] part of how differences are shaped” (217) as an empiric means, my method differs slightly from Slocum (2008). Not relying solely on observation as she does, I also participated in the daily interactions and conversations as a privileged white woman¹⁷⁸ and conducted semi-structured interviews to trace those corporeal interactions tinted with feelings that were sometimes individually self-determined or constructed through group affiliation. Doing so, mixing postcolonial feminist and emotional geographies, I follow Faria and Mollett (2014) to suggest the field is a “site of messy, affective, and contingent racialized power” (79).

In the context of East Harlem community gardens, a corporeal feminist approach traces gardeners’ moves – also called spatial processes, corporeal relationships, or bodily practices – in and around gardens. More specifically, these bodily practices in space unleashed the various ways gardeners were un/conscious and un/aware of their fellow gardener’s actions, which impacted how they judged and interacted with one another in addition to relating, for instance, to the garden’s aesthetics or political claims. The consequent behaviours of solidarity¹⁷⁹ or racial

¹⁷⁸ I informed my reflexive observations about my own “whiteness in the field” using Faria and Mollett (2014).

¹⁷⁹ Slocum (2008) classifies these racial divisions (1) and intimacies or encounters (2) – I call the latter solidarity – in eight spatial processes at the farmers’ market: (1) clustering of bodies around tables, avoidance of markets with

division revealed different things, like tensions rooted in racial or family favoritism, but also informal cooperation by sharing of resources, like plants, meals or paperwork. Looking at these cultural practices, beliefs, and spatial practices helped delve into how “the entanglement of ideologies of race, culture, nation, and capitalism shapes a range of ethnicized citizenship in different fields of power” (Ong, 1996: 90). When looking at these negotiations and practices, I asked: Are these gardeners embodying individual or collective claims over property, and are these claims to property made for the universal (public at large) or locally grounded? In other words, how are these claims asserted and for whom (the private, the collective or the universal)?

On East 111th Street, even if racist and stereotypical calls targeted all of these groups, Puerto Ricans and Afro-Americans included, some gardeners repeated those racist calls to distinguish themselves and assert their citizenship or their class. Furthermore, as mentioned earlier, the neighbourhood’s history complicated, even sometimes exacerbated these racial tensions. Not only did African Americans and Puerto Ricans compete for housing (see Chapter 2, Markovitz and Rosner, 1996), but these tensions were more acute when gangs competed for the local control of drugs, which over time moved from one ethnicity to the other (Fullilove et al., 1998; Bourgois, 2003; Bell, 2003; see note 180).

resellers, dress and comportment, and racial imaginaries; as well as (2) public eating and desire, curiosity about food, small talk, and bargaining.

¹⁸⁰ After a whole day at the garden on a Saturday, I went to the bar at the corner of my block to drink a margarita while writing up my field notes. The man seated by me started talking to me, intrigued by what I was writing. He used to live on the same street I lived on and said he thought the neighbourhood had tremendously changed in the past 20 years. He said he got robbed many times: a guy would point a gun at him, take everything, and there’s nothing he could do. He lived there with two roommates for \$1,400 per month, and they had 20-30 people in for a party, and they couldn’t go out to get more beer without getting in a fight. It was the same when they would go out to play pool up the hill on Lexington Avenue. He said things got better when Mexicans started forming gangs and looking out for each other... Before 1991, the Italians were leading drug dealing, then in the mid-1990s, African Americans replaced them, and since 1998, the Mexican gangs are leading the operations. He also added the Mexican, Puerto Ricans, Venezuelans, and Ecuadorians don’t get along. Between Puerto Ricans and Mexicans, for instance, there’s an issue about status, because Puerto Ricans says a lot of Mexicans come illegally (while Puerto Ricans gain status being part of a U.S. colony), but he says they are only jealous because Mexicans have many stores in the neighbourhood and they don’t.

In brief, for some, racial generalizations were a means of distinction of their class and for asserting citizenship, and sometimes took the form of discriminating remarks about prescribed behaviours in gardens, like drinking or using drugs. Gardeners also acted this way to protect or consolidate their reputation and notoriety as garden leaders. Looking at these informal property relations on the ground revealed a landscape of unequal power relations. Reifying inequity was a weapon the unpowerful used against each other to set themselves apart. In addition to looking at these interracial tensions, this chapter and the next explore what Auyero and Swistun (2009: 14) call “ongoing informal problem-solving networks meant to ensure material survival and [maintain] shared cultural representations.” To sharpen this, I would add – using Bourgois – these networks are enmeshed in building and maintaining respect, or *respeto*. Bourgois (2003) argues brown and black East Harlemites, whom the dominant white society represents as inferior, racially and by class by extension, used to rely on interpersonal webs of *respeto* that immigration had disturbed, but which they nonetheless tried developing back in NYC:

Literally overnight, the new immigrant whose rural-based cultural orientation and self-esteem was constructed around interpersonal webs of *respeto* organized around complex categories of age, gender, and kinship found themselves transformed into ‘racially’ inferior pariah. (*Ibd.*: 52)

2. Authority and Self-Management for the Universal Public at Large or the Specific Group of Volunteers Involved Daily

Power relations always infused gardeners’ property relations on the ground. Although gardeners sought to be welcoming to passers-by and neighbours, in part since GreenThumb called for more openness, leadership in a garden was often transferred along familial or racial filiation. In this sense, the transfer of leadership in a garden could reveal how leadership could (re)produce a local form of privilege or power plays rooted in family, race, and age. In community gardens in East Harlem and NYC, the continued unpaid and volunteered efforts – or

sweat equity – gardeners invested conferred them notoriety, as a means of acknowledging one’s past work, seniority, and dedication to the community, serving almost as a system of privilege.

From garden to garden, garden groups variously defined the self-governed bylaws and the leadership’s responsibilities and functions. However, per Garden Rules, sanctioned in the NYC Parks and HPD license agreements, garden groups had to select one individual to act as the garden contact person, which would be held responsible for properly maintaining the garden space and governance while sustaining a liaison with the City. A garden contact person was answerable to GreenThumb while the garden’s specific bylaws voted by its members usually reflected its self-imposed internal management by prescribing a more precise division of tasks among members of the garden. Yet, by naming an individual as the garden contact person, the City forced the collective to boil down responsibility to one individual who would hold more information than others, thereby limiting the possibilities for shared “response-ability” that commoning may be seeking to favour instead of individual leadership and the logic of possessive individualism inherent to private property. The garden contact person was usually a member who has been involved for many years, and my observations and data suggest they seemed generally more inclined to transfer the leadership to someone in their family or, if that was not possible, at least to someone of the same race or nationality to protect the sweat equity invested over the years.

The continued unpaid and volunteered efforts the main contact gardener invested in this lot over the years seemed to justify this system of privilege as it built the gardener’s equity. This contact gardener gained equity through the sweat and time invested, hence the expression of sweat equity. Sweat equity is unpaid and volunteered work one has invested to increase the value (be it use-value or exchange and market value) where the work is invested. In contrast, financial equity is a contribution taking the form of capital, sometimes exchanged in return for

shares in the enterprise. Applications of sweat equity in a business start-up or for real estate improvements are commonly acknowledged. However, although regularly discussed among gardeners, city officials do not, or barely, acknowledge sweat equity in community-led spaces like gardens.

Although labour, or sweat equity, was a recognized means to create property in colonial times as Chapter 1 describes, the City was nonetheless using its putative authority to take away land from gardeners who improved and tended to these lots for many years. Instead, the City claimed “public” ownership over these parcels, although the administration only played a peripheral role in creating those citizen-led open spaces. Consequently, public ownership did not mean land to, for, and by the people. I argue taking away this land testified to an extractive and paternalistic attitude of the City that was neo-colonial toward a community of gardeners tending to a parcel of land, whose management didn’t fall neatly in the classic private property model. By tending this parcel, gardeners reclaimed ownership of a space over which they gained some control (even if it is a shared and conflicting control) through the sweat equity they invested over 30 years in the context of divestment taking place in NYC, especially Uptown since the 1970s. Among community members of East Harlem, gardeners’ sweat equity became all the more valued because it was often invested in the difficult period of municipal cutbacks, white flights, and redlining.

However, self-help in community gardens to make their neighbourhood more liveable at that time led to conflicting relationships. Because of intergroup prejudices influenced by racial and class distinction, feeding into claims to citizenship, as I mentioned earlier (see p.201), studying gardeners’ spatial practices on the ground revealed how they were performing and embodying a form of property ownership sometimes rooted in private possession, and sometimes in collective or commoning landholding. In other words, delving into gardeners’ property relations

on the ground to understand how they negotiated their past of dispossession and made claims to equity, I wondered how gardeners were performing and enacting individual or collective possession in these spaces, or, put differently, reproducing or challenging private property or commoning landholding. Focussing on their openness and inclusiveness, I argue these community gardens were at times perceived as private clubs or as cultural safe places.¹⁸¹ Whereas the former emphasizes a deceptive perception where gardeners can appropriate and exclude others for individualistic and possessive reasons, the latter stresses the gardeners' agency to exclude as a means to protect and empower cultural expression against dispossession. I put both expressions in contrast to highlight a deceptive perception about community gardens versus what I suggest might actually be the gardeners' goal of sustaining such space.

Moreover, class distinction and discrepancy of education among gardeners, especially in the context of interracial relationships in gardens, led to unequal neocolonial power dynamics. As we will see in section 4 of this chapter, the white and more educated gardeners sometimes acted self-righteously on behalf of the black and brown gardeners, thinking they were doing "good," but were nonetheless reproducing unequal neocolonial power dynamics, a situation that I sense to be similar to guardianship. In other words, the arguments between Afro-Americans and Nuyoricans ended up favouring white people.

Per GreenThumb's requirements on openness and inclusiveness, gardens were to be open to the public according to a predetermined schedule, during which time gardeners welcomed passers-by or new members that didn't have full access yet. Even with increasing obligations to the City, these gardens strived over years of evolving membership and changing administrations to permit different uses by different persons despite ongoing struggles for shared control and access inherent to the commoning process. Nonetheless, the city administration threatened

¹⁸¹ I use place to emphasize, as Massey (1995), the specificity of the location.

community gardens by taking public land from citizens who had managed it for the last 30 years to hand it to private owners.

The various gardens in which I have been involved had quite different aesthetics, membership composition, and organizational culture. Some had individual caged plots; others had one large collective bed of produce. A few had a combination of the two. Sometimes, a wildflower meadow dominated some gardens or sections of it or had a chicken coop or beehive. One garden had recently grown to over 70 members, which some believed resulted from the surrounding gentrification, but many others had a flowing membership from four to a dozen members. Although some had a steady membership, most garden officers complained their membership varied and said many members had a hard time committing to the garden, especially to maintaining the collective areas.

Gardens usually had a core of members who took care of the daily management activities, and this created a distinction between those who used the space similarly to park-goers, passively enjoying the space or tending only to their individual lot, and those who took care of the space beyond their individual, personal space to enable the community's use and facilitate the other gardeners' use. Moreover, this distinction became clearer because of sweat equity: a new garden member usually did not have the freedom to do whatever they wanted in the garden and, until they reached a form of sweat equity with the other members, they would follow 'orders.' However, it seemed one reached their sweat equity more easily when from the same family, and sometimes also when of the same race.

For instance, Rene, who led the transformation of a parking lot into a wildflower meadow in summer 2015, explained to me his sweat equity gave him authority when making decisions because the burden would fall on him in the end to execute the tasks. Rene said: "it wouldn't be fair if some strangers or intermittently involved volunteers dictated what I should be doing in

the garden [as a volunteer].” While I wondered if this didn’t jeopardize other gardeners’ involvement, I finally understood that this was a way to protect the viability of a community-controlled open space, led by a small number of volunteers daily involved, from the public at large, which is State-sanctioned but disincarnated, to supposedly be universally accessible, a bit like a park (see Rose, 1986).

Hence, questionable concerns were raised when city officials¹⁸² claimed these open spaces should be park-like and opened to the use of the public at large although the daily management relied mostly on free labour rooted in self-help. The conflicting and unfixed authority in community gardens consequently yielded to uneasiness in community open spaces, which were compensated with privilege, unequal power relations or other kinds of adaptation. For instance, in very complex or atypical configurations, gardens that sometimes appeared distinct were sharing paperwork and were consequently the same on paper. Still, the way gardens shared resources among each other but disagreed on many things while fulfilling their duties toward the City all pointed to complex commoning practices and interracial relationships.

3. The Pleasant Village Community Garden Case

I found other blunt, yet complex interracial opinions in gardens. One of the City-owned gardens I was involved with had had a run in with the NYC Hate Crime Tribunal in 2003. Founded in 1978, Pleasant Village Community Garden saw a drastic change in its membership in the past years, at least since the early 2000s. First Dutch, then Irish and Jewish in the early 20th century, then Italian and Puerto Rican by the mid-century, and recently increasingly white, but also Mexican and Dominican, East Harlem’s demographics have historically been in flux. Located in an area of East Harlem that used to be known as Little Italy just north of 116th Street, by the East Harlem River, it was also the same area that ethnographer Philippe Bourgois described as

¹⁸² Like the community board white male member living by East 111th Street block illustrated at the end of Chapter 4.

drug-ridden in the late 90s.¹⁸³ The adjacent lot to the garden used to be an abandoned and squatted wire factory utilized as a crack house that Bourgois¹⁸⁴ (1996: 360) describes briefly in his book. In the late 2000s, the mall next door eventually replaced this torn-down factory, and in its soon-to-be second phase, a condo tower is supposed to extend the East River Plaza mall right next to the garden. In the early 2000s, this ageing community of gardeners composed mostly of seniors from 73 to 94 years old saw a rapid change in the area. There, racial and classist judgments enmeshed in a discrepancy of education gave gardeners unequal powers that translated into racist, perhaps neo-colonial, verbal aggression and bodily practices.

During the 1970s, the seven or nine buildings that used to stand in place of the garden burned due to arson. By the end of the decade, the citizen-led block association united to beautify the area. The group consisted of Italian social worker Rose Gardella, and Frances Mastrota – an educated woman working in health institutions, also Italian, and mourning her husband whom she had recently lost – with a few others who lived on the block or from the NYCHA Wagner Project nearby. They first lobbied the City to pick up the remaining rubbish on this lot, and once that was done, they started planting things here.

The garden slowly evolved in two different sections: one tidy and productive section with individual plots, roses, and benches with African American gardeners coming mostly from the nearby Wagner housing projects and a few white members from the block association. The other section that later formed was predominantly Puerto Rican with a “chop shop” that gardeners from the other side bitterly described as “cannibalizing automobiles for spare parts and running a very active repair service out of the lots” (Interview with Gardella in archives; Garden Newsletter, 2002).

¹⁸³ PVCG is actually on the same avenue where Bourgois lived, and close to the Game Room.

¹⁸⁴ Bourgois relates how the two final blocks on Pleasant Ave where the garden is located was nearly closed in 1990 because toxic water was dumped illegally in the wire factory. Following this event, it was occupied by a group of homeless crack addicts occupying the abandoned factory site to use it as “their personal crack parlor” (2003: 360).

Carlos, who was the Puerto Rican section leader, joined PVCG soon after it opened to grow tomatoes and kiwis after he moved from Puerto Rico in 1963 to find work because, as he put it, "things [were] not very well there".¹⁸⁵ His plot was then located on what would come to be known as the Afro-American section on the north side. He eventually ventured and expanded on the south lot, on the ruin of the adjacent building his friend occupied,¹⁸⁶ which was demolished after he died. His friend lived alone in the building with numerous animals – like chickens and pigeons on the second floor and a pig or cow in the basement. He fed himself from these animals and sold food in the street by the school one block north, one of many creative alternative income-generating strategies "that were consuming so much of the time and energy of the young men and women sitting on the stoops and parked cars" that Bourgois (1996: 3) was so interested in at first. When his friend died from a gas leak or a heart attack in the adjacent building, the City eventually demolished the building, as Carlos recalled:

They waited a couple of months, and then, they closed off the windows and doors and everything, and then a couple of months later, they knocked it down. And cause he got no family to care for the building, they gave me this space over here when he died. You know, the Parks Department... The [Afro-American] lady [acting as the president of the garden while the contact garden person was a white member], she takes it for the garden, and they gave me that site to stay over here. They said you could stay here 'cause you don't bother me for nothing'.

So Carlos cleaned the space with a few other people and filled his friend's truck with debris. Next, he started fixing cars and bicycles in the space with other men. They also built 10 or 15 growing beds, but the wood eventually rotted and they didn't renew them. However, the peach and plum trees were still there, he said. On their side, most of the organization and meetings were about hosting events; they got donations and put their money together to hold parties, like pig roasts, which was a cherished social tradition in Puerto Rico. Carlos said some new people

¹⁸⁵ He still owns a house in Puerto Rico, and goes back every year to visit family. He lives in the Wagner project now.

¹⁸⁶ Status of ownership of the building is unclear, but Carlos seems to suggest he occupied it, so it was consequently his (symbolically although not legally).

stopped by to have a chat and eat, but they didn't necessarily get involved, and that's fine by him. Listening to him, I understood the garden was a crucial part of the "ongoing informal problem-solving networks meant to ensure material survival and of shared cultural representations" for Nuyoricans and other new Americans in East Harlem, similar to what Auyero and Swistun (2009: 14) explored in Argentinian shantytowns.

Eventually, a problem arose between the two sides concerning how the garden should be managed and what they should look like: some wanted it to be clean and productive while others wanted a place to hang out, repair cars and bikes as a complementary income, an alternative income-generating strategy. With these different visions came a self-righteous, judging tone from one part against the other, as this newsletter found in the garden's archives illustrates:

They [Puerto Rican south section] were very territorial and flatly refused to move. The lots were a terrible eyesore littered with old car carcasses, piles of rusting car parts and polluted with standing pools of old motor oil and other unspeakable debris better left unidentified. With the added clout of the NYC Parks Department behind us [since the garden became parkland in 1997], we were able to prevail on the indigenous population [sic] to vacate the lot and the Sanitation Department came in and cleaned up, scraped off the top layer of soil and debris and put down a thick covering subsoil. (...) [I]t actually took three years, enormous determination and the most diplomatic kind of patience to accomplish. After all, these men, mostly Hispanic, were trying to make a living in the only way they knew how and it was a very delicate community situation with explosive potential.

As we can understand, the person who wrote this was unfavourable toward the Puerto Rican side operations, and Carlos explains he felt some gardeners and passers-by were judging them. I was unable to trace the exact author in the garden's archives, but some members wanted since at least 1988 to clean the Puerto Rican area and stop or at least mitigate their operations.

Another story further complicated this garden narrative: some members – whom I understand were predominantly white – wanted to take the Puerto Rican side to transform it into a children's garden, which was finally initiated elsewhere on the plot and was later implicated in fraudulent financing. Were these accusations symptoms of the misuse of power and knowledge by white over brown people with less education? Or was it more complicated

and testified to the quest of some white members to “clean” out what they considered improper use of the space, thereby expressing their (neocolonial) normative vision of property. Could it also be more simply a lack of mutual understanding? During our interview, Frances admitted:

Rose was a social worker, and at the time, I was working at Memorials Lung Cancer Initiative. Both of us understood that there have to be two parts of the garden, one being the executive board. The older people from Wagner could not read, and if they could read, they could not understand. ‘The brown horse jumped over the white fence into the green pasture, which colour was the horse?’ They would say: ‘Frances is crazy, she pulls up one plant, my corn plant.’ But, one, you’re planting too close... Rose and I, and Eugene, and those of us who had a little more knowledge – not that we were smarter – we decided that the garden should be the gardeners’ and it was *their property* to garden, and there should be an executive board. The executive board also included the Sisters of Sacred Heart that lived down the street. So we set up an executive board, which the gardeners never understood. Our purpose was to fundraise, to write the grants, to make some of the rules, to write the by-laws, to become incorporated, to do these things, and we did. But the black woman who was president from the beginning never truly understood (...) the function of the executive board. (...) The executive board was predominantly light-skinned... *(sighs heavily)* There was a racial component. This person wanted to keep the garden (...) brown to black. Coming in was a new Latino population, whose gardening plants were different. No more sailor queen collards, you have this. No more this, you have that. Now, instead of all tomatoes, you’re gonna have chili peppers and various kinds of chili peppers. Now, you’re gonna have sweet potatoes. As that evolved, so did hostility.

[...] When Rose Gardella died – and she died suddenly [in 1989] – I was put in the position of *executive director* [at PVCG, the executive director is in charge of the paperwork and is the garden contact person maintaining liaison with the City while the president holds the symbolic authority of the garden]. The gardeners did not understand the position of executive director. Mostly the board raised money, wrote grants, did things to further the operations. Hum... Probably the point in the downfall was to take Carlos’s side and make it a children’s garden. The *president* didn’t want to do that. I had an enemy, and the vote was taken, and the children had no vote. Carlos enrolled for five dollars each one of his gardeners. The vote went against me [and she with another member had to step down in 2003]. I’ve been on the board since 1997. I have always run by Robert’s rules of order. The majority rules. The minority has the right to be heard. They didn’t give me a chance to be heard. I wasn’t there for the vote.

While some gardeners wanted to transform the south section in a children’s garden, the garden archives illustrated how two members seeking the transformation of the space tried to prevail by “want[ing] the meeting ruled by Robert’s Rules,” which presupposes common knowledge of these rules, but others argued that the meetings were always “informal and that’s the way it should stay,” claiming “this is a garden, not Wall Street!” This was also when the Hate Crime Tribunal intervened. Finally, Frances and another member pushing for the space transformation

had to resign in 2003, and a fence with a communicating door was later erected in 2010 between the two sections of the garden that still nonetheless collaborated on many issues and operated under the same name. The gardeners' various ways of relating to the space transpired in their interactions, which the gardeners bodies' diverse race, class, and language further complicated.

Frances admitted this was a "heartache" for her to lose access to the garden: "I am used to overcoming some things. There's nothing to forgive. The garden was never mine. I understand more than anyone else Robert's rules of order. (...) Let it go. It was never yours," she said, thereby revealing how emotionally attached she was to the space. Then, comparing with the house she now owns, she said: "I'm bitch enough to say, 'now unless I own it, I don't want it.'" In other words, she admitted the wound was too painful to let go of a space in which she invested a lot and, consequently, she would now rather erect boundaries to protect the work and equity she invested, instead of sharing it and fearing losing it.

At PVCG, Frances used to be involved in other operations than the children's garden that brought comfort to her poorer peers, like Christmas parties and flea markets. She recalled food was always free of charge, and gardeners often brought leftovers home, like pounds of butter. Nonetheless, she didn't understand why the soap and toilet paper in the restroom always went missing: "I didn't understand that it was in *their culture* to take it (sic). I'm probably a spoiled woman. I am a spoiled woman. My son once said to me: 'you've never been hungry enough, ma.' That's true. I've never been hungry. I've never been homeless." Hence, class distinction and discrepancy of education, especially in the context of interracial relationships like in this garden, led to a situation that I sense to be similar to guardianship. The white and more educated acted self-righteously on behalf of the black and brown gardeners, thinking they were doing "good," but were nonetheless reproducing unequal neocolonial power dynamics. In other words, a lot of the arguments between Afro-Americans and Nuyoricans ended up favouring white people. The

commoners' various ways of relating to the space transpired in their interactions, and the bodies' different or similar race, class, and language further complicated such interactions.

Pleasant Village Community Garden – or PVCG – changed a lot since then. It now had more than 70 members, and although it had 55 members before Rosa Gardella died in 1989, it dropped to 15 in between. With the higher density and gentrification brought by the construction of the East River Plaza mall that replaced the squatted and drug-ridden wire factory, Frances said the garden no longer reflected the surrounding community since membership became whiter. Paul, a frail white man in his seventies living in the project and a member of the garden for 15 years, said the increase in membership transformed the garden “with everybody bringing in their culture, as the suburb’s.” Similarly, Lisa from Friendly Garden on East 111th Street mentioned even the oldest gardens like PVCG were changing with the arrival of gentrifiers whom she said were disrespectful and using the garden more like a park than a garden, often using the space for other activities like yoga or cultural events instead of growing stuff. On the one hand, there was a resentment that newer gardeners didn’t understand all the work that had been put into this community-managed place to make it what it is, and consequently, didn’t invest enough in the collective daily maintenance chores. On the other hand, it was as if old-time gardeners felt like city officials and newer gardeners owed them a helping hand.

Still, since the late 1990s and early 2000s, PVCG went through many transformations: the north side became less Afro-American and whiter as it gentrified. The south side, however, remained predominantly Puerto Rican, mostly masculine, and with repair activities. Carlos also believed the neighbourhood changed a lot: “in this area, there was always a big white population with the Italians, and blacks were also present,” he said. “The Puerto Rican population has increased later, as did the Mexican population as well.” Now, he thought there were too many

people on the north side of the garden, and communication was less effective. People used to come to see him, and let him know about meetings and what would happen, but not anymore. He resented there was less face-to-face communication. Another old-time Mexican gardener on the north side thought similarly:

Juan: If I don't know what I'm doing, I never know that it was important.

Me: You feel like people are taking responsibilities, but they don't know what they're doing?

Juan: [There] used to be a list of the chores in the office [shed] of the garden, on which you'd propose something to do. There would be a letter that there is going to be a meeting or whatever on the front gate or in the shed. So, if you are a gardener here, you have a key for the shed, and you are allowed to see what is going on, and that's what I loved about this garden. And now, if I'm a gardener, I don't have to come regularly... because it's all being discussed in emails, texts, and all that. But being a gardener has nothing to do with being an expert in media, and that's one thing that hum... people forgot.

Me: You feel like it was more open when it was discussed in the meetings and listed in the shed?

Juan: Yeah, and it was very simple because we hadn't too many questions. There were no: 'oh, I did not get the email' or 'I was busy'. We just came, we looked, we saw what's happening. More gardeners were *working together at the same time doing the same thing*. Maybe it was moving slow, but more... actually, it was *more community*. It was more of a community garden... Hum, if I planted radishes, they all came and took a picture. If somebody else planted this or that or when they got a tomato, we'd say, 'let's share it. You guys take this. I don't want this. I don't eat this. You take it.' (...) We were here on Saturdays and Sundays. It was hard because, Saturday and Sunday, you were requested to be here a few hours and we did. Now, it's changed. I guess I have to get used to it. I just have to learn how to deal with it. [my emphasis]

For Juan, "working together at the same time doing the same thing" seemed to be an essential characteristic of what I name the commoning process in urban gardens. According to this logic, new gardeners should be careful to modestly join a garden, respect the seniority of old-time gardeners, and be available to do chores for the group area collectively. New people were not taking enough responsibilities, Carlos added: "the new people, they do nothing to take care of the garden." He resented that he didn't know most of the new members, and felt some of the newcomers were judgmental: "Some people, you know, are not so good with the people who already lived over here, because... you know, sometimes, they pass away over there [on the sidewalk], and they look at us like we're nasty."

Juan, who migrated from Mexico almost two decades ago and now lived on the corner of a nearby street that used to be a dead-end but became the entrance to the mall, talked of the increased traffic and pollution in the area, which he said were impacting the growing conditions in the garden. He also noticed the increased construction, like repairing and widening sidewalks, adding new lights, and new pavement he believed were the results of gentrification. These improvements in the area were for the incoming wealthier population, he believed.

As mentioned during an Uptown HPD Garden Coalition meeting in late August 2016, many noticed the “cleaning up of the neighbourhood,” with more police surveillance at metro stations, and efforts to make the area cleaner, even repairing the Metro-North stonewall. Money was invested to prepare the area for upzoning, which would trigger even more gentrification. Some felt the area seemed currently a bit more dangerous, as this cleaning and surveillance created more tensions in the neighbourhood. For instance, gardeners from the 111th Street block talked about the shoot out in mid-summer 2016 in the adjacent baseball field, another shoot out on Madison a week later, and the fight that happened on the corner. The neighbourhood clean-up seemed to be putting people increasingly in confrontation, with the police not intervening, they said. Was it a result of the displacement caused by gentrification in Central Harlem now creeping in East Harlem?

Nonetheless, despite the past and more recent tensions, the two garden sections still operated under the same name and same paperwork, in addition to sharing tools, toilet facilities, money, and so on. While I was doing my chores in the chicken coop in summer 2016, I met Amy, an Asian lady in her thirties, who was taking her turn to host the garden open hours and was waiting for Carlos of the adjacent garden to give her electricity with a wire to plug in the electric lawnmower. While she waited, she explained to me she has lived in the neighbourhood for the past ten years but was a new member of the garden since this year. She was often passing by

when going to Costco or Target at the East River Mall but thought this was a private garden or perhaps a private club. It was only when a friend told her it was public that she decided to join. There were currently no plots available when she joined, but a member decided to share his with her. When I asked her why were the two gardens separated, she said it was because the guys next door have been here for so long, but she didn't know the whole story. Then, Carlos from the adjacent garden arrived, helpful as always. I introduced myself to him for the first time, and he explained he used to be the president of the garden and that the two gardens were one and the same. I could come in next door whenever I wanted, and in addition to electricity, they shared the toilet they built on their side. Indeed, every time I came by to take care of the chickens on Wednesdays throughout the year, a group of men in front of the south section would be chilling, seated or standing, chatting, and would say, "Hi mami! How you doin'?" while I would be locking my bike and opening the gate to the other side. Sometimes, one of them would come chat while I scooped the chicken's poop and filled the waterer and feeder.

Another time, during other open hours, Ashanti, a new mom and a black¹⁸⁷ and successful shoe designer, who joined the garden two years ago, said the garden contact person of the time, Katie, was doing a good job in making the garden more welcoming. She was intimidated at first, mainly because she didn't know how to garden. Ashanti said it felt good to be in the garden since she missed the quietness she had in Jersey and the garden reminded her of her grandmother's. Moreover, she found here a great network of moms with whom she got along very well, and the garden hosted many great family activities. As we continued to chat during her open hours, she asked how I liked it in New York City compared to Montreal. I responded enthusiastically but confided I was a bit anxious by all the precautions the gardeners and my neighbours gave me

¹⁸⁷ One of her parents is Afro-American and the other is bi-racial Afro-American and Hispanic.

about the area. I didn't feel unsafe, and I walked or rode my bike at the hour I pleased,¹⁸⁸ but many had said it could be unsafe for a girl moving in alone in the city, that I should not trust anybody, or stay out late at night. Ashanti thought they were probably old school and affected by how the neighbourhood used to be dangerous and didn't accept that it was changing. She also thought it might be because I'm white, and my accent could suggest I'm fragile. Continuing her reflection on how she thought people perceived her, Ashanti said that in addition to the eternal judgment based on her skin tone, she felt, as she moved through the world, people eventually perceived her more favourably if she displayed wealth. She believed black and brown folks became "more acceptable" if they had money, by performing their class distinction. She often felt caught in-between, since blacks would praise her advancement, insisting she should pursue and continue to rise to show others of what *they* are capable of while whites thought poorly of her, and she had to redouble efforts to prove herself. More generally, this seemed to speak to the clash between older and newer members as to what was considered proper behaviour or investment in the garden, which were entangled in racial, class, and education variations.

4. Private Club or Cultural Safe Place?

In a context where interracial relationships were complex and tangled with a past of abandonment, it was legitimate to wonder if this system of privilege based on family, race, and seniority instead contributed to creating a cultural safe place in the garden, rather than the wide perception of being a private club intended to an exclusive group. Cultural safe places or private clubs are both articulated around specific ways to exert the power to include and exclude, sometimes because one doesn't fit with the racial and cultural belonging of the garden, as I will show next with the case of Clair, Paul, and Juan, who were contained away from the north into

¹⁸⁸ I never felt unsafe but men did interact and catcalled, but respected my boundaries. Only once did one guy step in my bubble, and grab me by the wrist (not believing I was married, which was true, I wasn't) to finally let go a few seconds later. It was the Friday night opening the festive 4th-of-July long weekend.

the south side of PVCG. However, I argue that framing these spaces as cultural safe places highlights the context in which such community-led open spaces have been created and maintained.

As I already said, property relations in the gardens reveal how these urban spaces are contested and negotiated not only among gardeners, passers-by and neighbours, but also with developers, city officials, and city workers who all interact daily and during the eviction process. These actors' power relations take shape around notions of sharing, belonging, and use dedication to articulate collective and individual property claims rooted in a specific context and following certain rules. In that sense, users' property claims were localized and never universal; even though anyone could access it when the gate was open, not everyone could necessarily use or manage the garden space as they desired. Despite scheduled universal access, no authority over the use of this property was fixed as authority was constantly (re)negotiated. Consequently, looking at these property relations revealed a landscape of unequal power relations taking the form of cultural enactment and subjectivation.

Indeed, social relations in the urban space were, at times, contradictory, producing collaboration as well as interracial tensions through demonstrations of solidarity and division while revealing a whole set of emotions. These different acts of inclusion or exclusion, which were perpetrating possessory acts over the community garden, were enacted through symbolic as well as physical barriers. While physical borders formed as gates, locks, signs or greenery enabling or disabling access, symbolic boundaries were expressed through work and aesthetic decisions, gossiping, and acts of sharing or stealing in gardens. In other words, observing gardeners' property relations was about scrutinizing how they created boundaries, maintained, displaced or erased them both symbolically and materially to enact property, possession, and belonging in a commoning group.

For instance, during an interview, Paul talked about how the nearby population changed as much as the garden. Paul recollected with a hint of nostalgia how the garden used to be a vibrant social space when he joined the garden in the early 2000s, just after he stopped squatting and moved to a nearby housing project. He said:

I didn't come down here with some great desire to grow tomatoes. The tomatoes were by-products of, basically, a *social space*. And it's beautiful nature, a nice natural space to charge your batteries, but... I can't emphasize too much how the social dimension of it was, for me, the most important thing, and these guys would be playing music, barbecuing, and they always invited everyone, you know... *Everybody shared everything...*

I looked at it as having a place in the country! Because of the much tougher vegetation on the front gate, you had a separate world in the backyard after you crossed the gate. This was our weekend getaway. We just hung out all day and worked, and this was *our space*... Then, was always that shock on Sunday nights: you would walk back out the gate, start walking down, and it's like 'oh! I'm back in Manhattan!' You know? [my emphasis]

Here, Paul highlighted how the social dimension of the garden was its most critical feature, even more prominent than growing vegetables. Not only was it a social space, but also a support network. Gardeners tended their individual plots and the collective areas, discussed, and made barbecues. In a romantic and nostalgic gesture, he remembered everybody sharing food, seeds, and skills by exchanging help and tasks. Many members spent whole weekends there as if the garden were a sanctuary from their apartments or from the NYCHA projects where they didn't like to hang. Paul also enjoyed getting to know some of the old-timers that he couldn't get to know in the public housing where he lived. He saw the garden as a *private public space* costing him 10 dollars a year, where he looked forward to going every weekend. To protect this sanctuary, the greenery on the front gate sort of detached the garden from the city, creating a social and cultural enclave where gardeners could more "freely" be and do without the burdens of the outside dominant white and capitalist expectations, but also away from the nearby crime- and drug-ridden area at the time. This greenery created a physical boundary, allowing a cultural safe place to take place and enabled agentive cultural embodiment. In addition to being an opaque and material boundary, the aesthetics of this greenery – overgrown, jungle-like, and

neglected – symbolically conveyed the image of being unwelcoming, thus further protecting their cultural safe place.

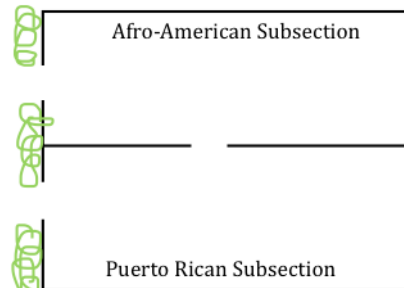


Figure 7. Division at PVCG to Create a Cultural Safe Place

This illustrated how the greenery by the front gate acted more than a *material* and *symbolic* possessory act, but also as a commoning one enabling gardeners to create a haven. The greenery was, of course, *material* as its foliage helped hide the garden's activities. But the greenery also acted as a *symbolic* possessory act because this physical barrier became more or less permeable or porous based on the intruder's race. For instance, when Paul, who's white, first tried to join the garden, the black church lady who was president on the north section of the garden declined his membership and sent him on the Puerto Rican south side of the gate that looked more like a chop shop. The Puerto Rican vice-president, Carlos, then brought him back on the African American side and designated him a plot Paul started tending. Gradually, he was entirely accepted. This move shows how the authoritative figures of the two subsections of the garden negotiated inclusiveness of the thick greenery that distinguished the open space from the rest of the neighbourhood. The gardeners' various ways of relating to the space transpired in their interactions, which the bodies' race, class, and language further complicated. While a white gardener was the contact garden person for the two subsections, an Afro-American woman was the president of the two subsections with legitimate authority on the north section and Carlos, Puerto Rican, acted as vice-president of PVCG with legitimate authority on the Puerto Rican subsection. This move also demonstrated how both figures negotiated the fence separating the

two subsections of the garden operating under the same governance and paperwork although remaining distinct and segregated cultural safe places.

Clair and Juan met similar resistance or discomfort as Paul when they tried to join the City-owned garden. The black garden president remembered as “an old church lady” was not equally welcoming to lighter-skinned members who wanted to join. As some white members still involved today recalled with no hard feelings, the old black lady had sent them on the Puerto Rican side when they first approached to join in the early 2000s when no plots were built there. The Puerto Rican man welcomed the first one of the two, a young white woman named Clair, by gleaned and gathering materials from construction sites from the surrounding streets to build her a planting bed. She later moved to the other side after creating more links with the other gardeners. However, later, when Juan, who had recently moved from Mexico to East Harlem, came seeing Carlos to get a plot, Carlos told him he was only vice-president, and he consequently had to go see the president by himself to see if they could let him in.¹⁸⁹ At times, Juan felt like Puerto Ricans didn’t always acknowledge their appreciation – or even appropriation – of Mexican culture, and this seemed to be a manifestation of their complex dynamic. In brief, when newcomers were not Puerto Ricans or not black or challenged the prevailing use in the space, either by introducing new plants or simply by gardening, they were partially rejected by being sent on the other side, although these newcomers were eventually accepted.

However, after a while, GreenThumb intervened in PVCG’s affairs and aesthetics because the unwelcoming greenery didn’t sufficiently communicate openness, as Paul explained:

At one point, a representative from GreenThumb required that the garden cleared out all of this growth across the front gate because basically, this was a jungle that you went through, and [the garden] was invisible to anybody walking down the street. And [the gardeners] ran it as their own private club. When anybody ‘not of them’ tried to join, they were told no,

¹⁸⁹ I heard other stories of complex, conflicting interracial relationships in other gardens as well where, for instance, a well-known Puerto Rican garden in the neighbourhood refused entry to a Mexican.

it doesn't exist, and you couldn't even see it. And GreenThumb, the [city agency] representatives said, 'no, you need to clear this out. You need to open it up.'

Hence, GreenThumb required the publiclu-owned garden to remove the front-gate greenery, imposing that they aesthetically look a certain way to be more welcoming and "universally" open, inclusive and consequently a little more generic, almost park-like. However, these gardens' layouts with thick greenery by the entrance seemed to suggest that openness generally didn't necessarily positively contribute to the commoning process, but conversely, closeness may be necessary to favour commoning social relations. While the City was pushing for universal access to community gardens for the public at large, it was wary to not acknowledge other competing authorities over a property's ownership besides the City's putative authority. It discredited or disciplined collective possession through the license agreements as well as the aesthetics and programming requirements, since these community-controlled and led spaces could challenge the primacy of private property by their collective governance, their scruffy look, and their historic link with militancy. As community gardens sought to share the space, its use, and to collectively decide its landholding management, they also acknowledged competing authorities within the space and unevenly permitted privilege and power relations (race, class, gender, age).

Sharing, disagreeing and feeling responsible in a garden in East Harlem lead to some uneasiness. The commoning process is usually conflictual and needs to be constantly reproduced. Still, a defining component of the process seems to be the caring act of maintaining a space (or resource) by not just taking, but also giving for the collective (of beings, things, and future possibilities). Although not necessarily universal, commoning practices are about collaborating for purposes going beyond individualistic aspirations (like working together at the same time on the common areas of the garden) even if it's for a limited and defined group. Consequently, commons being conflicting are porous to their broader environment's influence.

For instance, the City's increasing requirements on the gardens' aesthetics acted as a means of control and discipline that threatened to some extent the cultural safe place created behind material and symbolic boundaries where they enacted an exclusive, yet agentic collective gardening space. Consequently, gardens were not only sites of agentic cultural embodiment but also sites of subjectivation and performance.

As pressures from GreenThumb imposed increasingly binding constraints on the gardens' activities and aesthetics, and since a more diverse demographic in the surrounding area now used and frequented the space, the garden went from being a dynamic social space to becoming a quilt of gated and wired plots acting similarly as private possessions. Paul explained again:

As the garden got better and brought in new blood, [the old-timers] tended to see it as *not their* garden anymore. I can't say how an incredible experience and lovely thing this was, but it disappeared. The people that have taken over the plots tend to see them as *possessions*, you know. They have active lives, doing other things, and they build these enclosures, and they put locks on them! It's like: '*this is my space!*' and yet, other than to claim it, *we barely ever see them*, so... you know, to me, it's so sad! [my emphasis]

Here, over time, with an ageing population and new communication technologies taking over, Paul admitted a "betterment process" occurred and gradually excluded old-timers who felt less welcomed or less invested in the newly transformed space. In other words, it became difficult to reproduce or maintain the gardeners' organizational practices, especially with the increased use of emails necessitating a computer or phone. Although the garden could appear exclusive in the sense of creating cultural safe places for a specific group, this excerpt also highlighted the different ways of relating to an individual garden plot or collective areas. These various ways of relating to space included using and possessing, but also sharing, partaking, or exchanging that all imply giving, and not only taking, which seems crucial to the commoning process. Some of the newer members seemed to use their individual plot as a gated and wired possession only with their immediate family, and to contribute to the shared spaces of the garden in limited ways. As one gardener mentioned, they seemed more interested in their individual salvation

than in the collective endeavour of commoning urban gardens. Paul explained during the interview that he was the one who first created an enclosure around an individual plot to protect his harvests against the squirrels, but eventually, these wired enclosures became bigger, cleaner, and more systematic. He came to see these cages as symbols of how the membership changed and how the feeling of belonging and possessing transformed toward more individuality.

Later, in September 2016, PVCG contact garden person reflected on the perception that the garden became a private club. “It seems that some community members believe the garden has become an exclusive club – and this is a subtext for gentrification here – and I need to get rid of the perception. Would you be okay if our board meetings were open to the public?” she asked the garden membership over email. Answering fear over the exclusivity of space by opening the political structure to the public, I wonder if GreenThumb’s request for openness was helping to guarantee active participation and use: does making a garden more open necessarily mean it is more “universal,” rid of specificity and, thus, more generic and sterile? I contend openness is never politically neutral: the City’s call for openness was a political means to exclude or control those who might claim ownership over the spaces they tended and cared for.

For instance, during that same period, Jackie Robinson Park in West Harlem was voted to receive funds under the Parks Without Borders program¹⁹⁰ to redesign its access – via gates, entrance, and adjacent area – to make it more open. Eliminating park gates and leaving its entrance open was already rare for New York City open spaces, but Community Board members and citizens were reluctant to see the park’s material boundaries go down. Probably because of the neighbourhood’s past of violence and divestment, many saw a total openness – a fenceless and gateless park – as being careless in the face of potential threats. Here, openness was a call from the more privileged who ignored the area’s history.

¹⁹⁰ This program holds funding of \$40 million from NYC Parks for eight parks.

Similarly, in the early 2000s, the restoration of parks and the enforcement of Park rules in that area privileged the “needs and desires of Harlem’s newer, affluent community while disallowing the recreative customs and expressive culture of its old-timers” (Checker, 2011: 224). In other words, the restoration of public spaces – like parks, according to Checker (2011) – were favouring gentrification by bringing “strict rules and regulations that catered to particular kinds of park consumption while excluding others” (*Ibid.*), a similar process to what seemed to be happening in the community gardens of East Harlem. Here, community gardens, like parks, were restored or relocated to attract locally affluent, eco-conscious residents and further processes of environmental gentrification, which overall was feeding the paradoxes of progressive politics in New York City.

5. Conclusion

In this chapter, I have argued through specific examples that hostile behaviour or garden layout may be rooted in self-protection or distinction. While not excusing this, I tried to place it in its particular context. These stories enable us to see the commoning processes in gardens as being in constant flux punctuated with continual conflicts and moments of synergies. This data supports empirically the definition of property being about relationships between people as to how they relate to space, thereby revealing how space is used, what it looks like, and how it is appropriated to enable inclusion or exclusion, and by doing so, disclosing uneven complex power relations. Consequently, I argue these property relations undergo the dual process of subjectivation and cultural performance.

In this context, against the utopian vision of a borderless world, this empirical data shows the usefulness of boundaries for mitigating power relations and easing collaboration. Hence, boundaries may be desirable to some extent. Commons, like community gardens, may not seek universal access as the City is promoting. Commoning is a complex, and often contentious

process scattered with acts of possession. Such commoning social relations are sometimes agentive acts of cultural embodiment or sometimes acts that are unexpectedly but creatively challenging or accommodating to neoliberalization and subjectivation by enforcing boundaries to maintain and negotiate one's cultural safe place.

In this chapter, I showed how physical (or material) borders form as gates, locks, signs or greenery enabling or disabling access that may create a hidden cultural safe place. In the meantime, these physical boundaries also hold a symbolic meaning as they express the group's relationship to work and aesthetic decisions, gossiping, and acts of sharing or stealing in gardens, to which I will turn to in the next chapter.

Chapter 6

Negotiating Conflicts of Possession in the Commoning Process: Between (Dis)Possessive Collectivism and Individualism

Where East Harlem meets Central Harlem and Central Park, a black woman named Tiana has led a garden for the past 20 years. This was unusual in East Harlem, and other gardeners on that block often reminded her of this, asking if she was Dominican, assuming she would necessarily have Caribbean origins to be “entitled” to “own” a garden. A neighbouring Puerto Rican gardener had even shared with me that she doubted the black gardener became the contact person in good faith and believed she tricked the former Puerto Rican head gardener to take over. Conscious of this, when we were renovating the casita, Tiana explained she chose to have a mural painted on the shed that would communicate diversity and openness, highlighting this is not *her* garden, but rather every gardener’s. In the same breath, she added other gardens on the block and in the neighbourhood were probably not as open as hers anyway. This points again to the interracial tensions discussed in the previous chapter, but also of the frictions between long-time and newer members.

Although gardeners maintained intergroup prejudice and didn’t necessarily always get along, they acknowledged they were in a relationship, and would stop to chat, transmit important information, and share resources. For instance, they used their respective social networks to help one another and shared resources daily like water from the street hydrant. As Gibson-Graham and colleagues (2016) put it, commons maintain the active and relational process of negotiating access, use, benefits, care, and responsibility when sharing space, like in a garden or the same block as neighbour gardens.

I argue this constant negotiation is not always consensual, and it is this ability to manage the conflict and to develop collective practices and goals for sharing resources that produce the commons. Yet, commoning is not an easy process, as it is the active practice where a group, like

members of a community garden, constantly (re)negotiates (through a set of immaterial commons, like shared knowledge and imaginaries) how their garden (consisting of material commons, like the piece of land, plants and other living and more-than-human things) is used, transformed, and shared. Consequently, I am suggesting this ability to negotiate conflict is an important component producing and maintaining the collective resources, relations, and activities constituting the overlapping material and immaterial commons. Not devoid of disagreements, these form a relational and shared more of property that is collectively self-managed and enacted through a sustained pattern of use and investment of individuals more or less devoted to collective goals.

More precisely, I am contending the politics of commoning in urban gardens is a conflicting process that nonetheless finds its subversion in sustaining and persisting despite the increased burden from GreenThumb, the repeated threats of development, the conflicting frictions among its members, and the past of dispossession it stemmed from and against which it is again confronted. I am also suggesting that commoning – and its inherent conflict – is part of an imperfect exploration of property as an alternative mode of collective emplacement striving to go beyond private property that is stemming from racial banishment, and enables decolonial and decommodified vision of land: dis/possessive collectivism¹⁹¹ (Roy, 2017, 2015, 2013). In the face of pressures of eviction and dispossession, these gardeners reacted with resilience to build a politics of emplacement on these abandoned and rubble-filled lots they transformed in gardens and are now being privatized as mixed-income housing. Through this emplacement, they sought to create a cultural safe place in pursuit of an empowered and liberated enactment of property, which is nonetheless unstable and imperfect. Here, in this chapter, I focus on the process by

¹⁹¹ As explained earlier, Roy (2017) turns to Butler and Anhanasiou (2013) to offer expanded conceptualization of dispossession and evictions by asking three questions: 1) What is to count as property? 2) Who can count as the subject who can claim home and land? and finally, 3) Who holds the place of the human?

which this decolonial, decommodified and communal vision of land is explored, suggesting an unstable oscillation between imposed structures reproducing private property and possessive individualist norms and an exploration of possessive collectivism while searching how land and resources can be shared and self-governed in anti-authoritarian and communal relationships. In other words, I argue the commoning process toward possessive collectivism is an imperfect yet disruptive process by which a collective is challenging the conventional and dominant possessive individualism of private property. It is the “site upon which alternative practices clash” (De Angelis and Harvie, 2014: 8) as well as being differently enacted by the commoners (Noterman, 2016). Hence, it participates in Eizengerg’s (2012a) concept of actually existing commons¹⁹², which undertake the task to “complicate and explicate the notion of the commons and its actually existing manifestations.”

Consequently, still by tracing bodies in, around, and among gardens as I explained in Chapter 5, I am asking what does it mean to share, collaborate, disagree, compete or gossip in a community garden, especially when enmeshed in the context of racial banishment and intergroup prejudice in East Harlem described in previous chapters? Building on Chapter 5, this chapter pursues the conversation on the meaning of spatial corporeal practices (or property relations) in these threatened community gardens of East Harlem to better understand how they fit in the commoning process. In this sense, to specify the definition of the commons and explore how these property relations speak to various property regimes (i.e. dominant private property versus possessive collectivism¹⁹³), I explore the relationship between possessing and commoning.

Answering these questions enables me to discuss how stealing, gossiping, and competing for resources, but also excluding can also be a part of commoning in community gardens. On the

¹⁹² Actually existing commons explicit refers to Brenner and Theodore’s (2002) actually existing neoliberalism.

¹⁹³ Perhaps somehow similar but not limited to the indigenous overlapping property claims described in Chapter 1.

one hand, commoners exchange gifts and share resources to create mutual bonds and reciprocal obligations while also setting informal institutions for managing resources. For instance, Stavrides (2015a,b) suggests urban commoning is “a multifaceted process which produces spaces, subjects of use (inhabitants) and rules of use (institutions) that share the same qualitative characteristics,” but he idealizes and romanticizes the process, without leaving room for imperfect commoning relations “as they exist.” Departing from Stavrides (2015a,b), I suggest acts that may intuitively seem contradictory to the commoning process ultimately contribute to reclaiming and sustaining the urban commons, like competing for resources and excluding others. Moreover, friction among newer and older members is always present since not all people may be equally on board with the commoning process, and some may just be in it for themselves and their immediate family, making the commoning process uneven or patchy and erratic.

1. Conflicting Commons

Different approaches have been used to discuss commons in twentieth and twenty-first-century scholarly debates. For instance, Elinor Ostrom, who won the Nobel Prize in Economics in 2009, challenged Hardin’s (1968) so-called tragedy of the commons proposing a ‘rational egoist’ model feeding in neoclassical economics in which individuals would not cooperate when facing a common problem, fatally leading to resources’ overuse and depletion. Conversely, drawing from specific contemporary instances of common resources co-management and drawing from anthropology and economics, Ostrom rather argues “individuals do indeed cooperate often to solve common problems” and identifies “institutions (rules) regulating human behaviour in collective organizations” (Velicu and García-López, 2018: 3). Consequently, according to Ostrom, overuse only arises in the absence of relations of trust and reciprocity that produce collective action and cooperation, or in the absence of rules and institutions.

In other words, rational cost-benefit calculations define rules and boundaries for the management and membership of the common pool resources, since these rules and boundaries act as incentives for cooperation or penalties for those who don't, according to Ostrom (1990, 2009 in Velicu and García-López, 2018: 4). Ultimately, her 'rational-choice model' presupposes assumptions of autonomous individuals making rational calculations for utility maximization and even profit-making, which critical scholars have criticized (*Ibid.*; De Angelis and Harvie, 2014; Caffentzis and Federici, 2014; Caffentzis, 2009).

While acknowledging her important contribution, critiques suggest Ostrom's model presupposes individuals hold stable preferences and bounded rationality¹⁹⁴ still relying on cost-benefit calculations to increase personal welfare, downplaying the structural forces at play impeding free choices and not challenging capital accumulation as the extractive force leading to overuse. Hence, according to critical scholars, the potential pitfall of resource depletion is not caused by a lack of rules or institutions, but rather is a result of ongoing pressures toward enclosures producing "individualist subjectivities generated by capitalism" (*Ibid.*: 2). Pressures toward enclosures generating individualist subjectivities (i.e. possessive individualism and private property norms) are not dissimilar to the process of subjectivation identified in the previous chapter when discussing gardens as private clubs or cultural safe places. I also link these ongoing pressures to a discontinuous alternation between possessive collectivism and possessive individualism where dispossessed gardeners are trying to enact another kind of politics (Roy, 2013, 2015, 2017).

Moreover, while commons have historically referred to resources or land in rural settings, scholars have pointed to the need to study urban commons in both their material and immaterial

¹⁹⁴ Ostrom found inspiration for her bounded rationality in Herbert Simon (1982, 1989). See Collet (2009) for a critique of Simon. According to Simon (1982), "rationality is bounded because there are limits to our thinking capacity, available information, and time."

manifestations. For instance, Huron (2015) suggests urban commons' defining characteristics are that they are enacted in saturated space, the city, where urban dwellers, who may be strangers, are forced to either share or compete for resources. This coming together of strangers consequently holds both potential and conflict, Huron (2015: 968) suggests, when a self-defined group reclaims and sustains the commons' collective resources, relations or activities (Noterman, 2016).

More recently, following autonomists like Caffentzis and Federici (2014), De Angelis and Harvie (2014) and others, Velicu and García-López (2018) have contended that the defining characteristics of the commons are that they are alternative to state and market-led solutions in addition to being based on self-organized cooperation. Yet, Velicu and García-López (2018) acknowledge commons are imperfect, almost ambivalent and unstable, because of people's *bounded selves* and *mutual vulnerability*, leading commons to be contested terrains. Or as De Angelis and Harvie (2014) acknowledge: commons should be "the site upon which alternative practices clash". On this, Enright and Rossi (2018) also argue urban commons are ambivalent (see Virno, 1996) since they hold the multiple and competing roles as a "site of experimentation with *post-capitalist* cooperative relations; as a site of an *anti-capitalist* practice of resistance; and/or as a site of *capitalist* re-appropriation" (Enright and Rossi, 2018: 35; my emphasis). The data I collected on community gardens in East Harlem as urban commons fit these latter theoretical observations of Velicu and García-López (2018) and Huron (2015), which I detail in the next few pages.

Consequently, I join critical scholars who, departing from the "dualist assumption about an altruistic human essence suppressed by the Empire", rather suggest focusing on the bodies' situatedness and the social practices reclaiming and sustaining the collective production of that commons that reveal their "messiness and skirting in the reproduction of everyday life" (*Ibid.*:

2). More specifically, inspired by Butler (2004, 2005; Butler and Athanasiou, 2013), Velicu and García-López (2018:4) argue commoning is relational politics that engage with bodies in *boundedness* and *mutual vulnerability* that help translate the ambivalent performativity of subjectivities (i.e. cultural enactment and agency or subjectivation and subjugation) (See Enright and Rossi, 2018). Hence, conversely to Ostrom's main concern with rules to incentivize or punish for better cooperation, these scholars suggest commoning is not mere technical management of resources but rather a "struggle to perform common livable relations" in time and space (Velicu and García-López, 2018: 3). Although they are "promoting social practices that put constraints on and push back practices based on commodity production and capital accumulation" (De Angelis and Harvie, 2014: 8), commons are neither totally pro nor against capital power relations. Rather, as Velicu and García-López (2018) suggest by drawing on Butler to understand subjectivities formation (either subjectivation or cultural enactment), commons are enmeshed in power relations. Recognizing the double valence of power (Butler, 1997) is not in denial of individual agencies, but this perspective acknowledges that "individuals are effects of power (i.e. subjects), [and thus are] (re)producing these power relations that both sustain and limit them" (Velicu and García-López, 2018: 3). As Pasquinelli (2008) posits, "only an acknowledgement of the dark side of the multitude (or the commoners) can establish a true radicalism" (32).

To understand the messiness of commons, Velicu and García-López (2018) suggest considering commoners as *bounded selves*, that is by recognizing our relational opacity since we are not autonomous as we are bounded by our relations, be they power relations, structural conditions and past experiences, all influencing people's subjectivity. Conversely to Ostrom's rational-choice model, these scholars suggest people make decisions not based solely on conscious calculations to improve their well-being, but also found their decisions based on

relatively unconscious habitus (Collet, 2009 in Velicu and García-López, 2018:5) where “ourselves (identity, autonomy) are bounded by conditions of livability we do not fully choose or even grasp” (Butler, 2005; Velicu and García-López, 2018: 8). Consequently, “bounded selves’ indicate our inability to know ‘up to what point’ we can know (our)selves and ‘where to go’” (*Ibid.*:8) since we can never leave behind our emotional and physical interdependency. In this sense, similarly to Marcus’s method (1995; see the introduction), this perspective suggests “[ethnographers] should analyze where they [participants] came from and ‘how people interpret their situation’ to define their goals” (Hodgson, 2012: 95).

In other words, we are bounded by our knowledge, but also by our relationships and bodies. We are dispossessed of ourselves as a result of our encounters with others (Butler and Athanasiou, 2013; Velicu and García-López, 2018: 11). In this context, commoning bounded selves are socially produced, that is relationally and normatively constituted, since who “*we*” are is a social construct. Contrary to the mainstream common pool resource model of autonomous rational individuals, the commoning “*we*” is a “relational constitution of collective selves, which faces us with the opacity (i.e. boundedness) of selves rather than fully formed alternative/communal subjectivity” (Butler and Athanasiou, 2013: 100). Hence, commoning is a contested and ambivalent terrain performing the alternating “within and against” of power and agency (Velicu and García-López, 2018: 7).

Consequently, our bounded selves “are sustained and limited by others in situatedness with ongoing relational power-politics” that constantly reveals our *mutual vulnerability*, in an inevitable exposure to others, a common physicality and risk, which is again challenging Ostrom’s expectations about self-sufficiency or autonomous choice-making. More specifically, Velicu and García-López (2018: 2-3) suggest, as does Butler (2005), vulnerability could be conceived as the *site* and *condition* of power and agency to be performed. Consequently, this

puts *relationality* as the central condition for the commoning process, in which we collectively and individually work toward the “re-constitution of our-selves as subjects in relations of power” with the goals of radically transforming global socio-ecological relations of inequalities (Velicu and García-López, 2018: 12-3; Swyngedouw and Ernstson, 2018). As such, I agree with Velicu and García-López (2018) when they contend:

We see commons as fragile not only because they are vulnerable to enclosures, limited, and hard to sustain and regenerate: their fragility is also our own boundedness as humans exposed to each other, self-dispossessed and mutually vulnerable in never-ending problematic, and unequal connections. (13)

With this theoretical frame laid before you, I am again proposing that Roy’s (2017) concept of dis/possessive collectivism encapsulates the tension in the collective and alternative land management experimentations that is stemming from dispossession, and I suggest this concept frames East Harlem gardens’ politics of emplacement. In this sense, I am interested in the question Butler and Athanasiou (2013) ask and Roy (2017: A6) puts forward: “How might claims for the recognition of rights to land and resources, necessarily inscribed as they are in colonially embedded epistemologies of sovereignty, territory, and property ownership, simultaneously work to decolonize the apparatus of property and to unsettle the colonial conceit of proper and propertied human subjectivity?” While Roy (2017) is interested in redefining dispossession, property, and personhood, in her previous work (2013, 2015), she suggests poor people both disrupt and maintain conventional property and possessory politics, which is similar to Porter (2014) who argues ‘the frame of possession’ always “dominates struggles to challenge dispossession and claim restitution.” In other words, similarly to the capitalocentric imaginaries that Gibson-Graham (2006) highlights, a possessive individualist imaginary generally lingers and sometimes dominates alternative and communal politics of emplacement. In this sense, the imperfect yet disruptive process of enacting collective property is constantly challenged by the dominant possessive individualism of private property. Commoning is

consequently related in complicated ways to possession since it is entangled with collective claims and property relations (i.e. during self-management by a group for the use of a group) while also dealing with the imperfect “unlearning” of possessive individualism related to private property.

In the next two sections, I turn to the data collected in the threatened community gardens of East Harlem to trace their spatial bodily practices and understand the messy enactment of commoning practices revealing for instance how they shared or competed for resources (Huron, 2015), but also how they offered gifts with the ambivalent obligation or not to reciprocate them (Strathern, 2010), all instances of imperfect enactment of within/against power and agency.

2. Sharing or Competing for Water Access

Access to water can be quite challenging for community gardens in the city, as they often depend on street hydrants. On the block where I was most involved, three community gardens shared one fire hydrant located on the southwestern corner. Securing a permit each year from the Sanitation Department to use the hydrant, they received a sort of giant metal Alan key to open the water tap. With the hydrant shared among different community gardens, logistics needed to be put in place to safely bring the water from the southern corner to all gardens, even to the one 300 feet away on the northern corner without causing any passers-by to slip. Of course, beyond the logistics of pipes, keys, and safety, access to the hydrant had to be shared at busiest times when the heat was oppressive and many people were available to water.

Water access epitomized the gardens’ mutual vulnerability and command response-ability (i.e. the ability and necessity to act) as Velicu and García-López (2018) suggest since plants depend on frequent watering. Consequently, the three gardens on that avenue decided to organize a hose system by the rear gate of their gardens with valves to funnel water to each garden, especially to the farthest on the northern corner. As a result, gardeners only had to roll

out a hose twined by the closest gate to connect the hose system to the hydrant. This system was simpler for gardeners and safer for the passers-by until other surrounding users interfered with the system.

Other unexpected users would have their say: a guerrilla gardener and a cat lady. A Bangladeshi garden member named Nasir from the northern garden ventured over to the baseball field adjacent to the garden to tend a separate garden for his family and to withdraw from the community garden's mutual obligations and rules. Needing water, he then disconnected the collective hose system, much to the discontent of his former garden. After much incomprehension and argument, Nasir came back to the former garden the next season and helped reconnect the collective hose system. By coming back, Nasir accepted to submit again to the informal rules and institutions gardeners had set up to share the water access.

The other unexpected user, the white retired school director from down the street who took care of stray cats on the block, had built shelters and feeders for the cats on that same corner where the collective hose system was twined to the gate. Danielle complained the hose would wet the cats' shelters, and threatened to call the police on the gardeners. She put the feral cats' welfare before the brown and black gardeners' interests because she said the cats were here before any of them. Before the hose system was fixed, to not bother the cats and the cat lady, every gardener would go to the corner again with a grocery stroller, the big key, and their hose. Showing me the shelters, she had built and informing me of the cats' habits, the cat lady revealed how she thought the Puerto Rican gardeners were unfair, even racist, to the African American gardener (even though she was herself increasing their workload burden and threatening to call the police).

Two weeks or so later in late July, the water situation was still not fixed. Nasir, who was the only male gardener in the north garden, offered to help us understand the hose network and fix

it, so all three licensed gardens on Madison Avenue could use the water. Showing us the different connections, Nasir insisted that we must respect each other's work for it to function properly, like Danielle's work with the cats and their shelters, but also his own work. He was referring to the climbing beans growing on the eastern fence that Renee had cut off and removed because she thought it was blocking the sun on the planting beds on our side of the fence. She also feared a developer would take note and reproduce this green barrier once we would relocate. Gardeners wanted to be as active and community-oriented as possible by beautifying their space because they feared they might become the development's private garden. Indeed, Tiana and Renee took the councilwoman Viverito's directions very literally: what is in the garden right now will have to be reproduced once the lot is developed and the garden is relocated. Consequently, with the constant fear of being monitored, the authority of some gardeners prevailed.

As the hot summer day approached dusk and shade slowly invaded the garden, we were still watering the garden with our inefficient system comprised of one leaking hose with poor pressure. After a whole afternoon of scaring up the right tools and rallying the different gardeners and their knowledge, we started to grill some vegetables we were supposed to have enjoyed for lunch but had postponed until now. At that moment, the Puerto Rican gardener from the south corner came angrily yelling "*usando agua todo el día!*" The middle gardener also came out of her garden, asking vociferously in Spanish when it would be her turn to water. Exchanging with the man, she agreed she would use it the next day, *domingo*. Disturbed, Renee and I went to the corner to free the hydrant. Seeing us forcing to close the hydrant Nasir had firmly tightened earlier, the gardener from the south corner came to give us a hand and said in broken English that he was sorry for earlier. Renee put the hose back on the fence from the

outside but was too annoyed to roll it out and suspend it as Nasir had said the cat lady would want it.

When we came back to the garden to finally eat, the vegetables were burnt and everyone was a bit exasperated. It was very hard to just sit and peacefully enjoy the garden and everyone's company. A case in point was that Nasir came back at that exact time with the special wrench we needed saying he wanted to finish fixing the hose system. He didn't want to reschedule and said he couldn't guarantee he could come over the next week. Deciding to get it over with, Renee, another gardener, and I followed him to finish the temporary fix to the water hose that straddled the rear gate.

In this case, power plays took shape by dictating when a task would be done and expecting other gardeners to participate and collaborate at a specific time. Underlying gender bias also sometimes crosscut these relationships. The water situation wasn't completely fixed until the next month, at the beginning of September. To make sure the solution would be permanent and everybody would agree, Renee was advocating for a meeting between the contact people from the three gardens, but Tiana said she didn't have time for "he says, she says", and would prefer talking to each of them individually. Verifying that everyone agreed to return the system to as it used to be, Renee, the next-door gardener's husband, and I instigated the repair, again with male leadership to do a manual task, which was pretty messy under the light rain that poured down.

While walking to the hydrant with Celia to see if our repairs were successful, she explained she couldn't believe how much Tiana spoke during the last NYCCGC meeting for Uptown HPD Gardens the night before. This kind of colloquial gossiping was not rare, and I came to see it as fulfilling two goals: analyzing new situations as they occurred and negotiating their own

reputation before my eyes¹⁹⁵ by distancing themselves from others. As such, Celia did not understand why Tiana had to accuse other gardeners as if she competed to show her garden was more active than the others. More specifically, she didn't comprehend why she had accused Lisa, the white Italian gardener, of not holding the open hours GreenThumb required. On my part, I felt the two gardens and gardeners were *bounded* by their different, incompatible schedules, and didn't witness each other's work. Tiana also accused the other gardeners on the avenue of not sharing water. Celia acknowledged they did get mad sometimes, but she added Tiana tended to put the hose on the ground and start doing something else and, hence, used the water for more than two hours consecutively.

Celia also said she shouldn't have accused me of not being supportive enough, implying I should have gone around all eight gardens so they would show up to this Uptown meeting, while I'd been in the gardens a lot. Celia continued by stating that Tiana had the tendency to boss around and "kill her members at work" who eventually ended up not coming back. She added this was the reason she requested a fence from GreenThumb between the two sections of the gardens a while ago. Celia repeated she didn't want to take the gate down, although Tiana had suggested it many times. Similarly to the two sections of PVCG, Celia felt they each dealt with their stuff the way they thought was fitter with the fence up while collaborating where and when they could. The gate facilitated commoning relations among the gardens while also creating distance with others, as private property would do. Hence, the garden boundaries enacted by the fences (or their key) were mediating some emotional and political relationships to the land

¹⁹⁵ In another instance, from her garden's entrance as I was unlocking my bike, Celia told me as a semi-joke I didn't "love" them anymore as if she were jealous I worked in the African American garden. She added, once again, to not work too hard in that garden because this is what Tiana does to garden members. I did some work in Celia's garden as well, but fewer projects were undertaken there overall. When more exhausting or physical tasks needed to be done, like weeding around or climbing on the casita to pick cherries on the tree's upper branches, I was happy to do so. Also, when I asked about membership fees, Celia always seemed evasive and she eventually admitted she didn't want to share the key because she worried Tiana would take over her side through me. Hence, keeping the key for herself was one of Celia's possessory acts.

and facilitating cohabitation, although not resolving all tensions, whilst adding to feelings of safety, control, and helping protect reputations.

As this shows, the water was shared among the three gardens, but contested by an improvised gardener, and negotiated with the feral cats and their protector. Although they shared the hoses, water connectors, and keys to the fire hydrant, all could also be appropriated, momentarily or hijacked for longer, which would have an incidence on their mutual vulnerability. Moreover, power plays among gardeners also took place on multiple occasions, either during contentious communication among gardeners who did not always share the same first language, but also when gardeners and neighbours who met on the street gossiped about other gardens or by dictating when a task would be done. These power plays all participated in their own way to assert or challenge one's possession of the land.

For instance, on language, Tiana who was Afro-American blamed other gardeners, Puerto Rican or Bangladeshi, when they didn't speak English. She mentioned many times she believed they were faking not speaking English to avoid her. In return, gardeners and neighbours gossiped when they considered a garden wasn't properly maintained. Overall, this data shows here with clarity how these actors are bounded by their knowledge, language, and beliefs while also highlighting how they recognize their mutual vulnerability since the look of other nearby gardens may affect their own reputation and future.

3. Begging, Stealing, and Reciprocating Gifts, like Grant Money

Sharing resources, like water access, plants, grant money, information, or, inversely, stealing materials, like water nozzles, seeds or garden figurines, were ways of communicating possession and enacting inclusion or exclusion that challenged or reproduced private property norms and entitlement to such property or resources. For one thing, sharing is not simply an altruistic act, as Mauss suggested in his essay on the gift in 1924, which participated in founding enduring

social theories on reciprocity, exchange, and possessive individualism through a comparative analysis of indigenous clans of the Pacific. Mauss (1924) argued sharing a resource often awaited a reciprocating gift that set forth an enduring relationship between the giver and the receiver. However, more recently, scholars have increasingly suggested that insisting on the obligation of reciprocity as the motor of exchange when sharing or donating is problematic since there are many counter-examples where gifts appear to be given without reciprocity (Strathern, 2010; Juillerat, 1992, 2002). In this sense, Strathern (2010) challenges the deeply rooted assumption that altruism is tied to gifts and that sharing and gift-giving have organizational effects since “certain acts of gift-giving [...] epitomize how people’s intentions resist organization” (126). Such counter-examples, as I will show, are sharing grant money, but also competing for resources by gossiping, stealing or begging, which may be a means to challenge the authority of the garden’s management. To this end, these spatial practices for sharing and competing for resources (Huron, 2015) speak to feelings of possession and reciprocity.

In addition to sharing water access, the six gardens on the block recently received and shared a \$6,000 grant from the City Speaker Mark-Viverito’s discretionary fund, who happened to be the local councilwoman. Tina took \$900 of her \$1,000 to order plants and vegetable seedlings to use in the garden for the new season, but also to share with other gardens on the block. Some of the neighbour gardeners planted what they received while others sold their share of the plant order as alternative income-generating strategies.¹⁹⁶ Some of the neighbour gardens also asked

¹⁹⁶ As mentioned on various occasions in the dissertation, for many, the garden did represent a kind of privilege because it could not only provide food but also act as a street-side gable or other creative use of the space for income-generating strategies – some of which Bourgois (1996) had identified in the early 1990s in the neighbourhood. In East Harlem, street vendors selling Mexican food, \$1 iced water, and *granitas* were the most common, whereas in Central Harlem, especially on 125th Street, vendors sold fragrant oils, creams, books, music, sunglasses, and t-shirts. During my fieldwork, for instance, some gardeners were selling *pastelitos* from their *casita*, holding vegetable markets, garage sale or flea market in front or inside their garden. Some mobile vendors also went from garden to garden to sell jewellery. Some used gardens as a playground for kids they are babysitting. Some sold or exchanged plants. Some gardeners also hired local neighbours to do jobs their members weren’t able to do, like using their car to pick up a delivery at a big box store in the Bronx or do manual jobs like repairing the

Tiana and Renee to order material with their share of money. What's important to know here is the grant gardens receive are rarely in money, but in material they can purchase through a directory requiring an administrative fee. Hence, it was not necessarily the least expensive, and the delivery of, say, a rake or wheelbarrow could take a while (in this case almost a year!).

As a result, because the order took so long, some gardeners on the block said Tiana had "stolen" some of the grant money although she had shared her piece with the gardens on the block. Tiana also complained other gardeners did not help back in any way but gossiped and undermined her intentions: "People can be nasty around here. I could be nasty too, but I don't want to behave like the other ones," she said. On the one hand, she expected the others to reciprocate the help since she believed they had become liable in their actions because of the gift she gave them. On the other hand, not sharing back and gossiping were the neighbour gardeners' ways of signalling symbolic claims and challenging Tiana's authority over the garden and grant money.

casita. In some cases, these income-generating strategies were derived from the garden. In other cases, those strategies were derived from the produce yielded in the garden.

For instance, some gardens have started selling their produce to local restaurants or at a farmers' market organized in association with a public school. This fresh market ran by kids and instructors sourced its produce from local community gardens and Upstate growers, from which they ordered through a nearby grocery store, hence using its distribution infrastructure. Local community gardens complemented the produce with tomatoes, collard greens, herbs, peppers, cherries, and squashes, for which they received from \$5 to \$50 at every market depending on the variety and quantity provided. The operation was still new and precarious as gardeners had to be able to yield and deliver the product to the school on a weekday before 11 am, and the income generated could only be complementary. Nonetheless, this shows how the garden represented one strategy to complement the gardeners' income.

Some gardeners consequently shared the ideal that these income-generating strategies in the garden be a way to create their own jobs. Like Tiana said her cousin was often telling her: "It's enough with the volunteering!" By constituting a non-profit with a board of directors, she thought gardeners should be able to create their own job out of the garden, by selling vegetables, herbs, bug spray, and herbal water at farmers' market stands in or outside the garden. But to do this, she believed we needed serious and committed people: "We have so many talented people who could contribute and share their skills here," she said. She also hoped all the gardens on the block would work together, for instance, cooking and selling her food, holding a flea market, and so on, and the money would all be shared, like Chenchita's Garden had done by sharing the grant. Despite the ideation of potential futures, this regularly led Tiana to "judge" what labour was "useful" and who was "entitled" in the garden.

To honour the swap, Celia came down from her building and brought food in a bag in the garden, after a complete day of work in the space. Tiana complained it was all frozen and nothing could be shared and eaten right away, to which Celia replied she was being greedy. Then, on another occasion, on a cold spring afternoon, Celia brought down hot sizzled chicken gizzards that we shared and all ate with great satisfaction. This food seemed to be Celia's way of returning the favour for ordering the seedlings we had given her that spring. Sharing with Renee that idea of the chicken gizzards representing of return of the favour, she first frowned and eventually nodded, as if this made sense to her. Following Mauss, sharing was not a purely altruistic act without contingencies; it was an exchange where one shared with the expectations the other would eventually share too, perhaps because they were mutually vulnerable. Here, for Tiana, sharing was an act of reciprocity, following Mauss's prescriptions. However, if we keep Strathern's (2010) and Juillerat's (1992, 2002) cautions in mind, these counter-examples where neighbour gardens didn't reciprocate the help may communicate they were challenging her authority by refusing to be liable. In that sense, this data would support Bourdieu's (1997) pessimistic reading of the gift where the withholding of reciprocity acts as a form of power (Olivier, 2008).

On the other side of the block, Lisa, the only white garden contact person on the block whose Italian grandparents lived in the neighbourhood, saw many things disappear in her garden – like plants, water nozzles, seeds. Although she has lived in the area for more than a decade, she still considered herself new to East Harlem. She knew a lot of people around here, but she felt it still worked in gangs or more accurately in clans. At her garden, junkies were stealing many decorative plants close to the fence – like rose bushes or other pretty flowers – to get a few bucks in return. This was among the reasons why she renamed the garden the *Unfriendly*

Garden. She felt these thefts were a means to challenge her occupancy of the garden and the privilege that came with it.

When she wanted her stuff back, for instance, the nozzle of her hose, she went to Celia, on the other side of the block, who was usually able to find the stolen object. Celia was consequently an entry point to a social network Lisa couldn't access because of her language and skin colour, which bounded herself in situatedness, in which the "threat" of theft in urban commons by strangers seemed heightened (see Huron, 2015; Egerer and Fairbairn, 2018).

I often joined Lisa on Wednesday mornings to give her a hand weeding or picking tomatoes and delivering them to a nearby farmers' market held in a public school's backyard that would sell produce from local community gardens and Upstate farmers at low prices. Based on her experience in different gardens around the neighbourhood, Lisa explained she understood why some gardeners were protective of their garden. She referred to how often people stole plants or came in to tell her what she was doing wrong in the garden or to ask what yields they could take or tried to use the space to sell drugs.¹⁹⁷ She recounted how in another nearby garden where she's also involved two ladies came in, and while one kept on asking what plant was what, as if she wanted to test her knowledge, the other lady was stealing seeds around. "Old ladies are the worst," she claimed, explaining this was why she didn't put pretty plants too close to the front gate. She felt those people came in the garden just to take as if gardens were an endless repository of gifts that didn't need reciprocation or to partake in the endeavour of community gardening. In other words, it's as if new garden members, passers-by or beggars didn't want to become bound in the mutual vulnerability of sharing and maintaining the community garden.

Sometimes, those passers-by were willing to pay a membership fee for an individual plot but did not want to participate in the collective chores to maintain the common areas in the garden.

¹⁹⁷ Similarly, Emilio said three white young women approached him to grow marijuana in his garden. He also caught a man sleeping in his casita more than once.

She also added that some gardeners had had the garden for so long that they didn't want to let it go while others didn't understand that "if you want a garden you might have to dig it and build it," or else it might not happen. After more than a decade living and gardening in the neighbourhood, this was finally the first year she actually had her own individual plot. As a consequence, she didn't really feel threatened by those symbolic challenges (i.e. theft). Yet, this speaks to how citizen-led public spaces may not all be equally disruptive of possessive individualism while at the same time exploring possessive collectivism as well as experimenting with post-capitalist cooperative relations and anti-capitalist resistance by investing sweat, time, and labour in commoning (Roy, 2017; Enright and Rossi, 2018).

Later, while Lisa and I were talking one Wednesday morning, a woman with a veil approached the gate on shady Park Avenue,¹⁹⁸ holding the fence with her arms to the sky, quietly mumbling something indiscernible. Lisa assumed she wanted tomatoes. The lady stayed there quite some time. Wondering if she should go see her, Lisa admitted she didn't really want to, saying she was on her day off after all... I didn't interject either. This kind of request in this garden often happened, she said, especially for the tomatoes. The garden was a resource and a privilege from which to eat, a way to mitigate one's vulnerability, especially in a context of poverty. Because of this, gardens could be considered what Mauss called the "treasurers of their communities," whereby wealthier or more resourceful people are expected to share their resources with others (Graeber, 2001: 160). In that sense, visitors sometimes received selfless gifts (i.e. with no expectations to be reciprocated) when visiting the garden, like a bunch of chocolate mint herbs or a few tomatoes. However, usually, gardeners became entitled to nature's gifts as a reward for their sweat to incentivize their participation in the garden. In that case, with the woman by the

¹⁹⁸ Because of the above-ground train on a stonewall separating the avenues' lanes, Park feels less safe. Litter often filled the tunnels connecting the streets, and the train could be annoyingly loud.

gate, although doing nothing was doing something, as volunteers, we did nothing because we were exhausted and looking for a haven, a quiet place to rest.

Consequently, possession meant different things and could be enacted varyingly, and was not necessarily antonymous with commoning. Not simply the opposite of private property and neoliberalism, the relational process of commoning intersected in complicated ways with volunteer work, self-help, precariousness, sharing, protecting and appropriating in the gardens. In a situation of extreme hardship, some would steal or beg, and gardens could be opportunities for such acts. While some gardeners followed directions and orders concerning work to become legitimate or be accepted by other gardeners to be able to yield or have a personal plot, others felt more readily entitled when they joined the garden.

Divergence about community garden aesthetics, from wild to sterile, also revealed the gardeners' discrepant views of the world they envisioned and would like to foster. For some, tidiness or visual markers (with flags or carpets) signalled class or cultural distinction. For others, orderliness was as a sign of "correctness" and "properness" that some considered a symbol of gentrification. For instance, Celia, whom I described as religious and liking "good people" who didn't drink or smoke (see Chapter 5), complained she didn't understand why Tiana accumulated so much "crap", from plastic bottles to cardboard, to glass bottles, each week beginning a new project. Celia claimed Tiana's garden looked like a jungle, and even when cleaned up became a jungle soon after again. She said people from the neighbourhood even wrote a letter the previous summer to complain about how "filthy" the garden was, which she later admitted finding on the floor, not knowing the letter's authors.

Conversely, Tiana praised the dynamism of her garden compared to the other on the block and applauded the diversity of people involved in the garden, which she linked to her openness and inclusiveness of passers-by. This openness was communicated in many ways, like the front

gate being opened almost every day. She also celebrated her experimental and creative gardening techniques that many thought were messy. As such, we were never bored in that garden; there was always a project going on. Early that spring, hundreds of hay bales, which had been used as a protector at the bottom of a hill where kids sled, were delivered on the sidewalk of the garden. We hoped to repurpose these free bales to level the ground, but also to experiment with straw-bale gardening techniques. Needless to say, moving around the humid and almost-decaying bales was hard work, and many neighbours didn't understand what was going on, thus attracting negative comments from passers-by about the high pile of bales. This creative experimentation for repurposing bales and trying out a new growing technique challenged conventional, dominant, and *proper* management of public property.

Tiana was also proud to be incorporating a landscaper's green scraps from a private unbuilt lot on the other side of the block to the garden's plots. While some didn't understand why she was wasting so much energy on moving around messy piles of green scraps, this was Tiana's symbolic and material way of claiming this piece of land by nourishing it. This was her way of caring for the more-than-humans. Repurposing, reusing, recycling was her motto, and these scraps enriched the soil with nutrients that fed microorganisms. Moreover, because some parts of the gardens were sinking in the underground basement of the former pharmacy, gardeners frequently ordered bags of soil, compost or mulch to level the ground. In the meantime, those bags were piled around the garden as not to attract too much attention from people who might want to steal or ask for a favour or donation from the bags. For her part, Tiana believed she was challenging the dominant private property aesthetics and possessive individualism while working toward the transformation of her peers' subjectivity, perhaps even challenging those who just looked into the garden.

The gardeners also had to negotiate the space with other living things, revealing a particular relationship with the local fauna. Gardeners were well aware of the other living things using the premises, like the underground worms and microorganisms decomposing the compost we mixed with the garden's soil or the slugs that ate the leaves of the veggies. There were also many birds nesting in the garden trees or eagles surveying our hens from above as possible prey. Rats were also nesting in the basement under the garden, hiding in our greenery or feeding from the pastelito cart on the corner, and the stray cats transited through the gardens and baseball court next door. However, besides gardeners' attention, all this teeming life was taken for granted by most passers-by, almost totally invisible, as if they were devoid of any kind of agency in this highly dense urban setting. These animate actors also enacted possessory acts in their own specific ways, by inhabiting the underground basement or the human-built cat shelter, but their symbolic or material property visual markers (i.e. property relations) were to be read differently, or else remained unintelligible. Nonetheless, they shared and competed for the space too, and were often mutually vulnerable to the gardeners' actions too.

However, in addition to stories of bounded creatures that are as mutually vulnerable as humans, this relational negation of "overlapping material and immaterial commons" (Noterman, 2016) was not immune to ongoing pressures toward enclosures – exerted in various ways, either from GreenThumb, NGOs or developers – and producing "individualist subjectivities generated by capitalism" (Velicu and García-López, 2018: 2). For instance, GreenThumb asked the old Puerto Rican man in his late 80s who liked his garden spotless to remove all the carpets he had lain over the years. Although this was a typical feature of Puerto Rican gardens in NYC, GreenThumb decided rugs were not appropriate in gardens anymore. The then new GreenThumb executive director was enforcing more consistently its policing force toward a uniform aesthetics with more frequent inspections in addition to pushing community gardens to

adopt “democratic” bylaws (see Chapter 3; Martinez, 2010). In other words, the garden space and assistance were a gift the City granted to gardeners, which they were requested to reciprocate by fulfilling the City’s aesthetic and programming expectations. The request to remove rugs was a good example of that policing effort, and proof of the gardeners’ liability toward the gift that was the garden. Nonetheless, the man in his late 80s who liked having rugs in his garden as they kept the area clean and free of weeds was notified he had to remove the carpets, and replaced them with the woodchips GreenThumb would give him. Apparently, the carpets had to be taken out to show developers it was, indeed and without ambiguity, a garden, and supposedly, because they were fire hazards. Consequently, the old man displaced the many figurines and his furniture (tables, benches, chairs he painted every year to keep them a pristine white) to take out the carpets, and put them in a pile on the street corner. It took many weeks, even months, before the Sanitation Department cleaned the corner of the pile. Perhaps, with the new development coming, the spotlight was on the block, and this was a symbolic “test” to verify how active or motivated the gardener was. This test was also a clear example of how GreenThumb influenced and even imposed a normative aesthetics of a properly tended property, which *bounded* the gardener’s tasks and duties in their garden and highlighted their vulnerability. By asking gardeners to comply with the City’s normative aesthetics and governance favouring possessive individualism, this reconfirmed the City’s authority over the space and its gardeners and limited the gardeners’ exploration of possessive collectivism.

However, many gardeners felt like there was a clear push toward homogeneity in the aesthetics of gardens because of GreenThumb, but especially when they became driven by non-governmental organizations (NGOs). For instance, many gardens revamped under New York Restoration Project (NYRP) or Trust for Public Land (TPL) were said to have become almost sterile. NYRP and TPL were the organizations that “received” the saved gardens from the

Giuliani auction in the late 1990s (see Chapter 3; Martinez, 2012; Eizenberg, 2012b). Although these were not-for-profit organizations, they came in gardens and revamped the place with variable input from gardeners or neighbours. According to Petrovic and colleagues (2019), TPL seeks to “maintain the space internal [community] organizational structure to remain relevant and to receive official protection as garden space” while NYRP favours land recovery over community participation, “a vision that resulted in hiring professional designers, contractors, and maintenance staff to redesign and maintain these gardens” (38). Consequently, many NYRP gardens in East Harlem were sponsored by large businesses, like Costco, Target, Home Depot, Walt Disney, or the like, and these sponsored gardens all had a homogenous look, and ended up empty most of the time.

With this trend going on, Claire feared Miracle Gro was trying to get a hold on PVCG when the garden received a grant without even applying for it. This discretionary distribution of money coming from Miracle Gro allocated by Mayor Bloomberg, in alliance with GreenThumb, during winter 2015 raised suspicions and rang a bell for some while others voluntarily ignored the unusualness of the gift and happily accepted it. Was there an expectation on the part of GreenThumb or the company that the gift would be reciprocated? Claire explained her perspective:

I felt it was... and this is my impression... that this was a path for GreenThumb to even shed the garden as part of Parks and hand it over to Miracle Gro, like the Home Depot Garden. My fear was that they were going to shed this from the GreenThumb system, the [parkland] system, and maybe even hand it over to New York Restoration Project, because I was going to some of the meetings of the East Harlem Rezoning, and New York Restoration Project was at the table and was at those meetings. (...) And what I was afraid was going to happen with the Miracle Gro money is that we would become the Miracle Gro Garden 'cause technically we are. And ... That was my big, big, big fear, and I didn't want that to happen at all. And I still don't... To be honest with you, I'm not so sure there's not weird stuff coming.

What Claire meant by saying that they technically became Miracle Gro's garden because they accepted the money was similar to Mauss (1924) argument suggesting that sometimes a part of

the giver's spirit followed into the gift, and by extension into the receiver (in Graeber, 2001: 164, 168). Would it be that the "spirit of the gift" (or the *hau* according to Mauss about Maori beliefs) transited from Miracle Gro into PVCG to influence them toward certain conduct?

For that reason too, Claire made the case not to allow the pathways to get paved with bricks at PVCG. For her and many other old-timers, community gardens need to remain a bit wild and funky. From her experience with NYRP, she recounted the NGO came in gardens to sell an enchanting story of how they would beautify the garden and provide lots of resources. Next thing you knew, she explained, the garden was always closed, controlled from above, no gardeners were involved, and it's all looking sanitized and homogenized with, say, paved pathways. A community garden should not have the formal, conventional, sanitized aesthetics of City parks or corporate gardens, she contended. "It's one of the few places where urban people have some freedom, where they can express themselves," she claimed. "They may not have the luxury to buy any kind of stuff or have a cottage Upstate, but they have this. And the City wants to take it from them," she said. Consequently, gardens were means to express and enact control and freedom over what felt like property. Gardeners felt their gardens were means of cultural expression and their scruffy look may express their exploration of collective emplacement and experimentation with post-capitalist cooperative politics entangled with ongoing pressures toward enclosure and capitalistic subjectivities. As such, as Mauss suggested in his 1924 essay, "for the foreseeable future, we are stuck with a market of some sort or another" (188-90 in Graeber, 2001: 157), pointing the ambivalent and imperfect nature of disrupting hegemonic practices and values.

The empirical data so far suggests that co-management of public citizen-led community space was bounded, among other things, by the mutual obligations gardeners developed among each other and with their neighbours (i.e. like sharing information, sharing a water hydrant, even

sharing a view; which are not all awaiting reciprocity). Data also suggests how mutual obligations were linking the rulers with the ruled, who were the gardeners and the public at large (Moore, 1978a). Consequently, when Isin (2012: 45) writes, “the crisis of sovereignty is not about *authority over a given territory* but about *absorbing the subject into ‘we, the people’*” (my emphasis), he means – with reference to Rancière and Arendt – that the State is concerned with governmentality for maintaining the capitalistic subjectivities. Managing public spaces is one way of conducting conduct and feeding into the social construct of a “we”, even if this means letting gardeners use interim vacant spaces in exchange. This leads me to further explore how commoning and possession are related.

4. Work and Possession: On the Difficulty of Sharing Authority

For gardeners, work remained the main material possessory act to assert they were entitled to the tended property of the garden. By working the land, gardeners felt they were the possessors of the land since they held the continual material control over the land (*corpus*) and had the intent to act as the owner (*animus*), which are the two legal elements co-constituting possession¹⁹⁹ (Emerich, 2012). Following Locke (1689), community gardens may be one of the means to fulfill one’s “natural urge to control and develop one’s own environmental, and political power deriving from [this work]” (Starecheski, 2016: 177). Like for squatters, investing labour in a garden was also mixing your body and self in space, and by doing so, “their identities [became] tied to their lives as squatters [or gardeners] as well as to the actual spaces they inhabited [or gardened]” (*Ibid.*: 178). In other words, the gardeners’ identity was tied to the land

¹⁹⁹ For instance, possession is co-constituted of *animus* and *corpus*, which *corpus* is declined into *abusus*, *usus*, and *fructus*. The legal owner and possessor remains the City by way of the license agreement contract and by retaining the *abusus* or the power to alienate, that is to sell or lease the lot. However, the gardeners retain the *usus*, the power to use the land, but only part of the *fructus* since gardeners can percept what’s grown in the garden and benefit from activities held within the premises, but the City retains equity on the value of the property. Consequently, mainly because of the license agreements, the law considers gardeners are not full possessors of the land they tend since they do not hold all of the three components of property’s *corpus*, which co-constitutes possession along with *animus* (Emerich, 2012).

they tend *because* of the work they invested in it. Consequently, the workers – squatters or gardeners – develop a relationship to the land that extends his or her perceived freedom into the world, by giving them a sense of control.

Starecheski (2016) explains that workers, through their labour, find “a way in which to parlay their *perceived* individual freedom and dominion over their time and work into ever greater liberties: the liberty to shape one’s environment to suit one’s needs and to use this free time and space to build new political futures” (177; my emphasis). In other words, as I wrote above, the garden’s aesthetics, which was a visual marker of the work invested, reflected the negotiation of gardeners’ discrepant worldviews (i.e. within themselves, with their peers, and with the City).

Interestingly, the squatters of the Lower East Side that Starecheski (2016) focuses on were among the few successful squatters in contemporary New York City to articulate and convert their moral claims into property rights by way of the labour they invested since the 1980s.²⁰⁰ To successfully assert their claims, Starecheski writes: “Deploying a Lockean ideology of private property, they [squatters] claimed property rights based on their labor, and citizenship [or civic] rights based on their productive stewardship of property” (174, 178). Consequently, the work invested in a squat or a garden was, for some, a form of investment for accessing ownership, at least a *perceived* form of ownership, and the work invested in the garden was interpreted as a kind of possessory act, perhaps rooted in possessive individualism or possessive collectivism.

A similar logic around the lasting investment of sweat equity in squats may inform the endeavour of community gardens. As already mentioned, in 2015, 34 gardens – among approximately 50 threatened gardens – successfully asserted their moral claims to the land, and more permanently secured their access as the City transferred their land’s legal deed as “vacant land” from the Department of Housing Preservation and Development to the Department of

²⁰⁰ Although a great number of HDFC, or limited equity housing cooperatives, were created in NYC in the aftermath of the financial crisis from the 1970s to the 1990s.

Parks and Recreation who turned it into “parkland” with additional judicial protection from the State of New York. Thereby, these gardens remained public municipal land and were dedicated open space. However, it was not clear why some gardens were successful while a dozen were not able to transform their gardens in parkland through their moral claims and work, besides the lure of capital accumulation through tax collection and rent or purchase of units.

What we learn from Starecheski (2016) and the 2015 deed transfer is that moral claims are built upon how they are *narrated* and *articulated*. Because the law favours deeds, while the core of these moral claims is rooted in work, the prevalent way to protect land seems to be by asserting and demonstrating possessive individualism even if the space is used and managed by a collective. Hence, the narration of claims to gain ownership is always toying with possessive individualism and collective individualism.

In other words, the way work was narrated in community gardens to claim ownership was of critical political importance. While gardeners’ political representations (recounted in Chapter 4) were difficult to articulate and often disqualified, squatters built their legal case by creating and showcasing a hegemonic rationale around sustained work and improvement that was nonetheless not so unequivocal within the commoning group. Starecheski (2016) writes:

[T]he property practices created and enforced by the organizers were portrayed as hegemonic among the squatters, when in fact some residents of the buildings challenged this system. (...) [T]he image created for the judge, of a unified physical and social structure with all rights to occupation and ownership flowing from David Boyle’s initial entry in 1984, did not fit entirely with the complicated realities of life in those buildings on East Thirteenth Street. (108)

Although community gardens occupied and worked this place for sometimes up to 40 years, the gardens under study here didn’t seem able to create a successful hegemonic narrative as a group that would play in their favour and help them preserve their garden from real estate development. The reasons some gardens were saved and not others seemed obscure, as a white gardener of a saved garden in gentrified Greenpoint, Brooklyn told me when she attended a

preliminary presentation I gave on my fieldwork in early May 2017 at CUNY's Graduate Center Public Space Research Group seminar (Gailloux, 2017). Although she couldn't explain specifically why her garden was saved and others weren't, she said members from her garden had been very vocal at various meetings and worked very hard in the garden so it would *look good*. They also applied for many grants and invested the money in the garden to change, for example, the fence.

Could it be that these gardens were living examples of stewardship toward universal park-like spaces that exemplify the normative aesthetics that GreenThumb promotes? Is this highlighting once again the disparity of resources some gardeners have because of their status (see Reynolds, 2014; Reynolds and Cohen, 2016)? Since the 2002 Community Gardens Agreement and the NYC Parks Garden Rules were implemented, gardens increasingly became structured and submitted to constraints. Thus, to be protected, gardens needed to be in good standing by being open to the public for 20 hours each week and "well maintained." This gave further credence to the ownership-through-work rationale but it's also feeding into the liberal subjectivity for proper maintenance promoting possessive individualism since, ultimately, authority over the garden for aesthetics and maintenance were boiled down to a single person, the contact garden person (see also Chapters 3 and 4; Hernández, 2010; Velicu and García-López, 2018; Roy, 2017). In other words, the preservation of a garden largely depended on the contact garden person who received all the communication from the City and could – or not – share it with its fellow-gardeners. It was about keeping control and authority over community gardens to reassert the State's "ability to terrorise us with our lack of capacity to organise the reproduction of our lives outside of its structure" (Caffentzis, 2009). Overall, it was about incorporating the garden's into the City's normative standard so that they would show obedience, compliance, and proper liberal subjectivity.

Moreover, keeping in mind the mutual obligations linking the rulers²⁰¹ with the ruled²⁰² (Moore, 1978a), I suggest the links of reciprocity did not come full circle in the context of NYC community gardens. While the City and gardeners had mutual obligations (like preserving access to land by properly maintaining this land and remaining open), these mutual obligations forced gardeners into a one-way relationship with the public at large. This one-way, non-mutual relationship between gardeners and their visitors suggested it was okay to use these gardens as if they were public parks without investing in the maintenance of the gardens. The City's standards also held gardeners to a higher standard of selfless devotion toward the "community."

In that sense, gardeners' work was a gift to others, be they other gardeners or the public at large, but this gift of work was usually tied to the hope other gardeners would reciprocate some work to the collective areas of the garden too. Or else the garden would become more vulnerable because of gardeners' lack of work and reciprocity. In other words, the gardeners and the public were not all equally bounded and mutually vulnerable to maintaining the space, since gardeners could receive threats of eviction if they did not fulfill the City's expectations. It's as if the City imposed an extra burden on gardeners so that they performed the proper citizen-gardeners.

Nonetheless, work was one of the ways by which gardeners built their credibility, authority, and belonging to the space, and data from gardens showed that work-related issues among gardeners brought to light the social conflict inherent to the commoning process. To examine this paradox and conflict in the section that follows, I explore the meaning of work, be it physical, political or bureaucratic, in community gardens that were threatened with eviction by the affordable housing plan in East Harlem. Starecheski (2016) defines this typology of different kinds of work and explores their meanings by writing this:

²⁰¹ E.g. like city producers, among which are city officials.

²⁰² E.g. like city consumers and dispossessed, among which are gardeners and the public at large.

Work was highly valued in the squats, although physical labor, political labor, and bureaucratic labor were not always equally valued. Work on the buildings produced valued feelings, personal qualities, and group *solidarity*. However, when some worked more than others, this could lead to *conflict*, resentment, and anger. Squatters valued their work on the buildings not only because it provided them with *shelter* but also because of its potential to transform them and give their lives *meaning and structure*. (...) Here, labor is explicitly tied to possession, even if not legal possession. (165; my emphasis)

I argue similar intricacies happened in community gardens since gardeners did not wage equally the physical, political and bureaucratic labour their colleagues were doing. Nonetheless, these spaces could bring contentment, but also resentment due to inequity of work while contributing to fulfilling a basic need, like eating or giving meaning or structure to one's life through the labour it enabled and the social links it created. On this, numerous women confessed to me they started gardening when mourning or traversing difficult times. Similarly, Starecheski explains squatters were devoted to "improving" or working their space because they felt it was increasingly becoming *theirs*, in the sense that they felt they gained control over the space, which is not dissimilar of possessive individualism, as they were progressively improving the space and their situation at the same time:

Squatters made the buildings theirs by working, and they worked because it was theirs. (...) The ideology of homeownership, and of private property more broadly, posits that ownership provides ones with the *security* and *incentive* to work on, maintain, and improve one's property (Reeve, 1986). In this formulation, *ownership produces industriousness*. (*Ibid.*: 165, 172; my emphasis)

In a sense, what this shows is, despite the commitment to work toward the collective, squatters – and I would suggest gardeners alike – also seek and work toward a personal haven. As Brunner and Raunig (2015) suggest with reference to Harney and Moten's (2013) undercommons, there is a conceptual need to connect both the common and multitude if we use Hardt and Negri's vocabulary. Commons scholars should take into account not only the many but also their division and singularity, as to document empirically and conceptualize the co-emergence of the singularities and the commons.

In community gardens of East Harlem, it was not private control that produced industriousness, but more simply the access to the land and the possibilities the land comprised, like yields, social links with others, leisure, rest or income-generating strategies, which were incentives to improve the space. This was why gardeners invested a lot of time and money – or sweat equity – despite threats. In that sense, community gardeners who tried to depart from traditional private property idioms (or possessive individualism) nonetheless thought that “by *acting* like owners, they move[d] closer to ownership” (*Ibid.*: 174), thus feeding into the ongoing, experimental, and imperfect project of collective possessivism. As long as those community gardeners foresaw an *incentive* for working this land, they would continue to work the space.

Consequently, since commoning was conflicting, gardeners seeking to maintain the garden space over time may feel pressure to fulfill the City’s expectations and sometimes acted more authoritatively toward other users. While commoning was about the social relations that produced the commons as well as the social relations the commons produced (or resulted from commoning) while maintaining it (Eizenberg, 2012a), these relations helped explicate the mechanisms by which people organized collectively in order to reclaim, manage, and sustain urban commons. In other words, as gardeners tried to maintain access, the collective or individual authority over the space could become all the more contentious in a moment of creative destruction during the implantation of the affordable housing plan (see Chapter 4). Commoning, then, is an “unstable and malleable social relation between a particular self-defined social group and those aspects of its actually existing or yet-to-be-created social and physical environment deemed crucial to its life and livelihood” (Harvey, 2012: 73). For some, investing the work needed to maintain proper standing with regard to the City’s expectations and sustain their pattern of collective use and habitation (Blomley, 2008) justified authoritative decisions in the garden.

Egerer and Fairbarin (2018) mention community gardens on the central coast of California, an area undergoing massive urban transformation and gentrification, saw conflict in commons' management because of the added pressures to show their gardens in their best light for "future-proofing" the spaces, which they stress, is an exhausting task.

Some gardeners explicitly understand the need for top-down rules, regulations, and community creation for the sake of community garden endurance in a gentrifying city. Summarized by one gardener, Susan, who serves as a garden board member: "I don't think you can ever just relax. With this particular garden, because it is city property and it's worth a lot of money, we have to keep it looking really good and [the manager] has been really good about that... [The manager] has had some work groups and she's figured out ways to get people to sign up for those... I think we're a little different from most community gardens. Just the whole layout and keeping the place looking really good. We feel like we have to, to make sure the city's happy with us and feels this is worth keeping." Susan rationalizes the strict rules and mandated community work that maintain an orderly and aesthetically pleasing garden as necessary for amiable city relations. For Susan, gardener organizing and community building is a challenging feat accomplished from above. While some perceive order, rules and regulations as necessary for future-proofing the garden, others cringe at the top-down nature of these regulations. As one gardener, Camila, explained: "It's always in a way been a functional dictatorship... Most of the gardeners just come to our gardens... see what's going on but don't necessarily participate more than that... How do I say this? It's called an organic garden but I don't think it always functions organically." Her description of the garden as a "functional dictatorship" reveals a frustration with the lack of community representation in garden's decision-making around commons management. (*Ibid.*: 64)

Consequently, the burden described in City-owned community gardens in central California seemed similar to what was experienced in NYC or more specifically in East Harlem City-owned community gardens, with expectations communicated through the license agreements and liaison with the garden contact person adding extra pressure.

In the gardens of East Harlem, decisions were sometimes unilaterally made by the contact person to communicate control to other gardeners. For instance, having helped write two grants we were subsequently awarded, and having prepared the event we asked money for, I inquired at some point how I could spend the money that was planned for the sharing of food. Although I thought I was legitimate in using the money I helped earn for the gardens and since we had already collectively decided how it would be spent in a meeting, I didn't understand why I could

not access the money for tasks we had already collectively fix a budget. Although I had been involved in the bureaucratic and physical labour of maintaining the garden and I had helped access this additional earning, I did not have the authority to spend it. To this, Tiana replied she preferred keeping the money for things we really needed, like paying someone who used their car to go to Home Depot to get soil or mulch bags. A few days later, I asked Renee the same question, and, looking exasperated, she said: “at this point, we’ll need to get rid of one of the two ATM cards because Tiana keeps spending. We do have plenty of money right now in the garden’s bank account, mostly coming from grants, but we cannot spend it on things we really need, like money for deliveries.”

Everybody should be able to contribute their ideas, Tiana repeated, but this was sometimes harder to carry out than to say. Indeed, Tiana was set in her ways; she wanted to know which tasks were going on in the garden so they were done her way. She talked a lot and at a fast pace, and undid things others did when they weren’t done to her liking. Essentially, she had a vision that everybody would be organically on the same page, but she kept on calling all the shots, making little compromise, valorizing her tasks and methods over others’, and putting physical work before bureaucratic and even political work. Tiana felt she could not realize her vision in the space partly because she was already overworked. She said she would not want to be working that hard next year because her body was telling her to slow down.

Later that fall, we had an enormous pouch of daffodils NYRP distributed for free to gardens, and we decided to plant some of them by the entrance of the garden and in the beds bordering the sidewalks to ornament the view for pedestrians. I was planting them in small bunches of five to eight. I almost completed the task when Tiana complained that I should have planted the flowers in bigger clusters: it would be less tiring and best-looking, she thought. Then, she remarked we hadn’t put enough branches before emptying bags of soil and compost in the beds

where we planted the daffodils. Once again, I felt like she highlighted how things should have been done differently, how she would have done it more properly. That afternoon, when Renee just finished spreading the straw on top of the mulch, Tiana specified how she wanted the straw laid *underneath* the mulch. Again, the comments felt somehow overwhelming, as they were mainly negative, took a lot of time to articulate during which time we couldn't work. Similarly, one day, while working with Aaliyah, who was about to do a task, she said about Tiana: "Look at that: I'll move the painted pallets and because it's me, she's gonna criticize my work and undo it!" She seemed to feel bad because she was not involved as much as she used to be and would like to be. While the two ways of planting daffodils or spreading mulch and straw were acceptable, one had precedence over the other. Consequently, this was an example of how power plays took shape among garden members, in addition to the gossiping on the gardens' aesthetics and the sharing of collective resources discussed earlier.

Another instance of her incursive caring was in the spring. I started planting flowerpots to embellish our collective space, but Tiana looked at me with a giggling smile and look as if what I was doing was unproductive because she didn't consider it a priority... We had received the seedlings already a few weeks back and they started to show desperate signs of dehydration; I felt they needed to be planted in soil. I could sense she was reluctant to plant some of the seedlings as if they represented potential tokens of negotiation with neighbours in exchange for services. Or, perhaps, she intended to be involved in deciding where and how exactly they would be planted.

Similarly, that same spring, after many people paid their \$50 annual membership, Tiana was exasperated that so few people joined the collective working day she had set during the weekend via an application called Meetup, and enumerated at a fast pace the many tasks she wanted to do in the garden. We should stop counting on others, she said, and work around our

own schedules as a core. She reflected about changing the main gate lock, reconsidering the garden's openness, as she thought people were not dedicated enough. However, with those she saw as sufficiently committed, she often shared a vision where we would become collectively self-sufficient through the garden's activities that would become our main employment and replace the gardeners' other jobs. For instance, showcasing each of our specific skills, the collective enterprise would hold a farmers' market where we would sell our garden produce, some artwork, herbal water and bug spray. There, Tiana revealed how the garden enabled her to envision alternative socio-economic relations, that were nonetheless still capitalocentric, but where gardeners would have more control over their future.

The daily dynamic in the garden varied greatly. Sometimes, people arrived randomly with their own project or task and no time was taken for deliberation or for deciding together what should be done first, and how to do the thing we would be doing. At other times, a few people would set a time and get together to help each other out on the same task without a one-person-decides-it-all dynamic. Because the garden was organically or spontaneously structured, this form of collaboration seemed to be circumstantial, depending for instance on who showed up, their mood, and those who had informally met on the street and made a few decisions while discussing.

This shows how patchy and erratic the commoning process can be when exploring ways to enact possessive collectivism that is periodically challenged by possessive individualist subjectivity. In the end, it is always up to people to ask for other people's advice, and physical encounter – or corporeal relations – plays a critical role in one's decision-making power and the garden's fate. Because of such tensions, some have criticized the authoritarian dynamic of some management styles in gardens (see Egerer and Fairbairn, 2018).

Sometimes, Renee was resentful of the management style and said: “Tiana thinks she’s democratic, but she’s not...” Renee also believed gardeners who didn’t often come in the garden to work on collective areas should pay a higher membership fee. For instance, JobPath, a group of people with disabilities who used the garden for poetry lessons, paid \$50 like other members, but never worked in the garden and just used it. In a sense, she felt like she deserved to be resting and enjoying the garden and didn’t want to be doing all this solely for others’ enjoyment. By saying this, Renee was also criticizing some gardeners who were seeing the garden’s common areas as park-like as if they were provided as a courtesy with no effort or responsibility on behalf of all members and maintained only their individual plot, similarly to what Juan and Paul noted in Chapter 5. In that sense, gardeners’ work was a gift to others yet was tied to the hope other gardeners would reciprocate some work to the garden’s collective areas too, like Mauss (1924) raised, or else the garden would become more vulnerable to threats of eviction because of gardeners’ lack of work and reciprocity. In other words, this revealed the gardeners’ reflexive perspective on their bounded selves and mutual vulnerability.

The following Wednesday, when I arrived around noon after taking care of the chickens in another garden and conducting an interview there, Tiana was in the garden by herself grumbling about the many things to do in the garden, complaining she wasn’t able to rest and enjoy the garden on her day off. “People are starting stuff and not finishing it up,” she said. Wanting to help, I started one task, which she told me was inappropriate. Then, I started another one, and she again stopped me. Then, on the third or fourth attempt at a task she interjected, I said I was too hot and I hadn’t eaten lunch, so I would come back later in the afternoon. She replied she didn’t mean to be controlling, but it wasn’t fair we were not able to enjoy the garden. Later that afternoon, all garden members received fuzzy pictures by cellphone texts of things that annoyed Tiana in the garden, but the pictures weren’t always really clear, creating even more fluster.

A day later, when I arrived in the garden, Renee confirmed Tiana was upset because she felt gardeners were now taking too many liberties and decisions, without asking permission. She was upset because Chris was preparing a cooking demo in the garden. Tiana was now requesting that everything was channelled through her. She even wanted to review whether a group of kids from a nearby school could use the garden for less than half an hour to release the butterfly they raised from a cocoon. Renee seemed discouraged: she just wanted to help and support the mission, but this procedure was too heavy and gave no power to gardeners like her who only tried to reach out to the larger community. Consequently, Renee said Tiana should look at why people disengage from the garden.

For her part, Emily remembered how Tiana used to talk about Chenchita, the founding member of this garden. Apparently, near the end of her involvement, as she was getting older but was still tending to the garden, Chenchita was grumpier. Emily joked around that Tiana was turning into grumpy Chenchita while she used to be all “peace and love” and more relaxed just a year or two ago. Tiana seemed stressed by the transformation ahead. On this, Emily said:

We function good as group. I mean, I think that hum... just what’s going on there now with... hum... them possibly being shut down, it’s added tension to the group that’s here... I never knew that community gardening was such a cut-throat world because a lot of people are very *possessive* of their gardens, you know... they just want you to come and... I guess help out, but *not really be a part of it, being a [committed] volunteer and member...*²⁰³

²⁰³ Emily continued:

I think we need more diverse membership, possibly some men. I’m not saying that because of... but because of the hard labour. You know, I mean, you’re young. We are coming to a certain age. You and Renee are young, so you guys can kinda... but some of the members there, they’re older and the work is... it’s hard work. I don’t even do any gym... I don’t need to go to the gym because I’m working in the garden! So it would be nice to get some young like-minded people, you know, serious and committed, and some guys that can carry all that heavy stuff we gotta carry all the time. [...] I was surprised to hear that we weren’t coming back. I think at the end of the season last year, they kept saying that this year was gonna be our last season... and then I saw the guys who used to actively play baseball in the field that surrounds the garden, and I saw them getting all their stuff out. I was really ‘wow, what’s it gonna be now?!’ I don’t quite understand if we’re gonna move someplace else [during the construction] or if we’re just gonna lose the garden for a couple of years... I’m not quite sure what the process is. Unfortunately, most of the meetings about the garden closing, you know, are in evenings when I have school [learning carpentry as a retirement project] and I can’t go, so, you know... I would like for it not to go away. You know, I realize it’s for better things maybe to come, who knows... And I would also like to get involved in a garden in my neighbourhood [in Queens], you know...

As mentioned in Chapter 5, some gardeners are not interested in the collective and commoning project of gardening and are in it just for themselves feeding into the thesis that community gardens may be perceived and appropriated as private clubs, rather than open commons. Moreover, Emily's quote also touches on the tension associated with the dissolution of a garden that doesn't weigh and affects all members evenly (Huron, 2015: 974). Since commoning in gardens is not an easy task, as Egerer and Fairbairn (2018) mention with regards to tension issued from urbanization pressures, the threats from the affordable housing plan exacerbate tensions among gardeners as the sweat equity they invested over all the years is being threatened.

5. Discussion

Community gardens of East Harlem threatened with eviction displayed unequal relations of reciprocity as it pertained to the maintenance of the garden's collective property. For instance, Tiana felt gardeners, bounded by their bodies, knowledge, and habitus, were not sufficiently invested in the "response-ability", or the ability and necessity to act, toward the mutual vulnerability of the gardens. Yet, these gardeners did collaborate in many ways and persisted despite disagreement. For instance, Tiana said:

There are too many characters to put all of us together in the same garden. There's a lot of culture over here and I don't want no complaining, or he says, she says. I wouldn't come here if I wanted to do this all by myself, so we need to work out a solution together that works for everyone. (...) But people are not cooperating like they should be; this is not how I'd like to enjoy the garden.

Commons – which are constituted of unstable bounded selves that are mutually vulnerable – do not create permanent and fully formed alternatives and communal subjectivities (Stavrídes, 2015a,b). Not only are we not able to know 'where to go' and to know ourselves fully, since our subjectivities are fluid over time, but we are bounded or self-dispossessed by norms, prohibitions, self-policing, guilt, shame, love, and desire in a world in which we are mutually

vulnerable (Butler and Athanasiou, 2013: 32 in Velicu and García-López, 2018: 9). Therefore, since commoning vulnerable yet bounded selves can never leave behind their emotional and physical interdependency (*Ibid*: 8; Butler, 2005), daily interactions intersect with emotions of “surrender, forgiveness, renunciation, love, respect, dignity, redemption, salvation, redress, [and] compassion” that nourish or impede relations of reciprocity (Godbout and Caillé, 1998: 220–21 in Graeber, 2001: 161). These emotions and daily interactions inform us about the on-the-ground intricacies of the commoning process in gardens of East Harlem. These emotional spatial relations also advise the project toward possessive collectivism cannot be straightforward, and repeatedly meddles with possessive individualism. Acknowledging that commoners have competing obligations and capabilities as well as different subject positions, Noterman (2016) notes the uneven participation in the commoning process, which she calls differential commoning. More precisely, she writes that: “Given that ‘actually existing commons’ exist amid embedded neoliberal projects, or ‘actually existing neoliberalism’ (Brenner and Theodore, 2002), as well as ‘complex livelihood concerns and priorities (Cleaver, 2000: 362), the commons (...) are spaces of contestation and contradiction” (435). As such, Mauss was astute when he believed “(...) revolutionaries were being absurd when they imagined they could abolish [personal possessions] (e.g., 1920: 264; 1924: 637)” (Graeber, 2001: 159).

The data presented in this chapter supports the argument that bounded and mutually vulnerable selves, in an inevitable exposure to others through a common physicality and risk, are “sustained and limited by others in a situatedness within ongoing relational power-politics” (Velicu and García-López, 2018: 10). As such, supporting arguments about unequal property relations, Moore (1978b, 2001) defines property as relations of belongings between people with respect to things – as acknowledged through the law, contracts, or use – that reflect a particular social order and entanglements of power relations (in Riles, 2004). Since all power relations

include the possibility of altruism and cooperation as well as harm and exploitation, this means that in mutual vulnerability lies the potential for the tactical exploitation of our dependability. In this sense, boundedness means different things: how we are linked (i.e. bound or tied to) to one another but also bounded in our capabilities as we are traversing the material world and how those links are bounding (i.e. limiting) but also enabling possibilities, and finally, how the commons hold material and immaterial boundaries that are more or less fluid toward possessive individualism and collectivism.

In this chapter, I explored the gardeners' response-ability (i.e. ability to respond to a situation) to participate in the commoning process as well as some examples and counter-examples of relations of reciprocity. Data from my fieldwork showed that commons (i.e. resources) were fragile and always entangled in messy social relations of power. Commoning practices were not "just about 'technical' or 'participatory' management of resources but also [about] exclusion/inclusion deeply ingrained in colonial, capitalist, patriarchal, heteronormative, militarist, and ethno-nationalist histories and relations of power," as Velicu and García-López (2018: 12) would respond to Caffentzis (2009: 37) who poses "it is not often clear when a commons 'mixes' in such a way with markets that it has a positive or negative effect on accumulation." As a consequence, gardens I visited were the scenes of daily tensions equally felt elsewhere in the neighbourhood: a space of contestation and contradiction as I suggest, along Noterman (2016). East Harem, located near Central Park, Central Harlem, and the Upper East Side, is an area where a wide diversity of actors converges in addition to being a neighbourhood in transition. One should not overstate the discomfort that was nonetheless present in these community gardens, sometimes discretely, and sometimes overtly asserted.

Yet, intricacies about sharing or competing for water access, and instances of begging, stealing or reciprocating gifts like seeds and grant money testified to the complexities of the commoning

process. Work-related issues and the difficulty of sharing authority also demonstrated the internal social conflict during the commoning process. These tensions were not specific to one garden or a block; most – if not all – community gardens I encountered had to negotiate conflict. I argue it is this ability to negotiate conflict while still striving to cooperate so as to maintain the overlapping material and immaterial dimensions of the collective project that sustains the commons. Community gardens are then microcosms with complex negotiations over aesthetics and political expectations, as NYCCGC director Aziz explains:

I said it earlier about my board: you get four people in a room, and you get five different opinions. I mean, yeah, there are always those racial, ethnic tensions. I keep going back to Coney Island because it's a great example for so many different things, I mean, that garden had a pretty hefty Slavic, Russian ethnic group, they also had a very large Hispanic group, and they had a pretty large white group of people as well. While they didn't always really get along, they *did* get along because their common thread was the garden itself, you know. I'm sure they had their issues within, and gardens do, people do, personalities are just... difficult! *(laughing)* It's difficult to get people to agree on everything, right? But I think the idea of land ownership, even though you don't own it, but land stewardship, I think that kinda keeps the whole process together, and really, if you think about it, the way you just described it, isn't that what community is about anyway? Isn't it what the social structure is like? It's just trying to find a way to get along with each other. You know, you may hate me for a lot of different things, but you may like me because I'm a good gardener. We try to find some common ground somewhere. I mean... It's a great question... If every gardener is different and every group is different... It's interesting to watch the social structure of gardens and the order within them. Every garden is different, every neighbourhood is different, and hum... that's why it's hard to keep everybody together. That's why it's hard to keep fighting... because everybody has a different viewpoint.

Consequently, community gardeners pursued the commoning process despite tensions from within and tried to collaborate in spite of adversity. As Verdery (1998a) acknowledges, it is also through “social struggles [that] actors [are] striving to carve individual ownership rights”, but she further asks, “in whose interests (if anyone's) is it to clarify these, reducing ambiguities and rendering rights more exclusive?” Here, I suggest most gardeners sought to maintain this space for the community because it stemmed from the collective work of residents at a time the City and other governmental authorities ignored them; hence, these community gardens were reactions to racial banishment in a project of dis/possessive collectivism, where they are

collectively excluded and dispossession while also seeking to collectively occupy a space as a community garden (Roy, 2017).

This chapter also testifies to how work is feeding into moral claims of ownership. Delving into the meaning of labour and the space aesthetics have helped explore how the gardening space is, for its gardeners, a means to realize their vision of the world, even if it is almost always negotiated and never fully completely executed. At the same time, unequal relations of reciprocity impose throughout the project. On the one hand, the City retains the formal and putative authority on those lands that used to be abandoned eyesore. On the other hand, gardeners play a critical role in creating and maintaining those spaces through their on-the-ground practices and relations. That is to say, the City offers these spaces as gifts to gardeners, a gift the City asks to be reciprocated by proper maintenance fulfilling a specific kind of aesthetics and openness. The City then expects gardeners to offer their space as a gift to the public at large who in return isn't held to any kind of reciprocity, like partaking in the maintenance chores of the space with other gardeners. As such, those property relations – the formal and informal relations of belongings between people and associated with this space – describe a landscape of unequal power relations.

More specifically, as explained, the City requires gardeners to act as public stewards for the public at large to benefit from those spaces. It is as if the City wanted the gardeners to share their equity by treating the gardens as park-like spaces to be passively used and actively – yet voluntarily – maintained. In exchange, the City accepts their public land to be claimed by a specific group as long as they follow an increasingly severe set of aesthetic rules and responsibilities (like plowing snow on the sidewalk and taking care of surrounding street trees according to specific rules). Meanwhile, the City maintains legal ownership and authority over the space despite the gardeners' work because a contract was signed (see Chapter 3). In that

sense, we could say that the NYC Park garden review process and GreenThumb rules are reinforcing hegemonic normative aesthetics on community gardens that favour possessive individualism). By letting gardeners work and use the space, the requirements to direct how gardeners should properly maintain the space has helped create subject-gardeners in the same way as “homeownership produces certain kinds of persons” (Starecheski, 2016: 160).

Nonetheless, work is one of the ways by which gardeners build their credibility, authority, and belonging to space, even if conflicts arise along the way. Many gardeners felt like they have invested so much time in creating the garden space the way they like that they have developed claims to it and hoped there would not be such undue and disproportionate pressure from the City (and from other gardeners for that matter). Wouldn't it be simply more equitable to ask those who want to benefit from a space to get involved in the maintenance and management of the space? How can the City resolve the old-time gardeners' right to equity and the community's right to access, enjoy, and use of open space in such a dense urban setting without invoking its putative authority? When does it become too much pressure on free labour to be in charge of delivering a public service (see Rosol, 2012)? Only gardeners can say that, but NYC municipal government can start by acknowledging the contribution of those gardeners and the specific history of divestment of this neighbourhood (see Chapter 2).

In Chapters 3 and 4, I argued that the City's apparatus – with its representatives, blue- and white-collar workers, etc. – acted to discredit and disqualify gardeners who were stating their moral property claims to the land they have tended for several years. Conversely, Chapters 5 and 6 explored the ways gardeners negotiated the normative aesthetic and management expectations the City imposed on their space but also negotiated the expectations their neighbours communicated to them. Overall, as the title of this dissertation highlights, the politics of the commons conflict with a wide array of diverse actors. Because the future of

community gardens in East Harlem was uncertain due to the affordable housing plan and the neighbourhood rezoning implementing it, tension and conflict became more palpable. Hence, commoning socio-political struggles “challenge[d] the hegemony of the states and markets and expand[ed] it from within” in resistive and contradictory ways (Vercellone, 2015 in Velicu and García-López, 2018: 13; Noterman, 2016), which feed into the discussions of commons as margins presented in the next concluding chapter.

Relationality is then the central component of the commoning process, through which we collectively and individually work toward the “re-constitution of our-selves as subjects in relations of power” (*Ibid.*: 13). Commoning is not only about nurturing particular norms or subjectivities. It’s also about performing a radical transformation of global socio-ecological relations of inequalities among ourselves and the ecosystems (*Ibid.*: 12; Swyngedouw and Ernston, 2018).

Chapter 7 – Conclusion

“Jonathan Rose’s tagline of ‘building well-being through communities of opportunities’ began with the destruction of ecosystems,” Renee remarked bitterly, highlighting the irony of building a project branded as a hallmark of sustainable development by destroying long-standing community open spaces, like gardens and baseball fields. The City finally evicted the six East 111th Street community gardens after the holidays of 2017-2018. Then, for eight months, the gardens stood untended and unused, becoming overgrown until the fall. Only in October 2018 did the trucks finally roll in to destroy the casitas and beds. Construction began in 2019, more than a year after the gardens were evicted. In the meantime, gardeners had no space of their own to garden. As Oda mentioned during fieldwork, relocation is a threat in itself because it may cause a drop in membership and be fatal to gardens as elderly members age.²⁰⁴

Some gardeners felt that once the development project was voted on during the public review processes in spring 2018, the City suddenly stopped paying attention to them. In summer 2017, during their last growing season, rats literally infested the garden, bustling from their underground nest in the old building’s basement to the *pastelito* cart adjacent on the northwestern corner on East 112th Street and Madison Ave, then back to the gardens’ greens to hide, and to the surrounding garbage bins. Although the City was responsible for enforcing rat population control by placing poison, traps, or contraceptives, little was done that summer to manage the rodent population in those gardens, impeding on their activities. Gardeners forced the City to pay attention to them by sending them frequent emails or calling for maintenance of the block, yet their inaction resulted in the cancellation of a series of youth-led farmers’ markets at Chenchita’s Garden that summer for which we were ironically awarded the Mayor’s Office

²⁰⁴ As Huron (2015) suggests, “dissolution of the commons affect members unevenly, depending on personal resources they each bring to bear” (974).

“Building Healthy Communities” grant. The gardens’ fates seemed to be oddly entangled with those of rats.

The rat infestation in these gardens illustrated the City’s incapacity to maintain its own public property stock. Unable to fulfill its responsibility for proper maintenance and cleanliness as an owner, HPD let the Department of Sanitation take its slack and clean the overgrown lot in late fall 2017, Renee explained. She insisted ignorance and negligence were just as damaging and contributed to reproducing systemic racism, adding to the interpersonal and bureaucratic microaggression that City officials committed along the negotiation process for the eviction and relocation of gardens on East 111th Street block (see Chapter 3). In a critique addressed publicly on the garden’s Facebook page, Renee claimed:

Time, plants, and grant money spent, and for what? The passive harm of HPD is an example of doing nothing is doing something. *Their lack of acknowledgment of the problems and their lack of action on the overgrown ball field showed the inability of the City of New York to deal with their property.* This is why you have community gardens. The citizens went in and reclaimed the abandoned lots in areas that were left vacant and isolated through disinvestment, redlining, as well as structural and systematic racism. You wonder why the landlords of this city terrorize and treat their renters as they do. Look at what the City does! This is why the citizens of this city on a daily basis are subjected to abuse by their landlords. Complacency harms. Doing nothing harms, as Dr. Martin Luther King once said. (my emphasis)

Indeed, when I gardened at Chenchita, one of the first things they shared with me is how the recent past of redlining explained the existence of the garden and why many gardeners lived in the projects. Similarly to what Roy (2017) showed about anti-eviction activists in Chicago and Los Angeles, many East Harlem residents and New Yorkers still felt the effects of racism as stemming from a long and complicated past that was sometimes obvious, sometimes latent, yet still banished them from several public spheres or places.

On her Facebook post, Renee also bitterly warned gardeners to beware because the City’s responsibility was not to protect public land and its citizens but rather to partner up with private actors to stimulate economic accumulation: “To gardens: make sure your lease

agreement is accurate; nothing is permanent. Parkland can be alienated, or taken away from an act of the State legislature.”²⁰⁵ Here, she referred to the error on the gardens’ licence agreements that resulted in the loss of acreage for all relocated gardens on the block (see Chapter 3). Also, in the hectic succession of numerous infrastructural projects Uptown, municipal authorities successfully alienated parkland without New York State consent, thereby sidestepping one of the last milestones for protecting parkland in the city. At East 96th Street, where East Harlem meets the Upper East Side, the NYC Educational Construction Fund partnered with a private developer to revamp the block hosting Coop Tech, a technical school, two high schools called Heritage and Park East, and an adjacent playground located on parkland in exchange for building a high tower of 60+ stories of so-called affordable housing on top of the schools at the height limit permitted per rezoning. The governing coalition of city producers composed of city officials and a private development team consequently alienated parkland without getting apparent consent from the New York State. At least that’s what critics held to be true. The State’s protection of open space and public property seemed to gradually slip further toward public-private partnerships.

For these reasons, the main contribution of this dissertation was to humbly highlight the importance of these citizen-led open spaces with a lens inspired from commons, margins, and

²⁰⁵ The rest of her post goes as follow:

I use this post because the gardens have been subjected to passive harm. We have been dealing with rats and have asked repeatedly that the property owners, the city of New York, to deal with the issue. We met with James Edgeworth III, Deputy Director of Field Operations of HPD Property Management and discussed the issue of the overgrown ball field and that the rats were running free. Mr. Edgeworth explained at that time that the fiscal year had ended and that an RFP would go out to place the bait stations along the perimeter of the entire block on the interior of the fence at 20 feet intervals. It was agreed that having the bait traps placed outside of the garden was ineffective and a useless endeavor. After back and forth emails, asking why the agreement wasn’t held, and NYC Department of Housing Preservation and Development (HPD) not holding to the agreement. The bait traps were placed within the garden in September. The contract was only through October. Today, we learned why. I wonder how long this was planned and when they were going to tell us. If the question of a timeline hadn’t been asked when would the stakeholders have been informed? We will need to be out by the end of the year. We will have to dig up the plants prior to the winter frost. On Madison Avenue side, much of the overgrowth has been cleared by the New York City Department of Sanitation who cleaned up when HPD, the property owners, wouldn’t, and continues to clean out the ball field. East Harlem has the sixth-highest asthma hospitalization rate among children ages 5 to 14 in the city, more than twice the citywide rate. (...) East Harlem adults have the fifth-highest rate of avoidable adult asthma hospitalizations (Community Health Profile, 2015 [NYC Health, 2015]). Rats are a trigger for asthma because of the dead skin cells they shed and waste products.

racial banishment (hooks, 1989; Das, 2004; Asad, 2004, Das and Poole, 2004; Blomley, 2004a,b, 2005a,b, 2008, 2014; Roy, 2017).

1. No Zombie Apocalypse Ahead, but Still

“My grandma who’s lived and welcomed grandkids for three or four generations owns her apartment more than her landlord who’s living on Long Island and never been to the Bronx!” claimed the artist and organizer of Take Back the Bronx. This was a conversation about the influence of contemporary arts on the gentrification of the South Bronx at La Finca del Sur, an urban farm cooperative led by Latina and Black women and their allies. The two artists and activists recounted the crazy story of how a real estate company rebranded the South Bronx as the Piano District by playing with the area’s industrial past of piano factories and allying with local artists to lather up the area as the next trendy spot. To do so, the real estate company threw a huge Halloween party in 2015 on the South Bronx waterfront where they sought to build luxury apartments with many VIP guests and famous artists performances and featuring Swizz Beatz, a born-and-raised South Bronx rapper (Cheney-Rice, 2015; Pastor, 2017; Rodriguez, 2018). The Halloween party was criticized because it was awkwardly inspired by the 1970s divestment period with fires out of metal drums with photos hashtagged “#TheBronxIsBurning” trending on social media. The aggression was not over, it seemed, and was instead being repeated. The artists thought of the event as a provocation and an insult.

At about the same time, the TV show “The Get Down” was broadcast, romanticizing the divestment of the Bronx and minimizing the effects of poverty to highlight how pain was creatively channelled into the emergence of hip-hop. Rapper Swizz Beatz, trying to make amends after the party controversy by promoting art in the neighbourhood and supporting local artists, hosted an art fair with no commission, meaning artists would get 100% of their sales. Nonetheless, the two artists-activists who led the conversation thought he was pitting local

artists against the local population on the topic of gentrification. Already, the two speakers said they saw stores changing in the neighbourhood. They feared mom-and-pop shops would close, rents would rise, and shops would homogenize, as commercial banners would open.

This clearly shows that real estate development teams play active roles in branding neighbourhoods to make them more attractive to newcomers. Another instance of this was how a real estate entrepreneur who opened the Double Dutch coffee shop on a gentrified area of Central Harlem just opened a new joint on 145th Street in the Bronx. A similar strategy happened in East Harlem too: an entrepreneur I met while sipping a brew and taking notes from my day in the field proudly explained to me – while I made my best not to reveal my disdain – how he invested in the renovation of a building now hosting a microbrewery bar on Lexington Avenue, just a few streets down. On the same avenue, in the streets in the low hundreds, he also opened a coffee shop of his own that he dreamed would also become a wine bar at night.

The conversation with the group and the speakers about gentrification and arts in the Bronx was fruitful, and women of different ages intervened and asked questions. Of the twenty participants, the majority were women of colour; only two white women and two men of colour participated. At 36 years old, a woman shared she was tired of being a militant, by saying “when you are brown, you are born a militant, be it for education, housing, or else,” hereby echoing the burden bell hooks (1989) describes. This simple, heartfelt revelation supported that there was, indeed, racial capitalism imposing an uneven burden. A delicious meal of tacos with beans and rice that a local shop had provided was then shared among all who had gathered.

As we approach the end of this dissertation, I hope the reader has sensed gender and feminist issues to be transversal themes all along, as many strong women lead the way in many, if not most, NYC community gardens. Indeed, the “criticality of gender in understanding urban environmental change and its multifaceted impacts” (Parikh, Truelove, Fredericks, and Mattson,

2019) was particularly central and explicated in Chapters 5 and 6, by showing for instance how emotions emerge in relation to changing urban environments (Fairbairn and Egerer, 2019; Sultana, 2011). Showing how the politics of the body intersect with urban space politics, this dissertation insists on “the significance of gender to map embodied experiences (Hayes-Conroy and Hayes-Conroy 2013), subject formation (Doshi 2013), and the multi-scalar impact (Schillington 2013) of changing urban environments” (Parikh, Truelove, Fredericks, and Mattson, 2019; Faria and Mollett, 2013).

Replete from the meal, I walked around the gardens with two women, one involved in the daily operations of the garden. When I asked her why she became interested in gardening only a few years back, she admitted she needed to reconnect with the soil and nature because of her ecological anxiety. With the fear of climate change and the urge to prepare for the worst, she believed gardens had a critical potential in times of apocalypse. She wanted to learn to grow stuff as she thought it would help her survive if something happened. When not threatened, she revealed how those community gardens continued to act as cultural safe places where gardeners could act, foresee, and somehow “control” their own future.

I had the similar intuition that community gardens could be one means to prepare for a post-apocalyptic future when I finished my master’s degree in environmental sciences and started this Ph.D. I thought that if the majority of the earth’s population now lived in cities, we needed to find ways to adapt to climate change and reduce our carbon footprint in those same cities. Food was an obvious component. Although extreme meteorological events are already more frequent and temperatures are rising, I now doubt a Hollywood-like apocalypse event would strike abruptly even though an unprecedented worldwide pandemic is currently underway. However, the urge to experiment with community-based land and resource management as a de-growth strategy and for climate change mitigation still seems critical to me. Conducting research with community

gardeners to understand how they have grown food since the 1970s was a unique opportunity: I wanted to learn from those historical community spaces committed to the environment.

The impulse to conduct this research came from admiration, militancy, and the envy to learn from NYC gardeners, but the fact I am white and relatively privileged was challenging and came with its share of contradicting emotions, like guilt, awe, disdain, and suspicion, as Faria and Mollett (2016) raise. Doing research in this context was not always comfortable, and my fluid, evolving subjectivity with the many associated doubts always followed me around the field. While I probably committed numerous missteps, mistakes, and blunders, I was devoted to partaking in a very humble way to the task of building memory (hooks, 1989:14), to be an ally and witness to the complex realities of community gardens in New York City where race, space, and place intersected in conflicting ways. Alas, the portrait I paint is non-exhaustive and imperfect. It is not overly romantic, as the inner-city past was still painfully visible while pressures of racial banishment caused by gentrification were creeping to erase this past that community gardens embodied.

As I moved into the field to attend to and understand the important moment when community gardens were promised relocation, I often doubted I was the right researcher for this task, and that a born-and-raised East Harlemiter would have sensed other data that I haven't. I was also often preoccupied with intellectual extractivism – that is of extracting data from their personal experience to advance my career, without contributing back to their concerns – but I found solace in working long hours in gardens. Wary to lose their space, gardeners were mostly anxious to show how dynamic and important their garden was for the community. As an ally and gardener, I gained the gardeners' trust by showing up several times a week during a year to work in the gardens, to water the plants, move around straw bales, piles of green scraps or bags of mulch, but also by creating websites, writing grants applications or collecting signatures and

sending petitions, in other words, to participate where I was told or I understood was important to them. I also attended to 250 hours of public meetings, went to monthly citywide garden coalition meetings, attended to the Black Urban Growers national conference held that year in Harlem and conducted 29 semi-structured interviews with various gardeners.

But I gained even more legitimacy as a gardener when we came to understand how important the licence agreements were in determining the gardens' fate, because of the translation I did from reading the technical reports of the public review process and requesting copies of the license agreements from city officials, on which we found errors. During the negotiation for gardens on East 111th Street block, bureaucracy, literacy, and language created barriers to the participation of gardeners. Perhaps my presence helped put extra pressure on city officials and developers to keep their promises and to improve the public review processes; at first, officials didn't seem to see me as a threat, but later I understood my presence made them rather uncomfortable even though I didn't confront them *per se*.

I often asked myself what responsibility does a white academic have in this context? In the text "Choosing the margin as a space of radical openness," bell hooks (1989) enjoins scholars to take position to push "against boundaries set by race, sex and class domination" (15). Even if English is my second language and I speak the "language of the oppressors" and probably sometimes acted as a colonizer (hooks, 1989), for me, the duty in such an endeavour started with the sensibility of knowing when to be speaking up or remaining silent, participating, and resisting. Indeed, while doing research is not always comfortable, the political choices entailed in such a project require the researcher to use his or her privileged position when necessary. In other words, to be sensible to the goals at play and contribute to them when possible.

With this dissertation, my aim was not to say: “No need to hear your voice when I can talk about you better than you can speak about yourself”²⁰⁶ (hooks, 1989: 16). I did not try to substitute the voice of brown, black, and white gardeners who were displaced or have maintained over the years their gardens as cultural safe places. Instead, I tried to honour the work gardeners had done, all women and men I became friends or colleagues with, by contributing to activities they deemed useful. Later, I also shared early drafts with organizers and jurists to contribute to the arguments they would develop in the petition addressed to the state of New York to recognize community gardens as Critical Environmental Areas. As I thought it was primordial to share the story of these gardens, I tried to understand the events from their perspective. While working along with gardeners and trying to build reciprocity, I sought not to let those recent and older stories be forgotten, since as hooks wrote: “*Our struggle is also a struggle of memory against forgetting*” (*Ibid.*: 17; author’s emphasis). Moreover, as Safransky (2019) mentions, to create a politics of redress to undo past inequities, we first have to agree on what to remember and forget. That’s why language is a place of struggle. Consequently, I sought to insist on the importance of these gardens’ legacy by situating their journeys in their socio-cultural, political, economic, and historical contexts from the gardener’s perspectives.

I hope I have been able to meet the gardeners by “speaking [and writing along them] from margins” (hooks, 1989: 22). Speaking from the margins or speaking from a place of dis/possessive collectivism meant speaking from the contentious spaces, where both dispossession and resistance were operated and where the State constantly needed to re-establish its force (Asad, 2004; Roy, 2017; hooks, 1989;). This task was delicate because “often when the radical voice speaks about domination we are speaking to those who dominate” (*Ibid.*:

²⁰⁶ “Often this speech about the ‘other’ annihilates, erases. No need to hear your voice when I can talk about you better than you can speak about yourself. No need to hear your voice. Only tell me about your pain. I want to know your story. And then I will tell it back to you in a new way. Tell it back to you in such a way that it has become mine, my own. Re-writing you I write myself anew. I am still author, authority.” (hooks, 1989:22)

16). Nonetheless, this dissertation will hopefully contribute to “creat[ing] spaces where one is can redeem and reclaim the past, legacies of pain, suffering, and triumph in ways that transform present reality” (hooks, 1989: 17): to do so, I participated, contributed and am highlighting in this dissertation these garden’s positive, yet complicated politics of emplacement and dis/possessive collectivism (Roy, 2017) while at the same time documenting racial banishment reproduced through the displacement of community gardens in gentrifying East Harlem. In this sense, this dissertation documents and gathers a testimony of efforts to silence gardeners, because, as hooks writes, “Everywhere we [black people] go there is pressure to silence our voices, to co-opt and undermine them,” (hooks, 1989: 19), and even punish them, as I exemplified in Chapters 3 and 4. I tried using my position to contribute to their political agenda, but not to substitute their voice. As is usually the case, their combative and militant goals in the current context consisted mainly of building a narrative to make claims, and be heard, as if they were still in “search of respect”,²⁰⁷ which is all the more difficult when you are repeatedly disqualified, microaggressed or considered a subject to be uplifted and controlled.

I do not want to revert to a reflexive yet defensive oration of “narcissistic celebration of privilege” (Bourgois, 1996: 14, in Auyero, 2000: 206), but I am trying to make sense of the dilemma for researcher-activists to deal with the “intellectualist bias which entices us to construe the world as a *spectacle*, as a set of significations to be interpreted rather than as *concrete problems to be solved practically*” that Wacquant (1992: 39) points out. Indeed, perhaps there is a time for both tasks: a moment to contribute diligently to the political agenda of the participants where possible and to simply accept that “what they need is to be listened to, to be paid attention to, to be allowed to have a voice” (Auyero, 2000: 208). Then, later, comes a need for *detachment*, as Elias (1987 in Auyero, 2000: 205, 236) suggests, when one becomes so involved one may lose

²⁰⁷ This refers to the title of the classic ethnography by Bourgois (2003) conducted in East Harlem.

the distance necessary to let logic emerge from the events one attended. However, *detachment* doesn't mean to become more "objective," but rather to put the data in perspective and in dialogue with other sources to become an original and situated point of view on the matter.

In brief, in this dissertation, I sought to expose how unstable and precarious places like community gardens in gentrifying East Harlem are inscribed by and also challenged the State's authority. To do so, I examined the colloquial power relations at play in the daily performance of property of those gardens. Overall, this revealed how the City worked to the advantage of private developers, by dispossessing black, brown, and white gardeners from public land to foster the capitalist public-private urban production process of the affordable housing plan branded as progressive politics.

In this sense, this dissertation has delved into different meanings of property as embodied and performed in distinct ways by its users and the State. First, tying gardeners' claims for a "just" division of land to the State's authoritative representations of space since property is apprehended as necessarily "absolute" and "calculable" (i.e. contrary to the indigenous overlapping commons; see Chapter 1), gardeners increasingly referred to technical and legal documents like the license agreements or the Garden Rules (see Chapter 3). Doing so, they injected the State's documents of their own interpretation, and the State's documents then oscillated "between a rational mode and a magical mode of being" through the citizen's interpretation (Das, 2004: 225). Secondly, by exploring on-the-ground everyday property relations in community gardens in East Harlem, the reader gained a finer understanding of how gardeners built real and symbolic boundaries, or relations constituting property, that challenged and reproduced possessive individualism (Das and Poole, 2004; Hetherington, 2011; Blomley, 2014; Noterman, 2016). These boundaries made explicit the weapons of the dispossessed used against the powerful city producers but also used against each other to better funnel their

demands to the City (see Chapter 3). Conversely, city officials – either from the Park Department, HPD or the Manhattan Borough’s Office – were trying to coop gardeners, by imposing their interpretation, pacifying them, or requiring increasingly severe expectations to maintain their power. Thirdly, although gardeners tried to play by the rules by engaging with the Garden Rules and review processes, the overwhelming sentiment of shared ownership embodied on the ground (collective individualism), for the use of many and sustained over time, conflicted with the City’s authoritative statement of unique ownership (possessive individualism) as attested in contracts. Finally, this is a story about how Uptown community gardens as margins are important for understanding the functioning of the State, which is hybridized with the private sector, either city producers or city consumers. This is consequently a story of dispossession and exclusion, but also the story of the battle for gaining recognition and staying put to pursue the expectation to continue to act as they have for a while now, which legal scholars of property like Been (2006: 4) and Rose (1986: 723) refer to as an expectation interest.

2. Community Gardens as Margins and the Unghostly Authority of the State

Community gardens were at times perceived as undesirable spaces of incivility (see Chapters 3 and 4), but at other times, as spaces of desires to be associated with for the accumulation of political capital. Cynically, an ex-member of the East Harlem Community Board shared her concerns on Twitter about several photos hung on the fences of the empty East 111th Street block in fall 2019, but also elsewhere in East Harlem. The photo exhibit commemorated the Young Lords’ engagement in the neighbourhood²⁰⁸ by hanging photos at meaningful locations, like the NYC chapter headquarters located on Madison Avenue between E111th and E112th Streets, where Mission Garden used to stand. She wrote:

²⁰⁸ With, for instance, the garbage-sweep operation, the occupation of the church on Lexington Ave and 110th, and mobile testing stations in the neighbourhood for lead paint poisoning and tuberculosis.

GM [good move] to folks realizing the irony of photos of the Young Lords literally obscuring a brownfield site that hosted [6] community gardens/ballfield [...], with tours funded by a foundation partner of the East Harlem Rezoning... Ok, GM to just me then. #elbarrio

This confirmed the location had a special meaning to residents while the exhibit polished away the eviction of the gardens and furthered the project of neighbourhood branding useful to real estate development. Similarly, journalists and militant groups often used photos of the evicted or to-be-relocated gardens to support their argument while they did not closely collaborate with them. They only used the gardens' photos to serve and convey their message that the "community" was in peril.

This dissertation ultimately depicts the community gardens of East Harlem as margins, acting as both spaces of rejection and spaces of remembrance. This way, the gardens not only help in understanding the City's inner workings but also participate in reconfiguring the State. Because gardens are sometimes an exclusive arena embodying cultural safe places, I argue gardens are margins in the sense bell hooks (1989) and authors in Das and Poole (2004) have suggested.²⁰⁹

Bell hooks advises margins are spaces where one is constantly reminded of being an outsider, an *other*, by being silenced and disqualified. At the same time, margins also enable resistance by permitting and engaging remembrance, notably through emplacement as Roy (2017) reminds. For their part, Das, Poole and Asad (2004) explore margins to better understand the State. Questioning the State's centralized control over a bounded territory, these authors contend the State is not as firm as many classic commentators suggest (see Skinner, 1978; Asad, 2004: 279, 286). Because the State is unstable, they argue the State is "best seen when one moves away

²⁰⁹ Das and Poole (2004: 33) remark that Tsing (1993) also analyzed margins "as a way of relating disciplinary creativity with forms of life lived at the margins in the context of the state in Indonesia", but mention her analysis insisted too much on a spatial conception. Consequently, she defines the margin "as a place where state authority is most unreliable and the gap between the state's goals and their local realization is largest," thus placing the authority in the centre and in a position of transparency, which authors in Das and Poole (2004) criticize.

from the ‘centre’” toward the margins, “the places where State law and order continually have to be re-established” (Asad, 2004: 279).

Consequently, the State is not a ghostly presence that finds its authority mystically, as Derrida (1992) may suggest, or spectrally, as Agamben (1998) proposes. Rather, I argue along the lines of Das and Poole (2004) that the State’s authority is (re)constituted daily in routinized “practices embedded in everyday life in the present” by using the State’s writing practices, either documentary, contractual or statistics-gathering practices (Das and Poole, 2004a: 13; Asad, 2004: 9). The State uses heterogeneous ways of administering life. In this dissertation, I focused on how the City’s license agreements have acted as a disciplinary tool over time for maintaining gardens located on vacant public lots within the municipal government’s fold year after year (see Chapters 2 and 3). As such, these documents embody and bring about a specific kind of citizen-subject the gardeners should emulate and be inspired by. The disciplinary effect of the license agreement regulates gardeners’ behaviour by communicating to gardeners the City’s expectations concerning aesthetics, maintenance, programming, and openness of the space they use as gardens. Thereby, the City is renewing its claims of sovereignty over the specific pieces of land that are gardens, but also over gardeners themselves by governing their conduct. In other words, citizen-subjects – or gardeners – “anticipate and internalize the unpredictability of violence precisely through the predictability of physical sites where the State exerts its own seemingly arbitrary claims to sovereignty over territories that it clearly cannot control” (Das and Poole, 2004a: 18).

Moreover, this disciplinary effect of margins as operationalized through documents is a dialectical process. First, “individuals are reconstituted through special laws as populations on whom new forms of regulation can be exercised” (*Ibid.*: 12). Second, the legally binding documents embodying these laws participate in the “continual refounding of law through forms

of violence and authority that can be construed as both extrajudicial and outside, or prior to, the State” (*Ibid.*: 13). In other words, gardeners are represented as a specific group of the population to be controlled with additional and more specific laws designed just for them, like the garden license agreements and the Garden Rules. Constructing the State “beyond the realm of myth” (*Ibid.*: 14), the people who apply those laws, bureaucracy, and violence embody the State in the reality of everyday life. In that sense, the State is not vaporous and mythical but rather embodied by workers who interpret, analyze, and write texts of laws and contracts daily, similarly to what city officials from HPD and NYC Parks have testified to in Chapters 3 and 4.

However, along the process of governing, or conducting conduct, the State’s documentary practices may nonetheless oscillate “between a rational mode and a magical mode of being”, as Das (2004: 225) is suggesting. Even though the State constructs its regulations as rational, objective, right and true, these regulations may nonetheless gain a life of their own when the population interprets and appropriates the meaning of these regulations and tries influencing their application. This magic life assigned to regulations comes from the instability in the legibility and iterability of written signs in their performance, or, in other words, from the instability and fragility of written significance, as Das (2004) points with reference to Derrida (1988) (see Chapters 3 and 4). Consequently, the concept of the margins may capture this instability in the significance of laws and regulations and help reconfigure the State through these laws’ and regulations’ daily enforcement. However, the State may resist such reconfiguration and maintain its authority by qualifying the governed as “credulous, unhygienic, irrational, and in need of discipline” or, as suggested by city officials in the case of gardeners, unfit to maintain public property (Das and Poole, 2004a: 27).

This authoritative enforcement reveals how the State embodies sovereignty independently from the entire population (Asad, 2004: 281). Rather than delegating the population’s concerns

to State officers, the State abstractly represents the population's undefined concerns with a sense of abstract and forceful power over uncertainty. "Far from being a myth, the State's abstract character is precisely what enables it [the State] to define and sustain the margin as a margin through a range of administrative practices" (*Ibid.*). While liberalism's distinctiveness as a political theory is to treat all citizens supposedly equally – or in absolute indifference through universal laws and universal enforcement – the author argues bias remains evident in the daily enforcement of its laws (*Ibid.*). Asad writes: "tally of the choices reveals the structure of bias (...) against a political category that is taken by critics to be *different*" (*Ibid.*: 282). Hence, to study inequality and exclusion, anthropologists should study how written rules apply *in practice* since "equality, generality, and abstraction thus rest on uncertainty" (*Ibid.*: 283). Amid uncertainty, authority and *force of law* can prevail in the Derridian sense, just because officials say so. In other words, the abstractness or illegibility of laws and contracts, and their performance or effect enable the State to act forcefully or authoritatively as to make certain what is uncertain, as in the case of the gardens' license agreements or the public review processes assessing the East Harlem Rezoning Plan's environmental impacts (*Ibid.*: 287²¹⁰; Derrida, 1992). In a way, this helps understand how relocating community gardens have been coopted.

Consequently, to identify the margins of the State, Asad and Das (in Das and Poole, 2004) enjoin anthropologists to look and turn to "pervasive uncertainty of the law *everywhere* and to the arbitrariness of the authority that seeks to make law certain" (Asad, 2004: 287), which I have aimed to do in Chapters 3 and 4. Because of the "pervasive uncertainty of the law everywhere," Asad argues, "the entirety of the State is a margin" since "the sovereign force of the law is

²¹⁰ "The answers to such questions, to the doubts generated by them, must be given authoritatively – that is to say, *from beyond the written rules*. It is this *alien* authority and not the written rule itself that constitutes the law of the state. The authority of the law seeks to make things definite within the continuous flow of uncertainty by imposing itself from outside (...) In liberal democracies, the theory is that citizens make the law their own by collectively willing it. But *authority* is always prior to acts of submission, whether they are coerced or consented to. The *force* of the law therefore derives from beyond the general will of citizens." (Asad, 2004: 287)

expressed in the State's continual attempts to overcome the margin" (287). These authors suggest definitions of the State and margins go beyond the simple centre and periphery model and should instead be spatially and conceptually more dispersed. Margins are not only peripheral spaces determining what lies inside and outside of the borders of a nation-state. Indeed, community gardens in the heart of such a political and economic centre as New York City are margins too. Margins, which are heterogeneous and conceptually open, participate in reconfiguring the State by extending the "conceptual boundaries of the economy" (Das Poole, 2004a: 20) but also by rearranging where the "conceptual boundaries of the State are extended and remade in securing survival or seeking justice in the everyday" (*Ibid.*: 20). In this sense, as the margins embody "the complexity of lived experience", they inflect to the State "notions of justice and law with different kinds of imaginaries from those available in the official sites and representations of justice and law," as gardens and citizens' groups against "Housing New York" rezonings were doing (*Ibid.*: 23).

In brief, margins are not necessarily geographical and conceptual peripheral spaces per se. As they participate in reconfiguring the State, "margins move, then, both within and outside the [S]tate [and o]f course, this movement is what makes the margins so central to the understanding of the State" (*Ibid.*: 30). As such, margins are not "inert spaces and populations that simply have to be managed" but rather these margins are "bristling with life" and embodying pressures to reconfigure the State toward everyday concerns generated by different kinds of sociality, like the one embodied in commoning community gardens (*Ibid.*: 22,30). This doesn't mean the State and the commons – or other kinds of local socialities – are exactly opposite binaries, or that commons are the third sector "beside and equal to the state and the market" (Caffentzis and Federici, 2014: i100). However, "even though they [commoning margins

and the State] are locked in unequal relations, they are enmeshed in one another” (22), as I have argued and demonstrated throughout this dissertation.

Community gardens as margins, in the sense bell hooks (1989) suggests, act both as sites of resistance and repression. Overall, mixing literature on commons and margins, this conceptualization on margins points to how the commoning process in community gardens is conflicting as gardens are sites of both contestation and contradiction (Noterman, 2016: 435). In the specific context of the gardens’ relocation because of the affordable housing plan, the gardens surely were coopted when choosing to gain parkland status through relocation instead of plain eviction, but they did not contribute to the accumulation process in a linear way (Caffentzis, 2009). In a way, in the face of potential consent, accommodation or resistance to react to eviction and relocation (Li, 20017), gardeners chose to accommodate to relocation. However, throughout the dissertation, the reader was able to appreciate how gardens have also been havens cultivating the seeds of an alternative “mode production in the make” for the past forty years (Caffentzis and Federici, 2014) despite repeated threats of erasures and racial banishment (hooks, 1989; Roy, 2017). In this process of relocation, gardeners tried infusing the license agreements of their own interpretation. Consequently, community gardens were neither pure victims nor noble resisters, as their actions were messy and complicated (see Chapters 5 and 6). In brief, these community-led margins were not completely autonomous as one would believe and, to be able to create a haven and space of resistance, had to engage in partnerships with the State for self-creation and maintenance. Of course, margins were not always successful in reconfiguring the State, nor should the creativity of the margins and the commons be romanticized. However, those commoning margins of community gardens confronted with eviction were an ideal vantage point for digging into the inner workings of the State and the public-private production of urban space.

3. Avoiding the “Zombie Future” and the Uncertainty of the Future Perfect

In brief, to tackle and understand how unequal social relations have constituted commoning community gardens that also function as margins, this dissertation treats of the property relations and political practices of eight community gardens in East Harlem, New York City, that were threatened with eviction by “Housing New York”, a citywide affordable housing plan, leading to a contentious land use conflict. Through a yearlong multi-sited ethnographic fieldwork in 2016-7, I have inquired how gardeners negotiated normative conceptions of property aesthetics and liberal citizenship while also scrutinizing the city-led land use public review processes.

While I hope the reader will ponder the legacy of these community-produced public spaces that have acted as cultural safe places once they are relocated or evicted, the reader probably also realizes the promise of the affordable housing plan has done nothing to undo past inequities. As presented in Chapter 4, “Housing New York” and the East Harlem Rezoning Plan, through their corresponding public review processes, have been careful to build a “future perfect”, an infrastructural promise that creates an “anticipatory state around which different subjects gather their promises and aspiration” (Hetherington, 2016: 1). In other words, these infrastructural promises assemble a linear temporality of progress for civilized subjects by “arrang[ing] aspects of the landscape into a natural past and a civilized future” (*Ibid.*: 2). For instance, in this context, the past of the neighbourhood as a ghetto is strategically not put forward, although a few gardens’ contribution is acknowledged by inviting them to be relocated, perhaps to pacify them, even if their actual design is to be erased. Conversely, the near future the rezoning plan and the affordable housing plan are promising caters to city producers and consumers, or an influx of a new wealthier population hosted in Sendero Verde and other new real estate projects.

Thus, I argue the affordable housing plan sets aside the neediest low and very-low income, and instead builds or renovates units for middle-income earners. I suggest this promissory future also erodes the public property and open space stock that citizens have produced in the last 40 years by privatizing large sections of it and impeding on gardens' growing conditions. Consequently, the affordable housing plan and East Harlem rezoning plan have been exclusive promises, forsaking the margins from the "necessary past of a desirable future" that a politics of redress entails, which would start by acknowledging past inequities to undo or compensate them (*Ibid.*: 10; Safransky, 2019).

Although I have argued city officials should recognize the work infused by citizens by preserving these community gardens, in part because of the long past of divestment (see Chapters 1 and 2), I try to remain careful about the kind of promise I may myself be implying when suggesting gardens' preservation as part of the solution. Indeed, the project of making NYC community gardens more permanent should be about balancing out inequities and acknowledging the productive and historic contribution of people of colour in poor neighbourhoods of New York City like East Harlem. However, I am also arguing residents should hold more power to effect political decisions on their city while city officials should be accountable for their promises, as to avoid what some have called a "zombie-future", a future or promise that will never be (see Canavan, 2010; Fäber et al., 2019). For instance, many promises were not kept when La Nueva Esperanza Garden was evicted in 2007 for luxury apartments and the Museum of African Art: the garden was never relocated, the three floors of affordable housing were never offered, and the statue of Tito Puente never erected (CB11, 2015). I also realize demanding preservation is asking a kind of spatial stability that doesn't really exist since space is premised on fluidity over time, as the introduction has shown (Massey, 2005). Yet, as I am challenging the "persons-things-relations nexus" to define property, I rely on Verdery (2001) and

Riles (2004) to suggest property is a reflection of the social order, revealing unequal social relations and how they relate to abstract representation of land property through legal knowledge, like contracts and laws. Consequently, the City would have the authority to reconfigure the hegemonic social relations abstractly and legally representing property used by the gardeners, but doing so would challenge the possessive individualism favoured by the City and may give too much credence to poor people of colour seeking possessive collectivism.

Moreover, restitution of land is hardly ever a successful endeavour, as it “may restore a hierarchical *status quo ante* rather than a liberatory alternative” (Fay and James, 2008: 17). In this case, one may wonder to whom would land ought to be restituted: to gardeners, to Lenape, or rather to residents of Puerto Rican, Afro-American or Italian decent? The answer is far from being straightforward. Yet, acknowledging long-lasting contributions is, in my opinion, absolutely necessary. As Safransky (2019) argues, a politics of redress undoing past inequities instead of reconciliation may be an interesting starting point. However, this points to the complicated pursuit of agreeing on what to remember and forget, all the while not failing to address privilege in the process. In this sense, while these are delicate projects, I can’t absolve myself to the status quo. If redress or reconciliation is more complicated than it appears, some scholars argue that preserving space, like recognizing gardens as parkland, is often misrecognized to be separate from capitalism as a kind of refuge (Corbera et al., 2019). Indeed, while gardeners are still waiting for an acknowledgment of their past and present contribution, it is still unclear how to harmoniously intertwine conservation, climate change, and decolonization. Nonetheless, in 2019, the New York City Community Garden Coalition thought its best shot was to file a petition with the Earth Justice Center for the State of New York to recognize NYC community gardens as Critical Environmental Areas.

What's even more seductive is that the restitution and preservation gardeners are invoking involve morally laden expectations that these claims are made as communities, rather than as individuals, to hold land communally (Fay and James, 2008). As I explained in Chapters 5 and 6, community gardeners have developed equity and feelings of possession or ownership through the work, space, and resources they invested over time. Community gardens consequently embody very particular communal property ownership claims as cultural safe places that some critics perceive as exclusive. They seem to embody a kind of politics of emplacement that challenges private property's possessive individualism (see Roy, 2017).

Although community gardens are more open than private spaces, they are not universal per se as the City sometimes claims. On the contrary, commoning gardens help challenge the possessive individualism inherent to private property. While gardeners believe they have developed property interests in this space *for* the community, they also believe the stewards involved daily hold more power to make decisions than citizens who do not regularly engage in the garden's maintenance. Hence, to be commoning is not necessarily to be universally used, and the City's claim toward universal access and use of these gardens may be a strategy to challenge the commoning group's authority over this space and regulate their conduct toward specific expectations. Indeed, the City may be wary to acknowledge a different kind of land governance as to "not create a nation within a nation" (Fay and James, 2008). To direct gardeners toward possessive individualism, the State developed the license agreements by requesting a single member to be responsible for the garden in the license agreement. While the garden contact person holds sensitive information that may be shared or not and can influence the maintenance of the garden over time, a tension consequently arises between the legal representation of the license agreement that is communicating individual possession and the customary use and collective possession a group of gardeners sustains there. From this tension

stems the dilemma between the possessive individualism of private property and the uncharted exploratory nature of collective possession.

For these reasons, community gardens are unique examples of experimentation of the struggle for anticapitalist commons and degrowth movement by organizing non-commoditized sites striving to eventually break the links between economic growth and well-being (Akbulut, 2017). Referring specifically to commoning community gardens, Akbulut (2017: 400) writes:

Urban gardens serve as vehicles of regaining control over food production, regeneration of the environment and provision for subsistence. They are also venues of knowledge production, intergenerational transmission/exchange and of reproduction of social relationships, as well as a medium for the encounter of diverse cultural practices.

In short, commons are defined as the relations, activities, and collective resources, including the piece of land, for which a self-defined group ingrains practices of appropriation and investment, and develops a property interest or feeling of ownership “through sustained patterns of local use and collective habitation” (Blomley, 2008: 320; Noterman, 2016). The relational and active process of commoning refers to how users – like gardeners – constantly (re)negotiate the way the overlapping set of material and immaterial commons resources, notably the piece of land, is used and transformed. This (re)negotiation is not always consensual and can create conflict, but the ability to manage the conflict and to develop collective practices and goals in a self-managed manner produces the commons. In other words, this conflicting negotiation for the access, use, benefit, care, and responsibility of a piece of land, but also the social relations, activities, and other collective resources of such group, reveals “the social relations that produce it as well as the social relations it produces” (Eizenberg, 2012a: 767; Gibson-Graham et al., 2016). Consequently, the commons are by no way permanent, and, as I have argued all along this dissertation, remain vulnerable to pressures of the public sector and private interests, both forces of neoliberalism.

Even if commons embody an alternative and collective land management, they are not “perfect” and “pure” utopia. Indeed, commons, in academic writing, are often described as ideal types toward which we should tend for a radical social transformation, like a premise of a slow revolution. For instance, in the following, Akbulut (2017) insists on the autonomy of the commons from the State and the market:

Accordingly, commons are forms of non-commodified wealth to be used by all, sites of collective cooperative labour and regulated non-hierarchically. More specifically, then, commons emerge as spaces of social reproduction accessed equally by all, autonomous of intermediation of the State or the market, where reproduction and production take place under collective labour, equal access to means of (re)production and egalitarian forms of decision-making (Caffentzis and Federici, 2014, De Angelis, 2006). [...] [T]his approach defines commons not necessarily (or exclusively) by their common-pool resource characteristics (rivalry in consumption and non-exclusion of users), but rather by the degree of autonomy they provide from capital and State, and the type of social relationships that constitute them. (400)

Although this may be what commons are striving for, I rather contend their concrete on-the-ground embodiments are messier than ideal-types can suggest, as Chapters 5 and 6 propose. As Fay and James (2008: 11) mention, what appears “to embody a particular – and separate – approach to community living and communal property” remains “subjected to institutionalization, and/or yield[s] to the market forces which permeate the rest of society.” Commons, like community gardens, are not impervious to those forces and possess contradictions, as they are vulnerable to institutionalization or market forces while not being totally passive recipients to these forces. As Das²¹¹ (2004) as well as Li²¹² (2007) suggest in their respective ways, commons and commoning residents rather adapt to these forces.

Consequently, one contribution of this dissertation is to complicate the definition of commons to show how their on-the-ground relations are rooted in society’s influences at large rather than being completely autonomous. Unless we posit community gardens are not commons at all, I

²¹¹ By giving to regulation their own interpretation, citizens are changing the narrative and the way these regulations are applied.

²¹² Accommodation, acceptance, or resistance are the possible reactions of citizens, Li suggests.

suggest – along with Velicu and García-López (2018) and Eizenberg (2012a: 767) – the elements persistently defining the commons are the social relations constituting the commons, by which commoners experiment collective patterns of use and manage to negotiate conflict beyond the traditional kinship arena. Another defining element I am also proposing is the commoning group’s capacity to be irreverent by defying social norms while not being completely impervious to them.

The politics of the commons are then continuously conflicting, and these hybrid entanglements and co-management may be causes for such tensions. While property claimants’ conception of the space they use “originate in a complex dialogue between themselves and the broader legal discourse used within the State” (Fay and James, 2008), these property claimants also assert, contest or modify the State’s expectations, giving these regulations a life of their own, a magical mode of being, as Das (2004) suggests. Doing so is the gardeners’ and residents’ way of negotiating “their right to be recognized, hold property, be accommodated, be governed” in the broader social world (Fay and James, 2008: 11). This is reflected in the gardeners’ embodiment of property relations and the negotiation on their relocation in Chapters 3, 5, and 6.

Concrete commoning experiments reveal co-management endeavours to be vastly more complex than suggested in some theoretical writings, as commons are – to some extent –forced to hybridize with private and public powers and have to negotiate various social norms (e.g. like the aesthetics of the garden). While I am a proponent of a utopian anticapitalist commoning politics that would foster a collective and anti-authoritarian social organization and resource management, I have come to admit the world we are facing is immensely entangled and full of contradictions. As ideals don’t exist in theoretical voids, scholars and activists have to apprehend these ideals as embedded in the actually existing. For these reasons, community gardens in New York City – like other gardens elsewhere – were imperfect.

As I tried remaining faithful to what I gathered from gardeners' concerns, eviction and racial banishment were important critiques addressed to the NYC affordable housing plan that was displacing different community gardens and the most vulnerable residents, feeding into notions of propertied citizenship and racial capitalism (Bhandar, 2018; Roy, 2017; Harris, 1993). Enmeshed in a past of racism, community gardens' claims to land were entangled with claims against dispossession and for full recognition, similarly to what Roy (2017: A10) has argued for dis/possessive collectivism. As participants in Roy's study suggest, the literature on gentrification should insist more on displacement and racial banishment to redefine dispossession and emplacement:

In my first encounter with the legendary Pete White of LA CAN [Los Angeles Community Action Network], I asked how the institute can make itself useful. He answered: 'Do your work. Theory. History. We are telling you that what we are experiencing cannot be explained any longer as gentrification. We are experiencing banishment. Give us a theory of banishment. Give us the history of banishment.' This essay is the first step in a response to the task outlined by Pete White. (2017: A10)

Roy (2017) consequently offers a theorization of dispossession as both a loss of property and a loss of the self where the politics of the dispossessed is a "practice of seeking human recognition in the face of constant, even ontological, denial" (Ghertner, 2017). The riposte of the dispossessed is then a politics of emplacement, which is tied to the intimate practice of "constructing domesticity" by building a moral right or new potentiality of being in place (*Ibid.*). Consequently, a politics of emplacement takes place either by staying put in their house, like Roy (2017) relates in her article about anti-eviction activists in Los Angeles, or rather by squatting a building or a vacant space turned into a community garden for the past 30 or 40 years. In a context of historical and structural racism, this politics of emplacement is *dispossessing* the "concept of property of its normative grounding in *possessive individualism*" (Ghertner, 2017: 2; Roy, 2017). It is in this collective endeavour of acknowledging and undoing past inequities to turn them into positive, "alternative socio-spatial relations and economic futures" that lays the

radical potential of the commoning experiment that, as of yet, remains at the margins (Noterman, 2016: 436). An imperfect exploration of emplacement and possessive collectivism are the dispossessed people's way of resisting the aggression and exclusion that racial capitalism has repeatedly imposed on them. Indeed, the politics of racial banishment isn't new: from colonial appropriation to redlining, the affordable housing plan – with its neighbourhood rezoning – is just another strategy disguised as progressive politics.

REFERENCE

- Adichie, Chimamana Ngozi. 2013. *Americanah*. New York: Anchor Books.
- Agamben, Giorgio. 1991. *Language and Death: The Place of Negativity*. Minneapolis: University of Minnesota Press.
- Agamben, Giorgio. 1993a. *Infancy and History: Essays on the Destruction of Experience*. London: Verso.
- Agamben, Giorgio. 1993b. *The Coming Community*. Minneapolis: University of Minnesota Press.
- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Translated by D. Heller-Roazen. Stanford, CA: Stanford University Press.
- Ahmed, Sara. 1998. "Animated borders: Skin, colour and tanning." In *Vital Signs. Feminist Reconfigurations of the Bio/logical Body*, edited by Margrit Shildrick and Janet Price, 45-64. Edinburgh: Edinburgh University Press.
- Akbulut, Bengi. 2017. "Commons." In *Routledge Handbook of Ecological Economics: Nature and Society*, Chapter 38, edited by Clive L. Spash, 395-403. Abingdon, U.K: Routledge.
- Alatas, Syed Hussein. 1977. *The Myth of the Lazy Native: A Study of the Image of the Malays, Filipinos and Javanese from the 16th to the 20th Century and its Function in the Ideology of Colonial Capitalism*. London: Routledge.
- Alexander, Gregory. 1997. *Commodity and Propriety: Competing Visions of Property in American Legal Thought, 1776-1970*. Chicago: University of Chicago Press.
- Altucher, James. 2020. "NYC is Dead Forever. Here's Why." *LinkedIn Blog*, August 13, 2020. https://www.linkedin.com/pulse/nyc-dead-forever-heres-why-james-altucher/?src=aff-lilpar&veh=aff_src.aff-lilpar_c.partners_pkw.10078_plc.Skimbit%20Ltd._pclid.449670_learning&trk=aff_src.aff-lilpar_c.partners_pkw.10078_plc.Skimbit%20Ltd._pclid.449670_learning&clickid=3X-1EXVIZxyORV0wUx0Mo38qUkiVQVzwEXAwUo0&irgwc=1.
- Amin, Ash and Powell, John (2016) Thinking the commons. In *Releasing the Commons: Rethinking the Futures of the Commons*, edited by Amin, Ash and Powell, John. London: Routledge
- Angotti, Tom. 2017. "Introduction", In *Zoned Out! – Race, Displacement, and City Planning in New York City*, edited by T. Angotti, and S. Morse, 10-16. New York City: Terreform.
- Angotti, Tom and Sylvia Morse. 2017. *Zoned Out! – Race, Displacement, and City Planning in New York City*, New York City: Terreform.
- Arendt, Hannah. 1998 [1958]. *The Human Condition*. Chicago: University of Chicago Press.
- Arnstein, Sherry R. 1969. "A Ladder of Citizen Participation," *Journal of the American Planning Association* 35 (4): 216-224.

- Asad, Tala. 2004. "Where are the Margins of the State?" In *Anthropology in the Margins of the State*, edited by Das, Veena and Deborah Poole, 279-288. Santa Fe, New Mexico: School of American Research Press.
- Ashcraft, Richard. 1986. *Revolutionary Politics and Locke's Two Treatises*. Princeton: Princeton University Press.
- Ashcraft, Richard. 1980. "Revolutionary Politics and Locke's Two Treatises of Government : Radicalism and Lockean Political Theory." *Political Theory* 8(4): 29-486.
- Association pour une solidarité syndicale étudiante [ASSÉ]. 2012. "En marche vers la gratuité scolaire." Press Release Archive. <https://bloquonslahausse.asse-solidarite.qc.ca/page/11/index.html>.
- Auyero, Javier. 2000. *Poor People's Politics – Peronist Survival Networks and the Legacy of Evita*. Durham: Duke University Press.
- Auyero, Javier and Débora Alejandra Swistun. 2009. *Flammable – Environmental Suffering in an Argentine Shantytown*. New York: Oxford University Press.
- Bacqué, Marie-Hélène and Mario Gauthier. 2011. "Participation, urbanisme et études urbaines – Quatre décennies de débats et d'expériences depuis 'A Ladder of Citizen Participation,' de S. R. Arnstein" *Participation* 1(1): 36-66.
- Barrett, Wayne. 2010. "Bloomberg and Thompson: The (Really) Odd Couple." *The Village Voice*, January 5, 2010. <https://www.villagevoice.com/2010/01/05/bloomberg-and-thompson-the-really-odd-couple/2/>.
- Barron, Jennifer. 2017 "Community gardening: cultivating subjectivities, space, and justice." *Local Environment – The International Journal of Justice and Sustainability* 22(9): 1142-1158.
- Barry, Dan. 1999a "Giuliani Seeks Deal to Sell 64 Community Gardens to Land Groups to End Suits." *New York Times*, May 12, 1999. B1.
- Barry, Dan. 1999b. "Sudden Deal Saves Gardens Set for Auction. Bette Midler Clears Way for Purchase of 112 Lots." *New York Times*, May 13, 1999. B1.
- BBC News. 2020. "George Floyd: Timeline of Black Deaths Caused by Police." *BBC News*, June 26, 2020. < <https://www.bbc.com/news/world-us-canada-52905408>>.
- Beauvoir, Simone de. 1949. *Le Deuxième Sexe*. Paris: Éditions Gallimard.
- Been, Vickie. 2006. "Tribute to Carol Rose." *Yale Journal of Law and the Humanities* 18(3): 141-160.
- Been, Vickie. 2008. "The Effect of Community Gardens on Neighboring Property Values." *Real Estate Economics* 36(2): 241-283.

- Bell, Christopher. 2013. *East Harlem Remembered – Oral Histories of Community and Diversity* Jefferson: MacFarland & Company.
- Bella, Angela. 2018. "Ask Angela: Italian East Harlem, Accessed May 1, 2019. <https://italianharlem.com/ask-the-guru/>.
- Bellafante, Ginia. 2017. "At \$3,700 a Month, 'Affordable Apartments Go Begging.' *The New York Times*, November 17, 2017. <https://www.nytimes.com/2017/11/17/nyregion/at-3700-a-month-affordable-apartments-go-begging.html>.
- Beltran, Lizeth. 2018. "Inwood Group Sues City Over Rezoning." *Crain's New York*. December 11, 2018. <https://www.crainsnewyork.com/real-estate/inwood-group-sues-city-over-rezoning>.
- Bhandar, Brenna. 2015. "Title by Registration: Instituting Modern Property Law and Creating Racial Value in the Settler Colony." *Journal of Law and Society* 42(2): 253-82.
- Bhandar, Brenna. 2018. *Colonial Lives of Property – Law, Land, and Racial Regimes of Ownership*. Durham: Duke University Press.
- Bhandar, Brenna and Alberto Toscano. 2015. "Race, Real Estate and Real Abstraction." *Radical Philosophy* RP 194(Nov/Dec): <https://www.radicalphilosophy.com/article/race-real-estate-and-real-abstraction#fnref51>.
- Birrell, Kathleen. 2019. "Book Reviews – Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership by Brenna Bhandar." *Law, Culture and the Humanities*. 15(2): 585-593
- BLM Wikipedia. 2020. "Black Lives Matter." *Wikipedia*, September 1, 2020. <https://en.wikipedia.org/wiki/Black_Lives_Matter#Timeline_of_notable_US_events_and_demonstrations>.
- Blackstone, William. 1979 [1766]. *Commentaries on the Laws of England. Vol. 1, Of the Rights of Persons; Vol. 2. Of the Rights of Things*. Chicago: University of Chicago Press.
- Blomley, Nicholas. 2004a. "Un-real estate: Proprietary space and public gardening." *Antipode* 36(4): 614–641.
- Blomley, Nicholas. 2004b. *Unsettling the city: urban land and the politics of property*. New York: Routledge.
- Blomley, Nicholas. 2005a. "The Borrowed View: Privacy, Propriety, and the Entanglements of Property." *Law and Social Inquiry* 30(4): 617-661.
- Blomley, Nicholas. 2005b. "Flowers in the bathtub: boundary crossings at the public-private divide." *Geoforum* (May) 36(3): 281-296
- Blomley, Nicholas. 2008. "Enclosure, common right, and the property of the poor." *Social and Legal Studies* 17(3): 311-331.

- Blomley, Nicholas. 2014. "Property, Law, and Space." *Social Science Research Network (SSRN)* January 19, <http://dx.doi.org/10.2139/ssrn.2381518>.
- Blomley, Nicholas. 2017. "Taking up property: Comments on Ananya Roy." *Geoforum* 80(March): A20-A21.
- Bloomberg News. 2018. "East Harlem Gentrification Boosted by Rezoning, Tax Breaks." *Crain's New York Business*, December 13, 2018. <https://www.crainsnewyork.com/real-estate/east-harlem-gentrification-boosted-rezoning-tax-breaks?fbclid=IwAR2pKFqF5IduWaA1nn9rVrzy4xMGd43nuUGuA4bNMxrIoWotiqeRBqBM5U0>.
- Bollier, D. and B. H. Weston. 2012. "Green Governance: Ecological Survival, Human Rights and the Law of the Commons." In *The Wealth of the Commons: A World Beyond Market and State*, edited by D. Bollier and S. Helfrich, 343-352. Amherst, MA: Levellers Press.
- Bonenfant, Maude, Anthony Glinoe and Martine-Emmanuelle Lapointe. 2013. *Printemps québécois: une anthologie*. Montréal: Écosociété.
- Bourdieu, Pierre. 1984. "Distinction: A Social Critique of the Judgment of Taste." In *Food and Culture: A Reader*, edited by C. Counihan and P. Van Esterik, 496-509. New York: Routledge, 2013.
- Bourdieu, Pierre. 1997. "Marcel Mauss, aujourd'hui." In *Sociologie et sociétés* 2004 36(2): 15-22.
- Bourgois, Philippe. 1996. *In Search of Respect – Selling Crack in El Barrio*. New York City: Cambridge University Press, First Edition.
- Bourgois, Philippe. 2003. *In Search of Respect – Selling Crack in El Barrio*, New York City: Cambridge University Press, Second Edition.
- Boyer, Jean-Pierre, Jasmin Cormier, Jean Desjardins et David Widgington. 2013. *À force d'imagination: affiches et artéfacts du mouvement étudiant au Québec, 1958-2013*. Montréal: Lux Éditeur.
- Braidotti, Rosi. 1994. *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory*. Cambridge: Cambridge University Press.
- Brenner, Neil, Marcuse, Peter, and Margit Mayer. 2012. *Cities for People, Not for Profit: Critical Urban Theory and the Right to the City*. New York: Routledge.
- Brenner, Neil and Nik Theodore. 2002. "Cities and the Geographies of 'Actually Existing Neoliberalism'." *Antipode* 34(3): 349-379.
- Brownhill Sue and Gavin Parker. 2010. "Why Bother With Good Works? The Relevance of Public Participation(s) in Planning in a Post-Collaborative Era." *Planning Practice & Research* 25 (3): 275-282.

- Brunner, Christoph and Gerald Raunig. 2015. "From Community to Undercommons: Preindividual – Transindividual - Dividual – Condividual." *Commonist Aesthetics*. June.
- Buchana, Larry, Jugal K. Patel, Brian M. Rosenthal and Anjali Singhvi. 2020. "A Month of Coronavirus in New York City: See the Hardest-Hit Areas." *The New York Times*, April 1, 2020. <https://www.nytimes.com/interactive/2020/04/01/nyregion/nyc-coronavirus-cases-map.html>.
- Burke, Edward C. 1970. "Harlem Housing Voted by Board." *The New York Times*, June 19, 1970. <https://www.nytimes.com/1970/06/19/archives/harlem-housing-voted-by-board-estimate-members-support-plan-for.html>.
- Burke, Mack. 2018. "Goodlawyas: Three Lawyers Who Challenge New York's Real Estate Empire." *Commercial Observer*, July 31, 2018. <https://commercialobserver.com/2018/07/goodlawyas-three-lawyers-challenge-new-yorks-real-estate-empire/>.
- Busà, Alessandro. 2017 *The Creative Destruction of New York City*. New York: Oxford University Press.
- Butler, Judith. 1997. *The Psychic Life of Power: Theories in Subjection*. Palo Alto, CA: Stanford University Press.
- Butler, Judith. 2004. *Undoing Gender*. New York: Routledge.
- Butler, Judith. 2005. *Giving an Account of Oneself*. Oxford: Oxford University Press.
- Butler, Judith and Athena Athanasiou. 2013. *Dispossession: The Performative in the Political*. Chichester: John Wiley and Sons.
- Byrd, J.A., Goldstein, A., Melamed, J. and C. Reddy. 2018. "Predatory Value." *Social Text* 36(2): 1-18.
- Cacciari, Massimo. 1976. *Krisis. Saggio sulla crisi del pensiero negativo da Nietzsche a Wittgenstein*. Milan: Feltrinelli.
- Caffentzis, George. 2005. "Dr. Sachs, Live8 and neoliberalism's 'Plan B'," in *Shut Them Down! The G8, Gleneagles 2005 and the Movement of Movements*, edited by Harvie, David, Keir Milburn, Ben Trott and David Watts (eds), 51-60. Leeds: Dissent! and Brooklyn, NY: Autonomedia.
- Caffentzis, George. 2009. "The Future of 'the Commons': Neoliberalism's 'Plan B' or the Original Disaccumulation of Capital?" *New Formations* 69(1): 23-41
- Caffentzis George and Silvia Federici. 2014. "Commons Against and Beyond Capitalism." *Community Development Journal* 49(suppl1): i92-i105.
- Caldeira, Teresa P. R. 2000. "The Implosion of Modern Public Life." In *The Anthropology of Citizenship – A Reader*, edited by S. Lazar, 229-246. Chichester: Wiley Blackwell.

- Camp, Jordan T. 2016. *Incarcerating the Crisis: Freedom Struggles and the Rise of the Neoliberal State*. Berkeley, CA: University of California Press.
- Campkin, Ben. 2013. "Placing "Matter Out of Place": *Purity and Danger* as Evidence for Architecture and Urbanism." *Architectural Theory Review* 18(1): 46-61.
- Canavan, Gerry. 2010. "'We Are the Walking Dead': Race, Time, and Survival in Zombie Narrative." *Extrapolation* 51(3): 431-453. dans Hetherington 2016
- Carnes, Tony. 2017. "New Harlem Village & Church – The Beginnings of Church Life in Harlem." *NYC Religion*, January 9, 2017. <<http://www.nycreligion.info/emergence-harlem-town/>>.
- CBC News. 2020. "From Eric Garner to George Floyd: Recent U.S. Police Killings of Black People." *CBC News*, June 1, 2020. <<https://www.cbc.ca/news/world/police-killings-recent-history-george-floyd-1.5593768>>.
- Ceci, Lynn. 1975. "Fish Fertilizer: A Native North American Practice?" *Science* 188(4183): 26-30.
- Ceci, Lynn. 1977 "The Effect of European Contact and Trade on the Settlement Pattern of Indians in Coastal New York, 1524-1665." PhD Dissertation, Department of Anthropology, City University of New York.
- Ceci, Lynn. 1979. "Maize Cultivation in Coastal New York: The Archaeological, Agronomical and Documentary Evidence." *North American Archaeologist* 1(1): 45-74.
- Chatterton, Paul, David Featherstone, and Paul Routledge, 2013. "Articulating Climate Justice in Copenhagen: Antagonism, the Commons, and Solidarity." *Antipole* 45(3): 602-620.
- Ceci, Lynn. 1982. "Method and Theory in Coast New York Archaeology: Paradigms of Settlement Behavior." *North American Archaeologist*, 3(1): 5-36.
- Checker, Melissa. 2011. "Wiped Out by the 'Greenwave': Environmental Gentrification and the Paradoxical Politics of Urban Sustainability." *City & Society* 23 (2): 210-229.
- Cheney-Rice, Zak. 2015. "Meet the Artists of 'Piano District,' the NYC Neighborhood Invented by White Developers." *MIC*, November 19, 2015. <https://www.mic.com/articles/128862/meet-the-artists-of-piano-district-the-nyc-neighborhood-invented-by-white-developers#.XO62DmcDI>.
- Chung, Jen. 2007. "Protest Over City's Demolition of Community Garden." *Gothamist*, April 4, 2007. http://gothamist.com/2007/04/04/protest_over_ci.php.
- City of New York. 2014. "Mayor de Blasio Unveils 'Housing New York': A Five-Borough, 10-Year Plan To Protect And Expand Affordability'." *The Official Website of the City of New York*, May 5th, 2014. Accessed April 20th 2016. <http://www1.nyc.gov/office-of-the-mayor/news/199-14/mayor-de-blasio-housing-new-york--five-borough-10-year-housing-plan-protect-and#/0>.
- City of New York. 2016. "Breaking Records: Mayor de Blaiio's Affordable Housing Plan Has Financed 40,000 Apartments So Far, Enough for 100,000 New Yorkers." *Office of the Mayor*,

January 11th, 2016. Accessed April 20th 2016. <http://www1.nyc.gov/office-of-the-mayor/news/040-16/breaking-records-mayor-de-blasio-s-affordable-housing-plan-has-financed-40-000-apartments-so-far->.

City of New York. 2017. "Mayor Bill de Blasio Announces M/WBE Firms Win Bids to Build Hundreds of Affordable Home at Six City-Owned Sites." City of New York. January 13, 2017. <https://www1.nyc.gov/office-of-the-mayor/news/019-17/mayor-bill-de-blasio-m-wbe-firms-win-bids-build-hundreds-affordable-homes-six/> \1"/0".

City Planning Commission. 1964. "Urban Renewal Program." City of New York. April 1964. Urban Renewal Study Areas and Area Services Program. 3p. Scanned in 2016 at the National Archives in Washington DC by Charles Chawalko from Urban Reviewer (an association of 596 Acres and Partner & Partners). Accessed May 1, 2020. <https://drive.google.com/drive/folders/0B0R59QsmZxIydlFkVGVmQU9yVmc>.

City Planning Commission. 1966. "Milbank-Frawley Circle Area – 1966 Urban Renewal Program." City of New York. 9p.

City Planning Commission. 1967. "Cal. No. 18 – CP-19888 – Milbank-Frawley Circle I within Harlem Model City." City of New York. August 16, 1967. 11p. Scanned in 2016 at the National Archives in Washington DC by Charles Chawalko from Urban Reviewer (an association of 596 Acres and Partner & Partners). Accessed May 1, 2020. https://drive.google.com/file/d/0B9k_zNeDs7q-SHVWNI8zR1R2ZHc/view.

City Planning. 2016a. "East Harlem Neighborhood Study." City of New York. DCP Manhattan Office. Presentation of Draft Planning and Zoning Framework to the full board meeting of Manhattan Community Board 11. October 18, 2016. 40p. Accessed May 1, 2020. <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/east-harlem/east-harlem-presentation-101816.pdf>.

City Planning. 2016b. "East Harlem Rezoning Proposal." City of New York. Scoping Hearing Presentation. Silberman School of Social Work at Hunter College. December 15, 2016. Hearing at 2:00p.m. and 6:00p.m with written comments accepted until January 6, 2017. 26p. Accessed May 1, 2020. <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/east-harlem/east-harlem-scoping-presentation-121516.pdf>.

City Planning. 2016c. East Harlem Rezoning Proposal - Draft Scope of Work for an Environmental Impact Statement – CEQR No. 17DCP048M – ULURP Nos Pending." City of New York. November 10, 2016. 240p. Accessed May 1, 2020. <https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/east-harlem/draft-scope-of-work.pdf>.

City Planning. 2017a. "East Harlem Rezoning Proposal - Final Scope of Work for an Environmental Impact Statement – CEQR No. 17DCP048M – ULURP Nos. 170358 ZMM, N170359, 170364 PQM, 170365 ZSM, 170366 ZSM, 170367 ZSM, N170368ZCM." City of New York. April 21, 2017. 557p. Accessed May 1, 2020. <https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/east-harlem/final-scope-work.pdf>.

- City Planning. 2017b. "East Harlem Rezoning Proposal." City of New York. Presentation of the Department of City Planning to the City Planning Commission During the City Planning Commission Review Session Presentation. April 24, 2017. 121p. Accessed May 1, 2020. <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/east-harlem/east-harlem-presentation-042417.pdf>.
- City Planning. 2017c. "East Harlem Rezoning Proposal." City of New York. Presentation of the Department of City Planning to the City Planning Commission During a Pre-Hearing Review Session, August, 21, 2017. 77p. Accessed May 1, 2020. <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/east-harlem/east-harlem-pre-hearing-presentation.pdf?r=1>.
- City Planning. 2017d. "East Harlem Rezoning Proposal Overview." City of New York. Webpage for the citizens on the project overview, the updates, and implementation. <https://www1.nyc.gov/site/planning/plans/east-harlem/east-harlem.page>.
- City Realty. 2020. "Work Begins on Balton Commons; Middle-Income Passive House with Tech Hub to Rise in Central Harlem." *City Realty*. February 11, 2020. <https://www.cityrealty.com/nyc/market-insight/features/future-nyc/work-begins-balton-commons-middle-income-passive-house-tech-hub-rise-central-harlem/12746>.
- Clark, Dartunorro. 2017. "East Harlem Rezoning and Housing Plan 'Land Grab for the Rich,' Locals Say." *DNA Info*, May 17, 2017. <https://www.dnainfo.com/new-york/20170517/east-harlem/east-harlem-rezoning-affordable-housing-sendero-verde/>.
- Cleaver, Frances. 2000. "Moral Ecological Rationality, Institutions and the Management of Common Property Resources." *Development and Change* 32: 361-383.
- Coulthard, Glen. 2014. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis : University of Minnesota Press.
- Cohen, Patricia. 2012. "President of Museum to Quit Her Post." *The New York Times*, October 5, 2012. <https://www.nytimes.com/2012/10/06/arts/design/elsie-thompson-to-step-down-at-african-art-museum.html>.
- Collet, François. 2009. "Does habitus matter? A comparative review of Bourdieu's habitus and Simon's bounded rationality with some implications for economic sociology." *Sociological Theory* 27(4): 419-434.
- CB11 Community Board 11. 2015. "Housing Community – Tuesday June 2, 2015 – Board Office Minutes." June 2, 2015. <http://www.cb11m.org/wp-content/uploads/2016/08/Housing-Minutes-6-2-15.pdf>.
- Corbera, Esteve, Sara Maestre-Andrés, Dan Brockington and Rose Pritchard. 2019. "Workshop Call - Conservation, Climate Change and Decolonisation: Exploring new frontiers in Conservation Social Science." Institute of Environmental Science and Technology, Universitat Autònoma de Barcelona and University of Sheffield.

- Cronon, William. 1983. *Changes in the Land: Indians, Colonists, and the Ecology of New England*. New York: Hill & Wang.
- Das, Veena. 2004. "The Signature of the State: The Paradox of Illegibility." In *Anthropology in the Margins of the State*, edited by Veena Das and Deborah Poole, 225-252. Santa Fe, New Mexico: School of American Research Press.
- Das, Veena and Deborah Poole. 2004. *Anthropology in the Margins of the State*. Santa Fe, New Mexico: School of American Research Press.
- Das, Veena and Deborah Poole. 2004a. "State and Its Margins: Comparative Ethnographies." In *Anthropology in the Margins of the State*, edited by Veena Das and Deborah Poole, 3-33. Santa Fe, New Mexico: School of American Research Press.
- De Angelis, Massimo. 2001. "Marx and Primitive Accumulation: The Continuous Character of Capital's 'Enclosures'." *The Commoner* (2): 1-22.
- De Angelis, Massimo. 2006. *The Beginning of History – Value Struggles and Global Capital*. London: Pluto Press.
- De Angelis, Massimo. 2007. *The Beginning of History: Value Struggles and Global Capital*. London: Pluto Press.
- De Angelis, Massimo. 2010. "The Production of Commons and the 'Explosion' of the Middle Class." *Antipode* 42(4): 954-977.
- De Angelis, Massimo and Davie Harvie. 2014. "Commons." In *The Routledge Companion to Alternative Organizations*, edited by M. Parker, G. Cheney, V. Fournier and C. Land, 280-294. Abington: Routledge.
- DEC – Department of Environmental Conservation. 2018. "State Environmental Quality Review Act – Adopted Amendments 2018." New York State, State Environmental Quality Review Act, June 27. <https://www.dec.ny.gov/permits/83389.html>.
- De Certeau, Michel. 1984. *The Practice of Everyday Life*. University of California Press: Berkeley.
- Derrida, Jacques. 1988. "Signature Event Context." In *Limited Inc.*, edited by G. Graff, 1-25. Evanston, IL: Northwestern University.
- Derrida, Jacques. 1992 "Force of Law: The 'Mystical Foudation of Authority'." In *Desconstruction and the Possibility of Justice*, edited by D. Cornell, M. Rosenfield and D. Carlson, 3-67. New York: Routledge.
- Dietz, Robert Edwin. 1914. *1913: A Leaf from the Past; Dietz, Then and Now; Origin of the Late Robert Edwin Dietz – His Business Career, and Some Interesting Facts about New York*. New York: R.E. Dietz Company.
- Dokié, Vladimir. 1998. "Reading Derrida's 'Force of Law: The Mystical Foundation of Authority'." *The scientific journal Facta Universitatis, Philosophy and Sociology* 1(5) 49-454 dans Derrida

- Doshi, Sapana. 2013. "Embodied Urban Political Ecology: Five Propositions." *Royal Geographical Society* 49(1): 125-128.
- Douglas, Mary. 2000. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London: Routledge. First published 1966.
- Duchemin, Eric, Fabien Wegmuller and Anne-Marie Legault. 2008. "Urban agriculture: multi-dimensional tools for social development in poor neighborhoods." *The Journal of Field Actions – Field Actions Science Reports* 1: <https://journals.openedition.org/factsreports/113>.
- Duncombe, Stephen. 2004. "Carnival against Capitalism: Culture and Politics in Contemporary Activism." *Pugwash Magazine*. Accessed xx. http://216.122.222.203/pugwash/duncombe_2004_1.asp.
- Dunlap, David W. 1992. "Some Land-Use History Highlights." *The New York Times*, April 12, 1992. A010009.
- Dwoskin, Elizabeth. 2010. "Museum for African Art Sued by Shaken and Scared Tenants Next Door." *The Village Voice*, May 6, 2010. <https://www.villagevoice.com/2010/05/06/museum-for-african-art-sued-by-shaken-and-scared-tenants-next-door/>.
- Dymski, Gary. 2009. "Racial Exclusion and the Political Economy of the Subprime Crisis." *Historical Materialism* 17(2):149-179.
- Editorial. 1999. "For Sale: The Garden of Eden." *The New York Times*, January 14, 1999. A020.
- Egerer, Monica and Madeleine Fairbairn. 2018. "Gated gardens: Effects of urbanization on community formation and commons management in community gardens." *Geoforum* 96: 61-69.
- EHNP [East Harlem Neighborhood Plan] Steering Committee. 2016. "East Harlem Neighborhood Plan." February. 138p. http://www.eastharlempnan.nyc/EHNP_FINAL_FINAL_LORES.pdf,
- Eizenberg, Eifrat. 2012a. "Actually Existing Commons: Three Moments of Space of Community Gardens in New York City." *Antipode* 44(3): 764-782.
- Eizenberg, Eifrat. 2012b. "The Changing Meaning of Community Space: Two Models of NGO Management of Community Gardens in New York City." *The Changing Meaning of Community Space: Two Models of NGO Management of Community Gardens in New York City* 36(1): 106-120.
- Eldredge, Barbara. 2015. "What is ULURP? And Why Do We Have It?" *Brownstoner*, November 24, 2015. <https://www.brownstoner.com/development/ulurp/>.
- Elias, Norbert. 1987. *Involvement and Detachment. Contribution to the Sociology of Knowledge*. Oxford: Blackwell.
- Emerich, Yaël. 2012. "Possession." In *McGill Companion to Law*, edited by A. Popovici et L. Smith. November 2012. <https://www.mcgill.ca/companion/list/possession>.

- Encyclopedia Britannica. 2019. "Glorious Revolution." *Encyclopedia Britannica*. <https://www.britannica.com/event/Glorious-Revolution>.
- Engels, Friedrich. 1931. *L'origine de la famille, de la propriété privée et de l'État*, Paris: Alfred Costes. First published 1884.
- Enright, Theresa and Enright Rossi. 2018. "Chapter 4 – Ambivalence of the Urban Commons." In *The Routledge Handbook on Spaces of Urban Politics*, edited by Kevin Ward, Andrew E.G. Jonas, Byron Miller and David Wilson, 35-46. London: Routledge.
- Entman, Robert M. 2007. "Framing bias: Media in the distribution of power." *Journal of Communication* 57(1): 163–173.
- Estades, Jaime. 2017. "NILP Guest Commentary – Di Blasio's Affordable Housing Plan and the Whiteness of New York City." *National Institute for Latino Policy*, October 23. Accessed April 6, 2020. <http://myemail.constantcontact.com/NiLP-Guest-Commentary--The-Mayor-s-Housing-Plan-and-the-Whitening-of-New-York.html?soid=1101040629095&aid=FlQt2gKibkk>.
- Fäber, Alexa, Laura Kemmer, Kregg Hetherington, Gisa Weskalnys, Christina Schwenkel, Ignacio Farias. 2019. "The Promise of the City: Conditions of Urban Change and Collective Endurance – Roundtable." Session at the Annual Meeting of the American Anthropological Association and the Canadian Anthropology Society, Vancouver, Canada. November 22, 2019.
- Fabri, Eric. 2016. "De l'appropriation à la propriété: John Locke et la fécondité d'un malentendu devenu classique." *Philosophiques* 43(2): 343-369.
- Fanon, Frantz. 1961. *Wretched of the Earth*. London: Penguin.
- Fanon, Frantz. 1967. *Black Skin, White Mask*. New York: Grove Press.
- Faria, Caroline and Sharlene Mollett. 2016. "The Stickiness of Emotions in the Field – Critical Feminist Reflexivity and the Politics of Whiteness in the 'Field'." *Gender, Place, and Culture – A Journal of Feminist Geography* 23(1): 79-93.
- Farkas, Ava and Sara Newman. 2015. "Rezoning Plan Will Cause More Displacement in New York." *People's World*, November 19, 2015. <http://peoplesworld.org/rezoning-plan-will-cause-more-displacement-in-new-york>.
- Fay, Derick and Deborah James. 2008. "The Rights and Wrongs of Land Restitution: 'Restoring What Was Ours.'" In *The Anthropology of Land Restitution: An Introduction*, edited by Fay, Derick and Deborah James, 1-24. London, UK: Routledge.
- Federici, Silvia. 2004. *Caliban and the Witch: Women, the Body and Primitive Accumulation*. New York: Autonomedia.
- Federici, Silvia. 2011. "Feminism and the politics of the commons." *The Commoner*, 24 January 2011. <http://www.commoner.org.u/wp-content/uploads/2011/01/federici-feminism-and-the-politics-of-commons.pdf>.

- Federici, Silvia. 2012. *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle*. New York City: Autonomedia.
- Ferguson, Sarah. 1999. "A Brief History of Grass Roots Gardening on the Lower East Side." In *Avant Gardening: Ecological Struggle in the City and the World*, edited by Peter Lamborn Wilson and Bill Weinberg. New York City: Autonomedia.
- Ferguson, Sarah. 2007. "The Struggle for Space: Ten Years of Turf Battling on the Lower East Side." In *Resistance: A Radical Political and Social History of the Lower East Side*, edited by Clayton Patterson, 141-165. New York: Seven Stories Press.
- Fermino, Jennifer. 2014. "Mayor de Blasio unveils \$41B proposal to develop 200,000 units of affordable housing." *New York Daily News*, May 5, 2014. <http://www.nydailynews.com/news/politics/mayor-unveils-41b-affordable-housing-plan-article-1.1780018>.
- Fernow, Berthold .1817. *The Records of New Amsterdam from 1653 to 1674 Anno Domini*. New York: Knickerbocker Press.
- Foderaro, Lisa W. 2015. "New York City's Low-Profile Parks to Get Conservancies' Help, and Some Cash." *The New York Times*, November 13, 2015. <https://www.nytimes.com/2015/11/14/nyregion/new-york-citys-low-profile-parks-to-get-conservancies-help-and-some-cash.html>
- Forester, John F. 1989. *Planning in the Face of Power*. London: University of California Press.
- Forester, John F. 1999. *The Deliberative Practitioner. Encouraging Participatory Planning Process*. Cambridge: The MIT Press.
- Forester, John F. 2006. "Making participation work when interests conflict." *Journal of the American Planning Association* 72 (4): 447-456.
- Francis, Mark, Lisa Cashdan, and Lynn Paxson. 1984. *Community Open Spaces – Greening Neighborhoods Through Community Action and Land Conservation*. Washington, D.C.: Island Press.
- Freeman, Josh B. 2000. *Working-Class New York: Life and Labor Since World War II*. New York: New Press.
- Friedmann, John. 1987. *Planning in the Public Domain. From Knowledge to Action*. Princeton: Princeton University Press.
- Fullilove, Mindy Thompson, Véronique Héon, Walkiria Jimnez, Caroline Parsons, Lesley L. Green, and Robert E. Fullilove. 1998. "Injury and Anomie: Effects of Violence on an Inner-City Community." *American Journal of Public Health* 88(6) June: 924-927.
- Gale, Thompson. 2008. "Maine, Henry Thompson," *International Encyclopedia of the Social Sciences*, Encyclopedia.com. Accessed April 6, 2020. <https://www.encyclopedia.com/social-sciences/applied-and-social-sciences-magazines/maine-henry-sumner>.

- Gadanhó, Pedro. 2015. "Mirroring Uneven Growth – A Speculation on Tomorrow's Cities Today." In *Uneven Growth: Tactical Urbanisms for Expanding Megacities*, edited by Gadanhó Pedro, 15-25. New York City: Museum of Modern Art.
- Gailloux, Chantal. 2012. "Évaluation du processus de consultation pour l'Institut canadien international pour les industries extractives et le développement (ICIIED) par l'Agence canadienne de développement international (ACDI)." Rapport de recherche, Centre interdisciplinaire de recherche en développement international et société (CIRDIS), Université du Québec à Montréal (UQAM). 69p.
- Gailloux, Chantal. 2017. "Urban Agriculture in East Harlem, NYC: Social Justice, Disparities, and Gentrification." Conference: Urban Agriculture in NYC – Social Justice, Disparities, and Gentrification, with presentations by Benjamin Checker, Melissa Checker, Nevin Cohen, Kristin Reynolds. Public Space Research Group. CUNY Graduate Center. May 4 2017.
- Gakis, Dimitris. 2020. "Wittgenstein and Italian Theory: The Case of Negri and the Common." *Constellations* Forthcoming Issue: 1-16.
- Gallanis, Thomas P. 2011. "The New Direction of American Law Trust." *Iowa Law Review* 97(1): 215-237. <https://www.flprobatelitigation.com/wp-content/uploads/sites/206/2013/08/Gallanis11.pdf>
- Ghertner, D. Asher. 2011. "Nuisance talk and the propriety of property: Middle class discourses of a slum-free Delhi." *Antipode* 44(4): 1161-1187.
- Ghertner, D. Asher. 2017. "On dis/possessive collectivism: Comments on Ananya Roy's 2016 Geoforum Lecture" *Geoforum* 80(March): A12-A14.
- Ghorra-Gobin, Cynthia. 1989. "La planification aux États-Unis, questions de méthode. Interrogations des professionnels américains." *Les Annales de la recherche urbaine* 44-45: 225-230.
- Gibson-Graham, Julie. Katherine. 2006. *A Postcapitalist Politics*. Minneapolis: University of Minnesota Press.
- Gibson-Graham, Jenny Cameron, and Stephen Healy. 2016. "Chapter 12 – Commoning as a Postcapitalist Politics." In *Releasing the Commons: Rethinking the Futures of the Commons*, edited by Ash Amin and Philip Howell, 192-212. New York: Routledge.
- Gill, Jonathan. 2011. *Harlem – The Four Hundred Year History from Dutch Village to Capital of Black America*. New York: Grove Press.
- Gilman, Sander L. 1985. *Difference and Pathology: Stereotypes of Sexuality, Race, and Madness*. Ithaca: Cornell University Press.
- Gilmore, Ruth Wilson 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press.

- Godbout, Jacques T. and Alain Caillé .1998. *The World of the Gift*. Montreal: McGill-Queen's University Press.
- Goddard, Ives. 2010. "The Origin and Meaning of the Name: Manhattan." *New York History* Fall: 277-293.
- Goldenberg, Sally. 2015. "City Hall to preserve some community gardens, build housing on others." *Capital New York*, December 30, 2015. <http://www.capitalnewyork.com/article/city-hall/2015/12/8586679/city-hall-preserve-some-community-gardens-build-housing-others>.
- Goldstein, Emily and Melanie Breault. 2017. "How Does Housing New York Measure Up to New Yorkers' Needs?" *Association for Neighborhood and Housing Development*. Accessed April 6, 2020. <https://anhd.org/blog/how-does-housing-new-york-measure-new-yorkers-needs>.
- Goodman, J. David. 2018. "Despite Headwinds, de Blasio's Housing Plan Moves Forward as Costs Rise." *The New York Times*, July 19, 2018. <https://www.nytimes.com/2018/07/19/nyregion/mayor-de-blasio-housing-costs.html>.
- Goodman, J. David and Mireya Navarro. 2016. "New York City Council Backs Affordable Housing Plan." *The New York Times*, March 14th, 2016. <http://www.nytimes.com/2016/03/15/nyregion/housing-plan-gains-new-york-councils-backing-with-expanded-affordability-rules.html>.
- Gould, Jessica. 2018. "Lots of Potential: Call for More Housing for Homeless on East Harlem's Vacant Properties." *WNYC*, June 26, 2018. <https://www.wnyc.org/story/lots-potential-housing-homeless-east-harlem-vacant-properties/>.
- Graeber, David. 2001. *Toward an Anthropological Theory of Value – The False Coin of Our Own Dreams*. New York: Palgrave.
- GreenThumb. 2016. "GreenThumb – Community Gardens to be Preserved on Block 1617: Villa Santurce, Mission Garden, Villa Santurce Jardinera, Chenchita's Group Garden. "Annex on Community Gardens in HPD's SustainNYC RFP. Prepared by GreenThumb, NYC department of Parks and Recreation. 71p.
- Greer, Allan. 2012. "Commons and Enclosure in the Colonization of North America." *American Historical Review* 117 (2): 365-386.
- Grosz, Elizabeth. 2005. *Time Travels: Feminism, Nature, Power*. Durham: Duke University Press.
- Grunwald, Michael. 1999. "Mayor Giuliani Holds a Garden Sale." *Washington Post*, May 12, 1999: A1.
- Haenn, Nora. 2016. "The Middle-Class Conservationist: Social Dramas, Blurred Identity Boundaries, and Their Environmental Consequences in Mexican Conservation." *Current Anthropology* 57(2): 197-218.
- Hall, Miriam. 2018. "How EB-5 Funding is Fueling Harlem's Latest Luxury Offering." *Bisnow*, July 23, 2018. <https://www.bisnow.com/new-york/news/neighborhood/harlem-eb-5-90939>.

- Hall, Stuart. 1985. "Signification, Representation, Ideology: Althusser and Poststructuralist Debates." *Critical Studies in Mass Communication* 2(2): 91-114.
- Stuart Hall, 1986. "Gramsci's Relevance for the Study of Race and Ethnicity." *Journal of Communication Inquiry* 10(5): 23-24.
- Hamel, Pierre. 1986. "Les pratiques planificatrices dans le contexte actuel. Comment interpréter l'appel à la participation?" *Revue internationale d'action communautaire* 15(55): 65-76.
- Hamel, Pierre. 1997. "La critique postmoderne et le courant communicationnel au sein des théories de la planification: une rencontre difficile." *Les Cahiers de géographie du Québec* 41 (114): 311-321.
- Haenn, Nora. 2016. "The Middle-Class Conservationist – Social Dramas, Blurred Identity Boundaries, and Their Environmental Consequences in Mexican Conservation." *Current Anthropology* 57(2): 197-218.
- Hann, Christopher. M. 1998. "Property in Anthropology." In *Property Relations: renewing the anthropological tradition*, edited by Christopher M. Hann. Cambridge, UK: Cambridge University Press. On Max Planck Institute for Social Anthropology website. Accessed April 14, 2021. https://www.eth.mpg.de/3555747/property_in_anthropology.
- Haraway, Donna. 1991. *Simians, Cyborgs, and Women: The Reinvention of Nature*. New York: Routledge.
- Hardin, Garrett. 1968. "The Tragedy of the Commons." *Science* 162(385): 1243-1248.
- Hardt, Micheal and Antonio Negri. 2000. *Empire*. Cambridge, MA: Harvard University Press.
- Hardt, Micheal and Antonio Negri. 2004. *Multitude: War and Democracy in the Age of Empire*. New York: Penguin Press.
- Hardt, Micheal and Antonio Negri. 2009. *Commonwealth*. Cambridge, MA: Harvard University Press.
- Hardt, Micheal and Antonio Negri. 2017. *Assembly*. Oxford: Oxford University Press.
- Harney, Stefano and Fred Moten. 2013. *The Undercommons: Fugitive Planning and Black Study*. New York: Minor Compositions.
- Harris, Cheryl I. 1993. "Whiteness as Property." *Harvard Law Review* 106 (8, June): 1707-1791.
- Harvey, David. 2004. The 'New' Imperialism: Accumulation by Dispossession." *Socialist Register* 40: 63-87.
- Harvey, David. 2005. *A Brief History of Neoliberalism*. Oxford, New York: Oxford University Press.
- Harvey, David. 2006a. "Neo-Liberalism as Creative Destruction." *Geografiska Annaler Series B: Human Geography* 88(2): 145-158.

- Harvey, David. 2006b. "The Political Economy of Public Space." In *The Politics of Public Space*, edited by Setha Low and Neil Smith, 17-34. New York City: Routledge.
- Harvey, David. 2012. *Rebel Cities – From the Right to the City to the Urban Revolution*. New York: Versol.
- Hayden, Dolores. 2006. "Building the American Way: Public Subsidy, Private Space," In *The Politics of Public Space*, edited by Setha Low and Neil Smith, 35-48. New York City: Routledge.
- Hayes-Conroy, Jessica and Allison Hayes-Conroy. 2013. "Veggies and Visceralities: A Political Ecology of Food and Feeling." *Emotion, Space and Society* 6(1): 81–90.
- Hernández, Javier. C. 2010. "Community-Garden Rules Receive a Mixed Reaction." *The New York Times*, September 13, 2010. Accessed April 14, 2020. <https://www.nytimes.com/2010/09/14/nyregion/14gardens.html>.
- Hetherington, Kregg. 2009. "Privatizing the private in rural Paraguay." *American Ethnologist* 36(2): 224-241.
- Hetherington, Kregg. 2011. *Guerrilla Auditors – The Politics of Transparency in Neoliberal Paraguay*. Durham and London: Duke University Press.
- Hetherington, Kregg. 2012. "Promising information: democracy, development, and the remapping of Latin America." *Economy and Society* 41(2): 127-150.
- Hetherington, Kregg. 2016. "Surveying the Future Perfect: Anthropology, Development and the Promise of Infrastructure." In *Infrastructure and Social Complexity: A Companion*, edited by P. Harvey, C.B. Jensen, and A. Morita, 40-50. London: Routledge.
- Hobbes, Thomas. 2017. "Part 2. Commonwealth", *Leviathan*, edited by Jonathan Bennett. <https://www.earlymoderntexts.com/assets/pdfs/hobbes1651part2.pdf>. First published 1615.
- Hoffman, Shelby. 2017. "CPC Approved Mixed-Used Development with Community Gardens in East Harlem." *City Land*, November 29, 2017. https://www.citylandnyc.org/cpc-approves-mixed-use-development-community-gardens-east-harlem/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+Cityland+%28CityLand%29.
- Hodgson, Geoffrey M. 2012. "On the Limits of Rational Choice Theory." *Economic Thought* 1(1): 94-108.
- hooks, bell. 1989. "Choosing the Margin as a Space of Radical Openness." *The Journal of Cinema and Media*. (36): 15-23.
- Horowitz, Jason. 2006. "The Rose Family." *Observer*, December 18, 2006. <https://observer.com/2006/12/the-rose-family/>.

- HPD – Housing Preservation and Development. 1970. “Milbank-Frawley Circle Urban Renewal Project, N.Y. A-1-10, R-213, 840226HCM, Third Amendment Urban Renewal Plan.” City of New York. February 1970. Revised in 1970, 1973, 1977, 1979, 1980, and 1983. Accessed May 1, 2020. Scanned in 2016 at the National Archives in Washington DC by Charles Chawalko from Urban Reviwer (an association of 596 Acres and Partner & Partners). https://drive.google.com/file/d/0B9k_zNeDs7q-dWlXNFhrWG9oZE0/view.
- HPD – Housing Preservation and Development. 2014. “Revitalizing Neighborhoods – New Infill Homeownership Opportunities Program (NIHOP), Neighborhood Construction Program (NCO): Request for Qualifications.” Request for Qualifications Preceding the Request for Proposals. Issue Date: December 12, 2014. Pre-Submission Conference: January 9, 2015. Qualifications Submission Deadline: February 19, 2015. 112p.
- HPD – Housing Preservation and Development. 2015. “Building Opportunity – Growing the Capacity of M/WBE Affordable Housing Developers: Request for Proposals.” Request for Proposals. Issue Date: November 24, 2015. Pre-Submission Conference: December 11, 2015. Submission Deadline: February 23, 2016. 163p.
- HPD – Housing Preservation and Development. 2016a. “East 111th Street Site Community Visioning Summary Report.” NYC Department of Housing Preservation & Development, Office of Neighborhood Strategies. April 25, 2016.
- HPD – Housing Preservation and Development. 2016b. “Request for Proposals: SustainNYC – Achieving Community, Economic and Environmental Sustainability through Passive House Design – East Harlem, Manhattan.” Request for Proposals. Issue Date: May 23, 2016. Pre-Submission Conference: June 15, 2016. Proposal Submission Deadline: August 23, 2016. 591p.
- HPD – Housing Preservation and Development. 2016c. “HPD Research and Evaluation” In “January 11, 2018 – East Harlem Housing Plan.” NYC Department of Housing Preservation & Development, Office of Neighborhood Strategies, <https://www1.nyc.gov/assets/hpd/downloads/pdf/community/east-harlem-housing-plan.pdf>.
- HPD – Housing Preservation and Development. 2018. “East Harlem Housing Plan.” NYC Department of Housing Preservation & Development, Office of Neighborhood Strategies. January 11, 2018. <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/east-harlem-housing-plan.pdf>.
- HUD – U.S. Department of Housing and Urban Development. 2017. “FY 2017 HUD Income Limits – Briefing Material.” Office of Policy Development and Research. March 21, 2017. 41p. <https://www.huduser.gov/portal/datasets/il//il17/IncomeLimitsBriefingMaterial-FY17.pdf>
- Huron, Amanda. 2015. “Working Strangers in Saturated Space: Reclaiming and Maintaining the Urban Commons.” *Antipode* 47(3): 963-979.
- Hynes, Patricia. 1996. *A Patch of Eden: America’s Inner-City Gardens*. White River Junction: Chelsea Green Publishing Company.

- Ingold, Tim. 1986. *The Appropriation of Nature: Essays on Human Ecology and Social Relations*. Manchester: University of Iowa Press.
- Isin, Engin Fahri. 2012. *Citizens Without Frontiers*. New York and London: Bloomsbury Academic.
- Jackson, John L., Jr. 2001. *Harlemworld: Doing Race and Class in Contemporary Black America*. Chicago: Chicago University Press.
- Jackson, John L., Jr. 2005. *Real Black: Adventures in Racial Sincerity*. Chicago: Chicago University Press.
- Jacobs, Jane. 1961. *The Death and Life of Great American Cities*. New York: Random House.
- Jonathan Rose Companies, Handel Architects, L+M Development Partners, DLANDstudio. 2017a. "Sendero Verde." Powerpoint presentation and 3D plans of real estate project to Community Board 11 Full Board Meeting and Public Hearing. May 16th, 2017. 29p. http://www.cb11m.org/wp-content/uploads/2016/06/17.05.16-CB11-Full-Board-Meeting-v2_HR.pdf.
- Jonathan Rose Companies, Handel Architects, L+M Development Partners, DLANDstudio. 2017b. "Sendero Verde." Powerpoint presentation and 3D plans of real estate project to Community Board 11, Health, Human Services & Immigration Committee. May 8th, 2017. https://www.dropbox.com/s/j93hsg2q0bn0ys6/170508_CB11%20Health%20%26%20Human%20Services%20Presentation_x.pdf?dl=0.
- Jonathan Rose Companies, Handel Architects, L+M Development Partners, DLANDstudio. 2017c. "Sendero Verde." Powerpoint to Community Board 11 Executive Committee. February 2017. 44p.
- Jonathan Rose Companies, Handel Architects, L+M Development Partners, DLANDstudio. 2017d. "Sendero Verde." Powerpoint to Community Board 11 Land Use, Landmarks and Planning Committee. February 5th, 2017. 16p. http://www.cb11m.org/wp-content/uploads/2016/06/20.02.05-Sendero-Verde_CB11-Land-Use-Committee_FINAL.pdf.
- Johnston, Josée. 2008. "Counterhegemony or bourgeois piggery? Food politics and the case of foodshare." In *The fight over food: producers, consumers, and activists challenge the global food system*, edited by Wynne Wright and Gerard Middendorf, 93-120. University Park, Penns.: Pennsylvania State University Press.
- Johnston, Lynda. 2005. "Transformative tans? Gendered and raced bodies on beaches." *New Zealand Geographer* 61: 110-116.
- Juillerat, Bernard. 1992. 'The Mother's Brother is the Breast'. Incest and its prohibition in the Yafar Yangis." In *Shooting the sun: Ritual and meaning in West Sepik*, edited by B. Juillerat, 20-124. Washington : Smithsonian Institution Press.
- Juillerat, Bernard. 2002. "The Other Side of the Gift: from Desire to Taboo. Representations of exchange and oedipal symbolism among the Yafar, Papua New Guinea." In *People and things:*

- Social mediations in Oceania*, edited by M. Jeudy-Ballini and B. Juillerat, 157-183. Durham, N.C.: Carolina Academic Press.
- Katsiaficas, Georgy. 2006. *The Subversion of Politics: European Autonomous Social Movements and the Decolonization of Everyday Life*. Oakland, CA: AK Press.
- Kauffman, L.A. 2004. "A Short, personal History of the Global Justice Movement." In *Confronting Capitalism: Dispatches From a Global Movement*, edited by E. Yuen, D. Burton-Rose and G. Katsiaficas, 275-288. New York: Soft Skull Press.
- Kendi, Ibram X. 2016. *Stamped from the Beginning: The Definitive History of Racist Ideas in America*. New York: Nation Books.
- Khalife, Gabrielle. 2018. "The New York City Community Garden Coalition is Dedicated to the Preservation, Creation and Empowerment of Community Gardens." Hunter College New York City Food Policy Center, Food Policy Community Spotlight Series, July 23, 2018. <http://ht.ly/PLCG30I4Fo9>.
- Kimyagarov, Lev. 2019. "The Shortcomings of the East Harlem Rezoning." *Commercial Observer*, February 19, 2019. <https://commercialobserver.com/2019/02/the-shortcomings-of-the-east-harlem-rezoning/>.
- Kraft, Herbert Clemens. 1986. *The Lenape: Archaeology, History and Ethnography*. Newark, NJ: New Jersey Historical Society.
- Krisel, Brendan. 2018. "Developers Plan Building Boom in East Harlem, Report Says." *Patch*, September 17, 2018. <https://patch.com/new-york/harlem/developers-plan-building-boom-east-harlem-report-says>.
- Krisel, Brendan. 2019a. "Inwood Rezoning Opponents Celebrate Win Over City." *Patch*, December 20, 2019. <https://patch.com/new-york/washington-heights-inwood/inwood-rezoning-opponents-celebrate-lawsuit-win>.
- Krisel, Brendan. 2019b. "Inwood Rezoning Overturned by Judge: Court Documents." *Patch*, December 19, 2019. <https://patch.com/new-york/washington-heights-inwood/inwood-rezoning-overturned-judge-court-documents>.
- Krisel, Brendan. 2020a. "E Harlem Tops Manhattan in Coronavirus Cases: City Data." *Patch*, April 15, 2020. <https://patch.com/new-york/harlem/e-harlem-tops-manhattan-coronavirus-cases-city-data>.
- Krisel, Brendan. 2020b. "E Harlem Home to Many Coronavirus-Vulnerable Populations: Study." *Patch*, April 17, 2020. <https://patch.com/new-york/harlem/e-harlem-home-many-coronavirus-vulnerable-populations-study>.
- Kully, Sadeq Ali. 2018a. "Bushwick Plan's Unveiling Nears Amid Tension Over Possible Rezoning." *City Limits*, August 1, 2018. <https://citylimits.org/2018/08/01/bushwick-plans-unveiling-nears-among-some-tension-over-possible-rezoning/>.

- Kully, Sadeq Ali. 2018b. "Council Approves Inwood Rezoning Amid Protest." *City Limits*, August 9, 2018. <https://citylimits.org/2018/08/09/council-approves-inwood-rezoning-amid-protest/>.
- Kuras, Ula. 2006. "Resisting the de-greening of Harlem." *The Independent*, August 10, 2006. <https://independent.org/2006/08/resisting-the-de-greening-of-harlem/>.
- Lane, Riki. 2009. "Trans a Bodily Becoming: Rethinking the Biological as Diversity, Not Dichotomy." *Hypatia* 24(3): 136-157.
- Laslett, Peter. 1988, "Introduction." *Two Treatises of Government*. Cambridge: Cambridge University Press.
- Laster Pirtle, Whitney N. 2020. "Racial Capitalism: A Fundamental Cause of Novel Coronavirus (COVID-19) Pandemic Inequities in the United States." *Health Education & Behavior* 47(4): 504-508.
- Latour, Bruno. 2005. *Reassembling the Social – An Introduction to Actor-Network-Theory*. Oxford, UK: Oxford University Press.
- Lawson, Laura J. 2005. *City Bountiful – A Century of Community Gardening in America*. Berkeley and L.A., CA: University of California Press.
- Leadon, Fran. 2018. *Broadway: A History of New York City in Thirteen Miles*. New York: W. W. Norton & Company.
- Leong, N. 2013. "Racial Capitalism." *Harvard Law Review* 126(8): 2151-2262.
- Lefebvre, Henri. 1968. *Le droit à la ville*. Paris: Anthropos.
- Lefebvre, Henri. 1974. "La production de l'espace." *L'Homme et la société*, Sociologie de la connaissance: marxisme et anthropologie (31-32): 15-32. https://www.persee.fr/doc/homso_0018-4306_1974_num_31_1_1855.
- Lennon, Kathleen. 2019. "Feminist Perspectives on the Body." *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Fall 2019 Edition. <https://plato.stanford.edu/archives/fall2019/entries/feminist-body/>.
- Li, Tania. M. 1999. "Compromising Power: Development, Culture, and Rule in Indonesia." *Cultural Anthropology* 14(3): 295-322.
- Li, Tania. M. 2007. *The Will to Improve*. Durham: Duke University Press.
- Li, Tania. M. 2010. "To Make Live or Let Die? Rural Dispossession and the Protection of Surplus Populations." *Antipode* 41(s1): 66-93.
- Lindberg, Kari. 2017. "Chinatown Residents Keep Pushing for Their Neighborhood Plan." *Next City*, January 24, 2017. <https://nextcity.org/daily/entry/chinatown-residents-neighborhood-plan-housing-new-york>.

- Linebaugh, P. 2008. *The Magna Carta Manifesto: Liberties and Commons for All*. Berkeley: University of California Press.
- Lloyd, William Foster. 1833. "Two Lectures on Population." *Population and Development Review* 6(3): 473-496.
- Locke, John. 1964. *Two Treatises of Government*, edited by P. Laslett. Cambridge: Cambridge University Press. First Published 1689.
- Logan, John R. and Harvey L. Molotch. 1987. *Urban Fortunes: The Political Economy of Place*. Berkeley, CA: University of California Press, pp.52-98.
- Low, Setha and Neil Smith. 2006. *The Politics of Urban Space*. New York: Routledge.
- Luxembourg, Rosa. 1963. *The Accumulation of Capital*. London: Routledge. First published 1913.
- Lund, Christian. 2019. "Book Review - Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership." *The Journal of Peasant Studies* 46(7): 1534-1536.
- Lykke, Nina. 2010. *Feminist Studies – A Guide to Intersectional Theory. Methodology and Writing*, New York: Routledge. <https://literariness.org/2018/01/11/corporeal-feminism/>.
- MBO – Manhattan Borough Office. 2017. "BP Recommendation Sendero Verde." By President Gale Brewer. Submitted to the City Planning Commission. Applications: C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C 170364 PQM, C 170365 ZSM, C 170366 ZSM, C170367 ZSM, and N 170368 ZCM – Sendero Verde – East 111th Street. August 2, 2017. <https://www.manhattanbp.nyc.gov/wp-content/uploads/2019/07/2017-08-02-FULL-SCAN-MBP-Recommendation-re-Nos-C-170361-ZMM-et-al-Sendero-Verde-East-111th-Street.pdf>.
- Macpherson, Crawford Brough. 1962. *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford: Clarendon Press.
- Maine, Henri Sumner. 1861. "From Status to Contract." *Ancient Law*, online extract. <https://www.panarchy.org/maine/contract.html>.
- Marcus, George E. 1995. "Ethnography in/of the World System: The Emergence of Multi-Sited Ethnography." *Annual Review of Anthropology* 24: 95-117.
- Macuse, Pierre. 2012. "Whose Right(s) to What City." In *Cities for people, not for profit: critical urban theory and the right to the city*, edited by Neil Brenner, Pierre Marcuse and Margit Mayer, 24-41. New York: Routledge.
- Mares, Teresa M. and Devon. G Peña. 2010. "Urban Agriculture in the Making of Insurgent Spaces in Los Angeles and Seattle." In *Insurgent Public Space: Guerrilla Urbanism and the Remaking of Contemporary Cities*, edited by Jeffrey Hou, 241-254. Abingdon, Oxford: Routledge.
- Markovitz, Gerald and David Rosner. 1996. *Children, Race and Power: Kenneth and Mamie Clark's Northside Center*. New York: Routledge.

- Martinez, Miranda J. 2010. *Power at the Roots – Gentrification, Community Gardens, and the Puerto Ricans of the Lower East Side*. Plymouth: Lexington Books.
- Marx, Karl and Friedrich Engels. 2014. *The German Ideology: Part One*. Moscow: Progress Publishers. First published 1932, written 1845-6.
- Maslin Nir, Sarah. 2016 “Community Gardens Imperiled by New York’s Affordable Housing Plans.” *The New York Times*. January 22th, 2016. <http://www.nytimes.com/2016/01/23/nyregion/community-gardens-imperiled-by-new-yorksaffordable-housing-plans.html>.
- Massey, Doreen. 2005. *For Space*. Thousand Oaks, CA: Sage Publishing.
- Mauss, Marcel. 1920. “Les idées socialistes. Le principe de la nationalisation.” Chapter of an unpublished book on the history of the nation-state. In *Écrits Politiques: Textes réunis et présentés par Marcel Fournier*, 249–266. Paris: Fayard.
- Mauss, Marcel. 1924. “Essai sur le don: Forme et raison de l’échange dans les sociétés archaïques.” *L’Année sociologique* 1 (série 2), 30-186. Paris: Les Presses Universitaires de France.
- McClintock, Nathan. 2014. “Radical, reformist, and garden-variety neoliberal: coming to terms with urban agriculture’s contradictions.” *Local Environment* 19(2): 147-171.
- McCormick, John P. 2001. “Derrida on Law: Or, Prostructuralism Gets Serious.” *Political Theory* 29(3): 395-423.
- Meenar, Mahbubur R. and Brandon M. Hoover. 2012. “Community Food Security via Urban Agriculture: Understanding People, Place, Economy, and Accessibility from a Food Justice Perspective.” *Journal of Agriculture, Food Systems, and Community Development* 3(1): 143-160.
- Mehta, Uday Singh. 1999. *Liberalism and Empire*. Chicago: University of Chicago Press.
- Melamed, Jodi. 2015. “Racial Capitalism.” *Critical Ethnic Studies* 1(1): 76-85.
- Mele, Christopher. 2000. *Selling the Lower East Side: Culture, Real Estate, and Resistance in New York City*. Minneapolis: University of Minnesota Press.
- Memmi, Albert. 1967. *The Colonizer and the Colonized*. Boston: Beacon Press.
- Merriam-Webster. n.d. *Putative*. In Merriam-Webster.com dictionary. Retrieved May 25, 2020. <https://www.merriam-webster.com/dictionary/putative>
- Meyers, Chanel, Katherine Aumer, Acachia Schoniwitz, Cortney Janicki, Kristin Pauker, Edward C. Chang, Sarah E. Gaither, and Amanda Williams. 2019. “Experiences with microaggressions and discrimination in racially diverse and homogeneously white contexts.” *Cultural Diversity and Ethnic Minority Psychology* 26(2): 250-259.

- Midnight Notes Collective. 1990. "Land, Wealth, and Self-Determination in the Lower East Side." *New Enclosures, Midnight Notes #10*: 64-76. <https://libcom.org/files/mn10-new-enclosures.pdf>
- Midnight Notes Collective. 1981. "Spatial Deconcentration in D.C." *Space, Midnights Notes #4*: 28-31. https://libcom.org/files/mn4-space-notes_0.pdf.
- Molotch, Harvey. 1976. "The City as a Growth Machine: Toward a Political Economy of Place." *American Journal of Sociology* 82(2): 309-332.
- Moore, Barrington. 1978a. *Injustice: the Social Basis of Obedience and Revolt*. London: Palgrave Macmillan.
- Moore, Sally Falk. 1978b. *Law As Process: An Anthropological Approach*. London: Routledge & Kegan Paul.
- Moore, Sally Falk. 2001. "Certainties Undone: Fifty Turbulent Years of Legal Antropology, 1949-1999." *Journal of the Royal Anthropological Institute*. 7(1): 95-116.
- Morales, Frank. 1997. "The War for Living Space." Accessed March 21, 2014. <http://skillshares.interactivist.net/housing/war.html>.
- Morales, Frank. 2006. "Frank Morales – Interviewed by Aaron Jaffe in the Odessa Coffee Shop, Avenue A." In *Resistance: A Radical Political and Social History of the Lower East Side*, edited by Clayton Patterson, 193-212. New York: Seven Stories Press.
- Morales, Ed. 2020. "The Roots of Organizing – The Young Lord's revolution." *The Nation*. March 24, 2020. <https://www.thenation.com/article/culture/young-lords-radical-history-johanna-fernandez-review/>.
- More Gardens. 2014. "N/A". Photos of the five encampments to save gardens in the South Bronx in the early 2000s. <http://www.moregardens.org/sbug/2014/11/30/svucbofbzhuak2nalq39cp7rexu9j8>
- Moseley, Alexander. 2020. "John Locke: Political Philosophy." *Internet Encyclopedia of Philosophy – A Peer-Reviewed Academic Resources*. <https://iep.utm.edu/locke-po/>.
- Murphy, Jarrett. 2017. "Breaking Down De Blasio's Expanded Housing Plan." *City Limits*, November 2, 2017. <https://citylimits.org/2017/10/26/breaking-down-de-blasios-expanded-housing-plan/>.
- Murphy, Jarrett. 2018. "A Toolkit to Fight Displacement in NYC Neighborhoods, Other U.S. Cities." *City Limits*. August 6, 2018. <https://citylimits.org/2018/08/06/a-toolkit-to-fight-displacement-in-nyc-neighborhoods-other-u-s-cities/>.
- Murrey, Amber. 2018. "Learning from Six Centuries of Racist Ideas to Create an Anti-Racist Future." *Human Geography* 11(3): 92-100.

- Museum of the City of New York. 2015. "Randel Composite Map." *The Greatest Grid – The Master Plan of Manhattan 1811-Now*. Interactive Map of the 92 Randel Farm Maps. Accessed May 1, 2020. <https://thegreatestgrid.mcnyc.org/greatest-grid/randel-composite-map>.
- Museum of the City of New York. 2015a. "Randel Farm Map No.58, 109th Street-117th Street, from Third Avenue to Sixth Avenue." *The Greatest Grid – The Master Plan of Manhattan 1811-Now*. Vol.2, p.14, drawn July 24, 1820. Accessed May 1, 2020. <https://thegreatestgrid.mcnyc.org/greatest-grid/randel-map-gallery/164>.
- Museum of the City of New York. 2015b. "Randel Farm Map No.63, 117th Street-125th Street, from Third Avenue to the East River." *The Greatest Grid – The Master Plan of Manhattan 1811-Now*. Vol.1, p.18, drawn July 8, 1820. Accessed May 1, 2020. <https://thegreatestgrid.mcnyc.org/greatest-grid/randel-map-gallery/169>.
- Museum of the City of New York. 2015c. "Randel Farm Map No.65, 117th Street-125th Street, from Sixth Avenue to Ninth Avenue." *The Greatest Grid – The Master Plan of Manhattan 1811-Now*. Vol.3, p.18, drawn May 18, 1819. Accessed May 1, 2020. <https://thegreatestgrid.mcnyc.org/greatest-grid/randel-map-gallery/171>.
- Nadeau, Jacques. 2012. *Carré rouge*. Anjou: Éditions Fidès.
- Nandy, Ashis. 1983. *The Intimate Enemy: Loss and Recovery of Self under Colonialism*. New York: Oxford Press University.
- Navarro, Mireya. 2014. "De Blasio Sets Ambitious goal for Affordable Apartments." *The New York Times*, January 22nd, 2014. <http://www.nytimes.com/2014/01/23/nyregion/de-blasio-sets-ambitious-goal-for-affordable-apartments.html>.
- Navarro, Mireya. 2016. "Segregation Issue Complicates de Blasio's Housing Push." *The New York Times*, April 14, 2016. <http://www.nytimes.com/2016/04/15/nyregion/segregation-new-york-city-and-de-blasio-affordable-housing.html?rref=collection%2Ftimestopic%2Fde%20Blasio%2C%20Bill>.
- Nayar, Pramod K. 2015. *The Postcolonial Studies Dictionary*. Hoboken, N.J.: Wiley & Sons.
- NMAI – National Museum of the American Indians 2010. "Manahatta to Manhattan - Native Americans in Lower Manhattan", Smithsonian Museum. Credits to Gorelick, Johanna, Elizabeth de La Garza, Cadence Giersbach, Shawn Termin, Gaetana DeGennaro, and Alexandra Harris (ed.) https://www.k12.wa.us/sites/default/files/public/indianed/tribalsovereignty/elementary/uselementary/uselementary-unit1/level2-materials/manahatta_to_manhattan.pdf.
- Noterman, Elsa. 2016. "Beyond Tragedy: Differential Commoning in a Manufactured Housing Cooperative." *Antipode* 48(2): 433-452.
- NYCCGC – New York City Community Garden Coalition. 2010. "Community Gardeners' Forum." *NYCCGC History – Where We Stand and How We Got Here*. Accessed August 15, 2018. <http://nyccgc.org/about/history/>.

- NYC Comptroller. 2016. "Comptroller Stringer Audit Reveals City Owns More Than 1,100 Vacant Lots That Could Be Used To Build Affordable Housing." New York City Comptroller Scott M. Stringer. February 18, 2016. <https://comptroller.nyc.gov/newsroom/comptroller-stringer-audit-reveals-city-owns-more-than-1100-vacant-lots-that-could-be-used-to-build-affordable-housing/>.
- NYC Comptroller. 2018. "Comptroller Stringer: City Dragging its Feet on Over 1,000 City-Owned Properties, Despite Housing Crisis." New York City Comptroller Scott M. Stringer. February 12, 2018. <https://comptroller.nyc.gov/newsroom/comptroller-stringer-city-dragging-its-feet-on-over-1000-city-owned-properties-despite-housing-crisis/>.
- NYC Health. 2015. "District Community Health Profiles 2015 - Manhattan Community District 11: East Harlem (Including East Harlem, Randall's Island and Wards Island)." edited by King L, Hinterland K, Dragan KL, Driver CR, Harris TG, Gwynn RC, Linos N, Barbot O, Bassett MT. 11(59):1-16.
- NYC Mayor's Office. 2008. "Executive Order No.120 – Citywide Policy of Language Access to Ensure the Effective Delivery of City Services." City of New York. http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf.
- NYC Parks. 2012. "GreenThumb Gardens – Section 6." *NYC Parks Rules & Regulation*. Accessed May 28, 2019. <https://www.nycgovparks.org/rules/section-6>.
- NYC Urban Agriculture. 2018. "About Urban Agriculture." <https://www1.nyc.gov/site/agriculture/about/about-urban-agriculture.page>
- NYS Comptroller. 2018. "An Economic Snapshot of the East Harlem Neighborhood." Office of the New York State Comptroller, Thomas P. DiNapoli, Report 9-2018. December, 8p. <https://www.osc.state.ny.us/osdc/rpt9-2018.pdf>.
- NYS Supreme Court. 1888. *Edward Roberts, Appellant v. August Baumgarten et al., Respondents*. October 2, 1888.
- NYS. 1888. *Reports of Cases Decided in the Court of Appeals of the State of New York*, Court, Volume 110, Hiram Edward Sickels, Edmund Hamilton Smith, Alvah S. Newcomb, Louis J. Rezzemini, Edward Jordan Dimock.
- O'Donnell, Katy. 2020. "Black Community Braces for Next Threat: Mass Evictions." *Politico*, June 12, 2020. https://www.politico.com/news/2020/06/12/mass-evictions-314699?fbclid=IwAR04xM4wIF5bAyaECD3_elpQbYVfTcC1dRL6i_INGXd9Lsdsuw1bTLt1bM.
- Oder, Norman. 2018. "De Blasio Emails Shed Light on How 'Affordable Housing' is Packaged for the Press." *City Limits*, May 29, 2018. <https://citylimits.org/2018/05/29/de-blasio-emails-shed-light-on-how-affordable-housing-is-packaged-for-the-press/>.
- Olivier, Nicolas. 2008. "Marcel Mauss, Essai sur le don. Frome et raison de l'échange dans les sociétés archaïques." *Lectures – Les comptes rendus*.

- Oltman, Adele. 2018. "Zoning for the 1%." *Dissent Magazine*, November 3, 2018. https://www.dissentmagazine.org/online_articles/inwood-rezoning-bill-de-blasio-mih?fbclid=IwAR3VFXnJMeITOV9xvEn9FFSMkGNIZehfaMr6gtOTGe2aZJp2cn6EXM70Sqk.
- Ong, Aihwa. 1996. "Cultural Citizenship as Subject-Making: Immigrants Negotiate Racial and Cultural Boundaries in the United States," In *The Anthropology of Citizenship – A Reader*, edited by S. Lazar. 79-92. Chichester: Wiley Blackwell. Edited 2013.
- Orzora Group. 2013 "The Story Behind One Museum Mile A.K.A. 1280 Fifth Avenue." *Core NYC*, June 7, 2013. <https://corenyc.com/press/the-story-behind-one-museum-mile-a-k-a-1280-fifth-avenue/>.
- Ostrom, Elinor. 1990. *Governing the Commons*. Cambridge: Cambridge University Press.
- Ostrom, Elinor. 2009. "Building Trust to Solve Commons Dilemmas: Taking Small Steps to Test an Evolving Theory of Collective Action." In *Games, Groups, and the Global Good*, edited by Levin, Simon A., 207-228. Berlin: Springer Heidelberg.
- Parikh, Aparna, Yaffa Truelove, Rosalind Fredericks, and Rachael Mattson. 2019. "Towards New Feminist Political Ecologies of Urban Infrastructure & Urban Environments." Call for Papers, Annual Meeting of the American Association of Geographers, Denver, Colorado, April 6-10, 2020.
- Pasquinelli, Matteo. 2008. *Animal Spirits: A Bestiary of the Commons*. Rotterdam: Institute of Network Cultures/NAi Publishers.
- Pastor, Kate. 2017. "Luxury Builder Courts Controversy by Reprising 'Piano District' in Bronx." *DNA Info*, July 26, 2017. <https://www.dnainfo.com/new-york/20170726/port-morris/crescendo-piano-district/>.
- Pateman, Carole. 1988. *The Sexual Contract*. Palo Alto, CA: Stanford University Press
- Pereira, Sydney. 2020. "Cuomo Launches 'Terrible' Rent Relief Measure, Giving Tenants Just Two Weeks to Sign-Up." *The Gothamist*, July 16, 2020. https://gothamist.com/news/cuomo-launches-terrible-rent-relief-measure-giving-tenants-just-two-weeks-sign-?fbclid=IwAR0ykBvmYML3amQIcoTtK0IsLVDXVd0a-RKXOAvGQ_MjooNel0-9X2hJ9yU.
- Pérez Huber, Lindsay and Daniel G. Solozano. 2014. "Racial Microaggressions as a Tool for Critical Race Research." *Race Ethnicity and Education* 18(3): 297-320.
- Petrovic, Nada, Troy Simpson, Ben Orlove, and B. Dowd-Urbe. 2019. "Environmental and social dimensions of community gardens in East Harlem." *Landscape and Urban Planning* 183(March): 36-49.
- Pierce, Chester. 1970. "Offensive Mechanisms." In *The Black Seventies*, edited by Floyd B. Barbour. Boston, MA: Porter Sargent Publisher.
- Pierson, Phebe. 2019 "In East Harlem, Community Gardens Provide More Than Food." *State of the Planet*, Earth Institute, Columbia University, January 10, 2019.

<https://blogs.ei.columbia.edu/2019/01/10/community-gardens-east-harlem/?fbclid=IwAR0ROGihcxXvUX0gpR8WxRZyu1gMk0xqs6uIE9ek6yeRh1ElNoypXGOJAtY>.

- Pirsson, John W. 1889. *The Dutch Grants, Harlem Patents and Tidal Creeks – The Law Applicable to those Subjects examined and stated in connection with the titles to the McGown Marches (or the Meadows in the Bay of Hell Gate), the Harlem Mill Creek, the Harlem Mill Pond, Montagne’s Point, Montagne’s Flat, and Van Keulen’s Hook*. New York: L.K. Strouse & Co, Law Publishers.
- Plitt, Amy. 2018. “Zoning 101: New Guide to Demystifies NYC’s Byzantine Zoning Code.” *NY Curbed*, July 9, 2018. <https://ny.curbed.com/2018/7/9/17548126/new-york-buildings-zoning-handbook-department-city-planning>.
- Porter, L. 2014. “Possessory Politics and the Conceit of Procedure: Exposing the Cost of Rights Under Conditions of Dispossession.” *Planning Theory*, 1–20.
- Raby, Sam. 2017. “Mapping New York City’s Affordability Gap,” *NY Curbed*, December 21, 2017. <https://ny.curbed.com/2017/12/21/16752942/affordable-housing-new-york-ami-interactive-map>.
- Radin, Margaret Jane. 1993. *Reinterpreting Property*. Chicago: University of Chicago Press.
- Radkau, Joachim. 2008. *Nature and Power: A Global History of the Environment*. Cambridge, MA: Cambridge University Press.
- Ralph, Michael and Maya Singhal. 2019. “Racial Capitalism.” *Theory and Society* 48(4): 851-881.
- Rancière, Jacques. 1998. *Disagreement: Politics and Philosophy*. Translated by J. Rose. Minneapolis, MN: University of Minnesota Press.
- Rancière, Jacques. 2004. “Introducing disagreement 1.” *Angelaki: Journal of the Theoretical Humanities* 9(3): 3–9.
- Rancière, Jacques. 2005. *Disagreement: Politics and Philosophy*. Translated by Julie Rose. Minneapolis: University of Minnesota Press.
- Randel, John Jr. 1821. *Randel Farm Maps*. City of New York, Office of the Manhattan Borough President, Prepared for the Common Council between 1818-1820. <https://thegreatestgrid.mcnyc.org/greatest-grid/randel-map-gallery>.
- Reeve, Andrew. 1986. “Property and Labor.” In *Property: Issues in Political Theory*, 112-51. New York: Palgrave Macmillan.
- Renting, Henk, Markus Schermer, and Adanella Rossi. 2012. “Building Food Democracy: Exploring Civic Food Networks and Newly Emerging Forms of Food Citizenship.” *International Journal of Sociology of Agriculture and Food* 19(3): 289–307.
- Reynolds, Kristin and Nevin Cohen. 2016. *Beyond the Kale – Urban Agriculture and Social Justice Activism in New York City*. Athens: The University of Georgia Press.

- Reynolds, Kristin. 2014. "Disparity Despite Diversity: Social Injustice in New York City's Urban Agriculture System." *Antipode* 47(1): 240-259.
- Riker, James. 1881. *Harlem: Its Origin and Early Annals*. Upper Saddle River, N.J.: Literature House | Gregg Press, 908p.
https://books.google.ca/books?id=iK1J8ESty44C&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q=among%20the%20largest%20proprietors&f=false.
 Republished in 1970.
- Riker, James. 1904. *A revised history of Harlem: Its Origin and Early Annals*. New York: New Harlem Publishing Company. 926p.
- Riles, Annelise. 2004. "Property as Legal Knowledge: Means and Ends." *Journal of the Royal Anthropological Institute* 10(4): 775-795.
- Robinson, Cedric. 1983. *Black Marxism: The Making of Black Radical Tradition*. Chapel Hill and London: The University of North Carolina Press.
- Rodriguez, Shellyne. 2018. "How the Bronx was Branded." *The New Inquiry*, December 12, 2018.
<https://thenewinquiry.com/how-the-bronx-was-branded/>.
- Rodriguez, Shellyne. 2018. "How the Bronx was Branded." *The New Inquiry*, December 12, 2018.
<https://thenewinquiry.com/how-the-bronx-was-branded/>.
- Rogers, Graham A.J. 2020. "John Locke." *Encyclopedia Britannica*.
<https://www.britannica.com/biography/John-Locke>.
- Rose, Carol. 1994. *Property and Persuasion*. Boulder, Colorado: Westview Press.
- Rose, Carol. 1986. "The Comedy of the Commons: Custom, Commerce, and Inherently Public Property." *The University of Chicago Law Review* 53(3), Article 1, 711p.
<https://chicagounbound.uchicago.edu/uclev/vol53/iss3/1>.
- Rose, Carol. 1990. "Property Rights, Regulatory Regimes and the New Takings Jurisprudence – An Evolutionary Approach." *Tennessee Law Review* 57: 577-585.
- Rose, Carol. 1996. "Property as the Keystone Right?" *Notre-Dame Law Review* 71(3): 329-370.
- Rosol, Marit. 2012. "Politics of Urban Gardening." In *The Routledge Handbook on Spaces of Urban Politics*, 134-145. New York: Routledge.
- Roy, Ananya. 2003. "Paradigms of Propertied Citizenship – Transnational Techniques of Analysis." *Urban Affairs Review* 38(4): 463-491.
- Roy, Ananya. 2013. "Slum-Free Cities of the Asian Century: Postcolonial Government and the Project of Inclusive Growth". *Singapore Journal of Tropical Geography* 35 (1): 136–150.
- Roy, Ananya. 2015. "The aporias of poverty". In *Territories of Poverty: Rethinking North and South*, edited by Roy, A. and Crane, E.S. University of Georgia Press, Athens.

- Roy, Ananya. 2017. "Dis/possessive collectivism: Property and personhood at city's end." *Geoforum* 80(March): A1-A11.
- Ryan, Charlotte, Kevin M. Carragee and William Meinhofer. 2001. "Framing, the news media, and collective action." *Journal of Broadcasting and Electronic Media* 45(1): 175-182.
- Safransky, Sara. 2019. "The City After Property." *Session: Racial Regimes of Property IV: FUTURES*. Communication at the Annual Meeting of the American Association of Geographers, Denver, Colorado, April 4, 2020.
- Said, Edward W. 1978. *Orientalism*. New York: Pantheon Books.
- Said, Edward W. 1993. *Culture and Imperialism*. New York: Vintage.
- Saint-Hilaire-Gravel. 2014. "Fruits des institutions et récoltes populaires: étude sur la portée sociale du jardinage communautaire à Montréal de 1909 à 1990." Mémoire, Maîtrise en histoire, Université du Québec à Montréal.
- Saldanha, Arun. 2006. "Re-ontologizing Race: The Machinic Geography of Phenotype." *Environment and Planning D: Society and Space* 24 : 9-24.
- Saldanha, Arun. 2007. *Psychedelic White: Goa Trance and the Viscosity of Race*. Minneapolis: University of Minnesota Press.
- Sanderson, Eric W. 2009. *Mannahatta – A Natural History of New York City*. New York: Abrams Books.
- Sanders, Anna. 2018. "Inwood residents say rezoning plan is an 'ethnic cleansing'." *New York Post*, July 21, 2018. <https://nypost.com/2018/07/21/inwood-residents-say-rezoning-plan-is-an-ethnic-cleansing/>.
- Savitch-Lew, Abigail. 2017. "BREAKING: Brewer Says No With No Conditions to East Harlem Rezoning." *City Limits*, August 3, 2017. <http://citylimits.org/2017/08/03/breaking-brewer-says-no-with-no-conditions-to-east-harlem-rezoning/?platform=hootsuite>.
- Schmelzkopf, Karen. 2002. "Incommensurability, Land Use, and the Rights to Space: Community Gardens in New York City." *Urban Geography* 23 (4): 323-343.
- Schmelzkopf, Karen. 1995. "Urban Community Gardens as Contested Space." *Geographical Review* 85(3): 364-381.
- Schoolcraft, Henry R. 1845. "Report of the Aboriginal Names and Geographical Terminology of the State of New York. Part 1: Valley of the Hudson." Prepared for the New York Historical Society.
- SDNY – Southern District of New York. 1973. "Feliciano V. Romney". United States District Court, State District: New York, July 19, 1973, District Judge Edward Weinfeld. <https://www.casemine.com/judgement/us/5914c6deadd7b049347de4c7>.

- Shearman, Sarah. 2015. "In New York City's Lower East Side, gardening is a political act of resistance." *The Guardian*, August 11, 2015. <https://www.theguardian.com/lifeandstyle/2015/aug/11/new-york-lower-east-side-community-gardens>.
- Shepard, Benjamin. 2011. *Play, Creativity, Social Movements – If I Can't Dance, It's Not My Revolution*. New York: Routledge.
- Shillington, Laura J. 2013. "Right to Food, Right to the City: Household Urban Agriculture, and Socionatural Metabolism in Managua, Nicaragua." *Geoforum* 44(January): 103–111.
- Simon, Herbert A. 1972. "Chapter 8 – Theories of Bounded Rationality." In *Decision and Organization*, edited by Charles Bartlett McGuire and Roy Radner, 161-176. North-Holland Publishing Company.
- Simon, Herbert A. 1982. *Models of Bounded Rationality*. Cambridge, MA: MIT Press.
- Simon, Herbert A. 1989. "Bounded Rationality and Organizational Learning – Technical Report AIP – 107." Department of Psychology, Carnegie Mellon University. Accessed March 24 2020. <https://apps.dtic.mil/dtic/tr/fulltext/u2/a225615.pdf>.
- Skinner, Quentin. 1978. *The Foundations of Modern Political Thought*. Cambridge: Cambridge University Press.
- Slocum, Rachel. 2008. "Thinking Race Through Corporeal Feminist Theory: Divisions and Intimacies at the Minneapolis Farmers' Market." In *Food and Culture*, edited by Carole Counihan and Penny Van Esterik, 211-230. 3rd edition. New York: Routledge.
- Solis, Gustavo. 2015. "103rd Street Garden Sells Air Rights to Developers for \$500K and Land." *DNA Info*, June 22, 2015. <https://www.dnainfo.com/new-york/20150622/east-harlem/103rd-street-garden-sells-air-rights-developer-for-500k-land>.
- Singh, N.P. 2017. *Race and America's Long War*. Berkeley: University of California Press.
- Smith, Neil. 2002. "New Globalism, New Urbanism: Gentrification as Global Urban Strategy." *Antipode* 34(3): 427-450.
- Smith, Greg B. 2015. "Bill de Blasio, 2 years into term, finds obstacles blocking his vows of affordable housing." *Daily News*, December 27th, 2015. <http://www.nydailynews.com/news/politics/obstacles-block-de-blasio-vows-affordable-housing-article-1.2478231>.
- Smith, Talmon Joseph. 2020. "We've Seen New York's White Flight Before." *The Atlantic*, August 26, 2020. https://www.theatlantic.com/culture/archive/2020/08/new-york-dead-to-whom/615673/?fbclid=IwAR39euPpGL2ZBTxG5aM8dUFdw951q_tNTf7DbYw_009WCKZ5GJ5Q2VVM2Ro.
- Spitzer, Eliot and Michael A. Cardozo. 2002. "Memorandum of Agreement." Between NYS Attorney General and NYC Corporation Counsel, Protocol for the preservation of City-owned

GreenThumb community gardens, September 17, 2002.
nyc.goc/html/om/pdf/community_gardens_agreement.pdf.

Staeheli, Lynn, Don Mitchell and Kristina Gibson. 2002. "Conflicting Rights to the City in New York's Community Gardens." *GeoJournal* 58: 197-205.

Starecheski, Amy. 2016. *Ours to Lose: When Squatters Became Homeowners in New York City*. Chicago: University of Chicago Press.

Stavrides, Stavrose. 2015a. "Common Space as Threshold Space: Urban Commoning in Struggles to Reappropriate Public Space." *Footprint - Delft Architecture Theory Journal* 16(Spring, Commoning as Differentiated Publicness): 9-19.

Stavrides, Stavrose. 2015b. *Common Space – The City as Commons*. London: Zed Books.

Stearn, Jacqui. 1981. *Towards Community Uses of Wasteland*. London: Nation Council for Voluntary Organizations.

Stoler, Ann Laura. 1995. *Race and the Education of Desire – Foucault's History of Sexuality and the Colonial Order of Things*. Durham: Duke University Press.

Strathern, Marilyn. 2010. "An End and a Beginning for the Gift?" *Journal de la Société des Océanistes* 130-131 (Hommage à Bernard Juillerat): 119-127.

Sultana, Farhana. 2011. "Suffering for water, suffering from water: Emotional geographies of resource access, control and conflict." *Geoforum* 42(2): 163-172.

Swyngedouw, Erik. 2009. "The Antinomies of the Postpolitical City: In Search of a Democratic Politics of Environmental Pollution." *International Journal of Urban and Regional Research* 33(3): 601-620.

Swyngedouw, Erik. 2019. "Chapter 47 - The Anthro(Ob)sCene." *Keywords in Radical Geography: Antipode at 50*, edited by Antipode Editorial Collective, Tariq Jazeel, Andy Kent, Katherine McKittrick, Nik Theodore, Sharad Chari, Paul Chatterton, Vinay Gidwani, Nik Heynen, Wendy Larner, Jamie Peck, Jenny Pickerill, Marion Werner, and Melissa W. Wright, 253-258. Hobokn, U.S.: John Wiley and Sons Ltd.

Swyngedouw, Erik and Henrik Ernston. 2018. "Interruption the Anthro-obScene: Immuno-biopolitics and Depoliticising Ontologies in the Anthropocene." *Theory, Culture and Society* 35(6): 3-30.

Taylor, Kate. 2010. "Pulling Museum Mile Uptown." *The New York Times*, June 16, 2010. <https://www.nytimes.com/2010/06/20/arts/design/20elsie.html>.

Time's Up. 2007. "Nueva Esperanza Garden (E110th St @ Fifth Ave) Under Attack! Come if you can NOW - Gardeners are now risking arrests by locking themselves in the garden and have now climbed trees." Press release, April 3, 2007. <https://nyc.indymedia.org/en/2007/04/84745.html>.

- Tornaghi, Chiara and Chiara Certomà. 2018. *Urban Gardening as Politics*. London: Routledge.
- Tortorello, Michael. 2015. "In Community Gardens, a New Weed?" *The New York Times*, February 11, 2015. <https://www.nytimes.com/2015/02/12/garden/in-community-gardens-a-new-weed.html>.
- Trujillo, Josmar. 2017. "Sanctuary City? Not Always." *AM New York*, February 1, 2017. <https://www.amny.com/opinion/sanctuary-city-not-always-1-13050788/>.
- Tsing, Anna. 1993. *In the Realm of the Diamond Queen: Marginality in an Out-of-the-Way Place*. Princeton, NJ: Princeton University Press.
- Tuckness, Alex. 2016. "Locke's Political Philosophy." *The Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/locke-political/>.
- Tully, Tracey and Stacey Stowe. 2020. "The Wealthy Flee Coronavirus. Vacation Towns Respond: Stay Away." *The New York Times*, July 16, 2020. <https://www.nytimes.com/2020/03/25/nyregion/coronavirus-leaving-nyc-vacation-homes.html>.
- US Census Bureau. 2013. "How the Census Bureau Measures Poverty." Accessed December 11 2013. <http://www.census.gov/hhes/www/poverty/about/overview/measure.html>.
- US Census Bureau. 2015. "American Community Survey, 2011-15". Five-Year Estimates Data Profile. Selected Housing Characteristics. New York, New York City, by districts.
- Vaccaro, Ismael, Oriol Beltran, and Pierre Alexandre Paquet. 2013. "Political Ecology and Conservation Policies: Some Theoretical Genealogies." *Journal of Political Ecology* 20: 255-272.
- Valverde, Mariana. 2017. "From persons and their acts to webs of relationships: some theoretical resources for environmental justice." *Crime, Law, and Social Change* 68: 547-562.
- Valverde, Mariana and Aaron Moore. 2018. "The Performance of Transparency in Public-Private Infrastructure Project Governance: The Politics of Documentary Practices." *Urban Studies* 56(4): 1-16.
- Vega, Maria. 2006. "Activistas buscan salvar jardín comunitario en El Barrio." *El Diario*, June 25, 2006.
- Velicu, Irina and Gustavo García-López. 2018. "Thinking the Commons through Ostrom and Butler: Boundedness and Vulnerability." *Theory, Culture & Society* 35(6):1-19.
- Vercellone, Carlo. 2015. "From Crisis to the 'Welfare of the Common'" as a New Mode of Production." *Theory, Culture and Society* 32(7-8): 85-99.
- Verdery, Katherine. 1998a. "Property and power in Transylvania's decollectivization." In *Property Relations: Renewing the Anthropological Tradition*, edited by C.M. Hann, 160-80. Cambridge: University Press.

- Verdery, Katherine. 1998b. "Transnational, Nationalism, Citizenship, and Property: Eastern Europe since 1989" *Journal of the American Ethnological Society* 25(2): 291-306.
- Verdery, Katherine. 2001. "Inequality as temporal process – Property and time in Transylvania's land restitution." *Anthropological Theory* 1(3): 373-392.
- Vergara, Camillo. 2013. *Harlem: The Unmaking of a Ghetto*. Chicago: The University of Chicago Press.
- Vamburkar, Meenal. 2018. "City taps private investors to renovate thousands of NYCHA units." *The Real Deal*, June 26, 2018. <https://therealdeal.com/2018/06/26/city-taps-private-investors-to-renovate-thousands-of-nycha-units/>.
- Virno, Paolo. 1996. "The Ambivalence of Disenchantment." In *Radical Thought in Italy: A Potential Politics*, edited by M. Hardt and P. Virno, 13-6. Minneapolis: Minnesota University Press.
- Virno, Paolo. 2004. *A Grammar of the Multitude: For an Analysis of Contemporary Forms of Life*. Los Angeles: Semiotext(e).
- Virno, Paolo. 2015. *When the Word Becomes Flesh: Language and Human Nature*. South Pasadena: Semiotext(e).
- Voicu, Ioan and Vicki Been. 2008. "The Effect of Community Gardens on Neighboring Property Values." *Real Estate Economics* 36(2): 241-283. http://furmancenter.org/files/publications/The_Effect_of_Community_Gardens.pdf.
- Wacquant, Loïc. 1992. "Toward a Social Praxeology: The Structure and Logic of Bourdieu's Sociology – Against Theoreticism and Methodologism: Total Social Science" In *An Invitation to Reflexive Sociology*, edited by Pierre Bourdieu and Loïc Wacquant, 26-35. Chicago: The University of Chicago Press.
- Wacquant, Loïc. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC: Duke University Press.
- Walker, Ameena. 2016. "Chinatown rezoning talks met with both outrage and applause." *NY Curbed*, October 4, 2016. <https://ny.curbed.com/2016/10/4/13166682/chinatown-rezoning-controversy-new-york>.
- Watson, Vanessa. 2009. "Seeing form the South: Refocusing Urban Planning on the Globe's Central Urban Issues." *Urban Planning* 46(11): 2259-2275.
- Williams, Brackette. 1991. *Stains on my Name, War in my Veins: Guyana and the Politics of Cultural Struggle*. Durham: Duke University Press.
- Williams, Garrath. 2020. "Thomas Hobbes: Moral and Political Philosophy." *Internet Encyclopedia of Philosophy – A Peer-Reviewed Academic Resource*. <https://iep.utm.edu/hobmoral/#SH4d>.

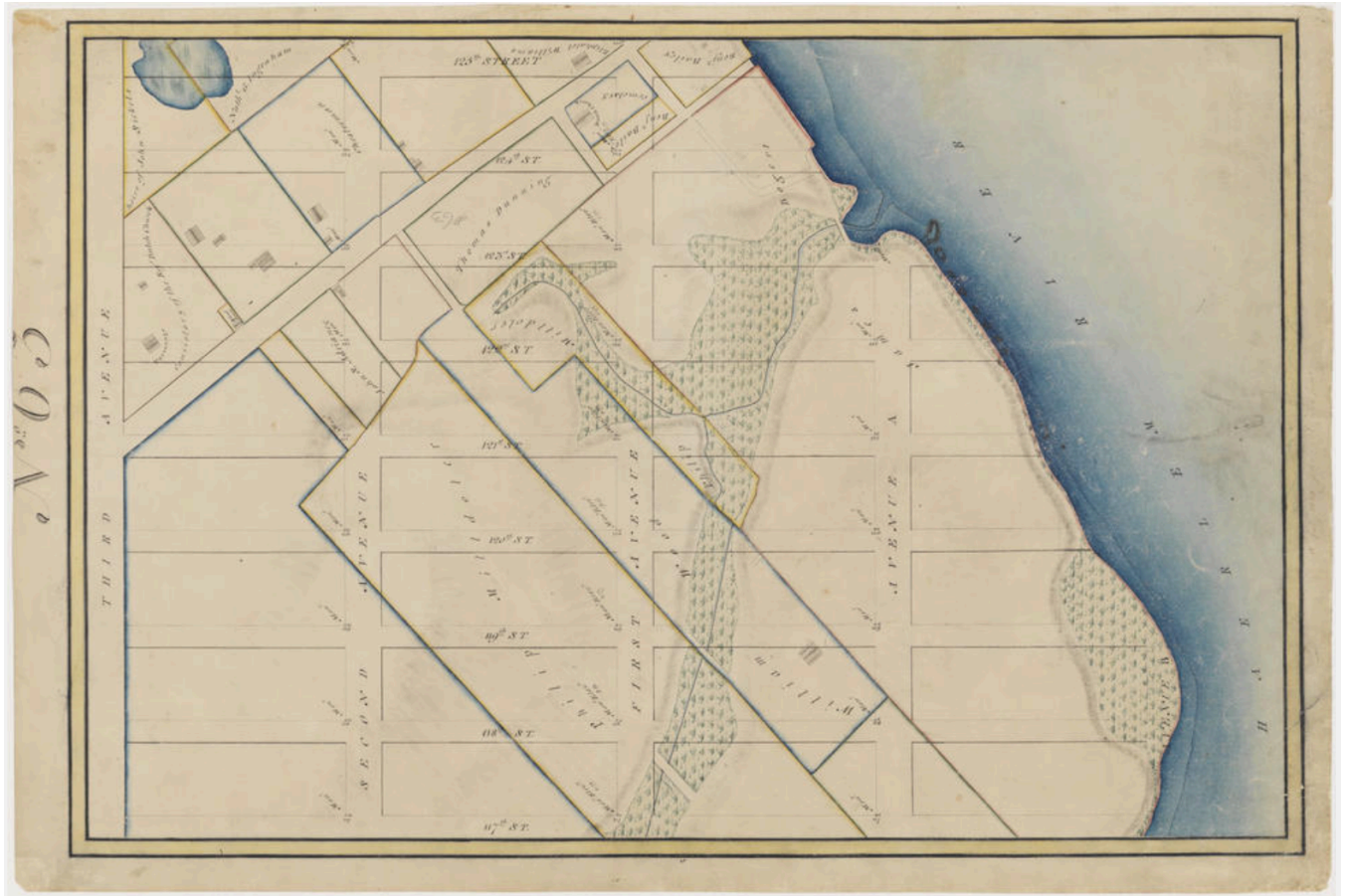
- Williams, Timothy and Tanzina Vega. 2007. "As East Harlem Develops, Its Accent Starts to Change." *The New York Times*, January 21, 2007. <https://www.nytimes.com/2007/01/21/nyregion/21east.html>.
- Wilson, Peter Lamborn and Bill Weinberg. 1999. *Avant Gardening: Ecological Struggle in the City and the World*. New York: Automedia.
- Wittgenstein, Ludwig. 1922. *Tractatus Logico-Philosophicus*. London: Routledge.
- Wittgenstein, Ludwig. 2001. *Philosophical Investigations*. Oxford: Blackwell. 3rd edition.
- Wright, Steve. 2002. *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism*. London: Pluto.
- 596 Acres. 2016. "596 Acres Testifies at City Council on the Housing Not Warehousing Act." Home/News/Policy Action. September 15, 2016. <http://596acres.org/596-acres-testifies-at-city-council-on-the-housing-not-warehousing-act/>.

ENDNOTES

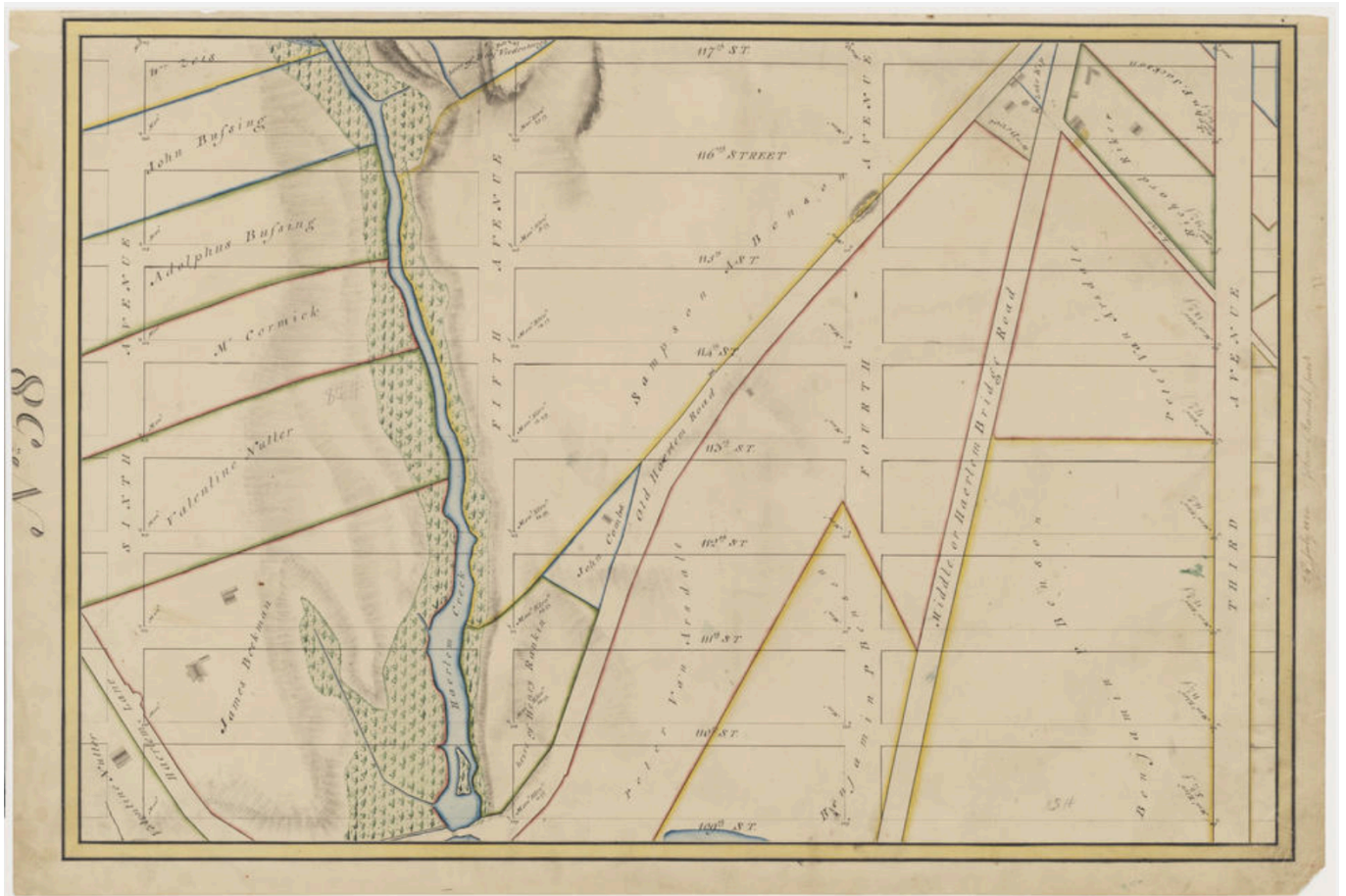
ⁱ The 92 Randel Farm Maps as one composite map assembled by the Museum of the City of New York (2015):



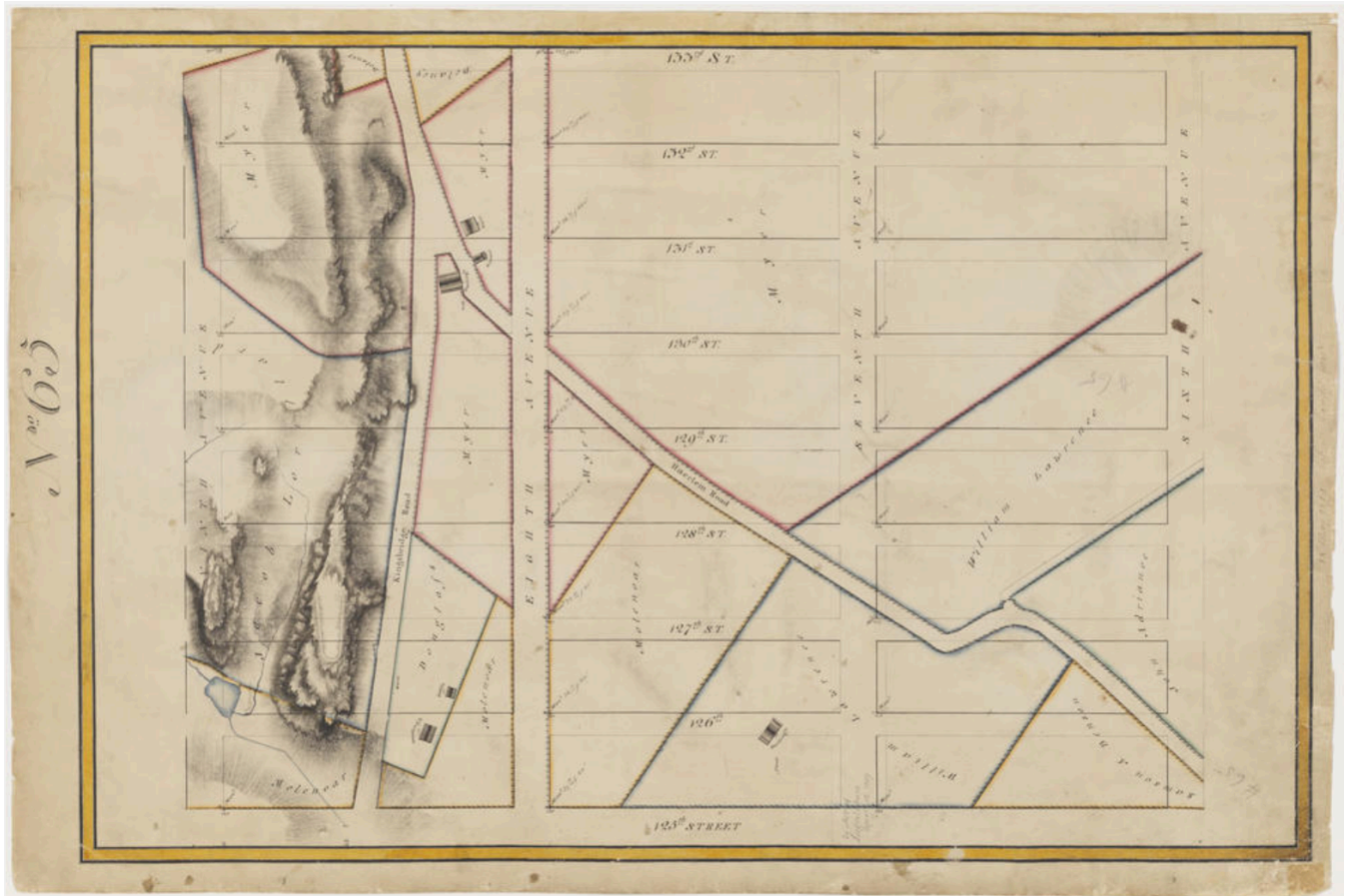
ii The Randel Farm Map No.63 shows the location of Pleasant Village Community Garden in the lower right corner, which was owned by Bogert, between East 118th and 119th Streets, east of Avenue A, today Pleasant Avenue (Museum of the City of New York, 2015b; Randel, 1821):



iii The Randel Farm Map No.58 shows the location of the six gardens – Chenchita, Mission, Little Blue House, Friendly, Santurce and Villa Santurce Jardinera – on East 111th Street block, between East 111th and 112th Streets as well as Madison and Park Avenues, near the low center, which was owned by five owners: Peter Van Arsdale, Benjamin P. Benson, Sampson A. Benson, John Combs, and the heirs of Henry Rankin (Museum of the City of New York, 2015a; Randel, 1821):



iv The Randel Farm Map No.65 shows the location of Mandela Garden in the lower center, which was owned by Moleonar and perhaps by William Lawrence, between West 126th and 127th Streets as well as Seventh and Eight Avenues (Museum of the City of New York, 2015c; Randel, 1821):



v Transaction List from Tax Map (ACRS, by Lot Number) on East 111th Street block since the 1960s:

Chenchita (Lots 51, 52, 53)

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 53 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

Records 1 - 1 << previous next >> Max Rows 10 [Search Options] [New BBL Search] [Edit Current Search] [View Tax Map] [Print Index]

View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/ Remarks	Doc Amount
DET IMG	181/818		53	ENTIRE LOT		8/13/1970	DEED	15	CITY OF NY DEPT. OFFIN.	CITY OF NEW YORK				0

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 52 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

Records 1 - 5 << previous next >> Max Rows 10 [Search Options] [New BBL Search] [Edit Current Search] [View Tax Map] [Print Index]

View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/ Remarks	Doc Amount
DET IMG	439/1808		52	ENTIRE LOT		5/25/1978	DEED	93	COMMISSIONER OF FINANCE NY	CITY OF NEW YORK			✓	0
DET IMG	392/1025		52	ENTIRE LOT		2/25/1977	MORTGAGE	14	2041 FIRST AVENUE CORP	CITY OF NEW YORK				0
DET IMG	392/1019		52	ENTIRE LOT		2/25/1977	DEED	2	CITY OF NEW YORK	2041 FIRST AVE CORP				0
DET IMG	243/1146		52	ENTIRE LOT		1/15/1972	DEED	7	FINANCE ADMSTR CTY OF NY	CITY OF NEW YORK				0
DET IMG	167/704		52	ENTIRE LOT		3/6/1970	MORTGAGE	4	LILRAY REALTY CORP	TISTAN, STEPHEN G				0

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 51 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

Records 1 - 4 << previous next >> Max Rows 10 [Search Options] [New BBL Search] [Edit Current Search] [View Tax Map] [Print Index]

View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/ Remarks	Doc Amount
DET IMG	1307/1254		51	ENTIRE LOT	10/22/1987	10/22/1987	DEED	32	COMMISSIONER OF FINANCE	CITY OF NEW YORK				0
DET IMG	439/1808		51	ENTIRE LOT		5/25/1978	DEED	93	COMMISSIONER OF FINANCE NY	CITY OF NEW YORK			✓	0
DET IMG	208/1690		51	ENTIRE LOT		6/29/1971	DEED	2	ELSYL REALTY CORP	KASON, VICTOR			✓	0
DET IMG	132/813		51	ENTIRE LOT		2/27/1969	MORTGAGE	4	ELSYL REALTY CORP	CHERTCOFF, ANNA			✓	0

Mission (Lots 54 and 20)

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 54 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

Records 1 - 3 << previous next >> Max Rows 10 [Search Options] [New BBL Search] [Edit Current Search] [View Tax Map] [Print Index]

View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/ Remarks	Doc Amount
DET IMG	439/1808		54	ENTIRE LOT		5/25/1978	DEED	93	COMMISSIONER OF FINANCE NY	CITY OF NEW YORK			✓	0
DET IMG	360/337		54	ENTIRE LOT		1/15/1976	DEED	2	CITY OF NEW YORK	OSORIO, MIGUEL A				0
DET IMG	181/818		54	ENTIRE LOT		8/13/1970	DEED	15	CITY OF NY DEPT. OFFIN.	CITY OF NEW YORK				0

Search Results By Parcel Identifier

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 20 Unit: N/A
Date Range:
Document Class: All Document Classes

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View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/Remarks	Doc Amount
DET IMG	439/1808		20	ENTIRE LOT		5/25/1978	DEED	93	COMMISSIONER OF FINANCE NY	CITY OF NEW YORK			✓	0
DET IMG	363/1647		20	ENTIRE LOT		3/5/1976	DEED	2	UPTOWN DEVELOPMENT CORP	R & J REALTY CORP				0
DET IMG	342/344		20	ENTIRE LOT		5/23/1975	MORTGAGE	5	UPTOWN DEVELOPMENT CORP	CALLIPARI CONSTRUCTN CORP				0
DET IMG	342/342		20	ENTIRE LOT		5/23/1975	DEED	2	CALLIPARI CONSTRUCTNCRP	UPTOWN DEVELOPMENT CORP				0
DET IMG	40209/417		20	ENTIRE LOT		8/11/1967	DEED	2	ZALCHEK REALTY CORP	CALLIPARI CONSTRUCTION				0

Little Blue House (Lots 121, 122 and 22)

Search Results By Parcel Identifier

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 121 Unit: N/A
Date Range:
Document Class: All Document Classes

Records 1 - 4 << previous next >> Max Rows 10 [Search Options] [New BBL Search] [Edit Current Search] [View Tax Map] [Print Index]														
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DET IMG	398/634		121	ENTIRE LOT		4/27/1977	DEED	40	FINANCE ADMIN CITY NY	CITY OF NEW YORK			✓	0
DET IMG	218/431		121	ENTIRE LOT		9/29/1971	DEED	2	RAMIREZ, ANA	RIVERA, JOSE				0
DET IMG	40063/411		121	ENTIRE LOT		6/2/1966	MORTGAGE	4	RAMIREZ, ANA	MOGENE HOLDING CORP				0
DET IMG	40063/409		121	ENTIRE LOT		6/2/1966	DEED	2	MOGENE HOLDING CORP	RAMIREZ, ANA				0

Search Results By Parcel Identifier

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 122 Unit: N/A
Date Range:
Document Class: All Document Classes

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DET IMG	439/1808		122	ENTIRE LOT		5/25/1978	DEED	93	COMMISSIONER OF FINANCE NY	CITY OF NEW YORK			✓	0
DET IMG	362/881		122	ENTIRE LOT		2/17/1976	DEED	20	BIENSTOCH, DAVID	MOODY, RUBY				0
DET IMG	132/1460		122	ENTIRE LOT		3/3/1969	DEED	2	CHERTKOFF, ANNA	BIENSTOCK, DAVID			✓	0

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 22 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

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View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/Remarks	Doc Amount
DET IMG	943/1822		22	ENTIRE LOT	7/31/1985	7/31/1985	DEED	35	COMMISSIONER OF FINANCE	CITY OF NEW YORK				0
DET IMG	367/1831		22	ENTIRE LOT		4/30/1976	DEED	28	FINANCE ADMIN CITYNY	CITY OF NEW YORK				0

Friendly Garden (Lot 35)

Selecting a help option will open new window

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 35 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

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DET	IMG	330/840	35	ENTIRE LOT		12/3/1974	DEED	25	FINANCE ADMNSTRTR NYC	CITY OF NEW YORK				0
DET	IMG	134/1205	35	ENTIRE LOT		3/21/1969	DEED	2	ABRAMS, BENJAMIN	1540 PARK AVENUE CORP		✓		0

* Lot 34 is owned by Hic, LLC who bought it from Ali Mamudoski, Isa Mamudoski & Michael Mamudoski on September 16, 2004, for \$580,000.00. Nothing is found on HIC, LLC, despite what I've shared with Jamie from ESG. <<https://www.realdirect.com/e/91.EAST-111-STREET.10029/>>

Villa Santurce Jardinera and Santurce (Lots 37, 38, 39, 40)

Selecting a help option will open new window

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 37 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

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DET	IMG	1832/1027	37	ENTIRE LOT	12/12/1991	12/17/1991	DEED	17	COMMISSIONER OF FINANCE	CITY OF NEW YORK			✓	0
DET	IMG	1036/1885	37	ENTIRE LOT		3/12/1986	COURT ORDER	9	COMMISSIONER/FINANCE					0
DET	IMG	1029/778	37	ENTIRE LOT	2/18/1986	2/24/1986	DEED	4	MORFESIS, LUISA	SKY-GEN INVESTORS I				0
DET	IMG	943/1822	37	ENTIRE LOT	7/31/1985	7/31/1985	DEED	35	COMMISSIONER OF FINANCE	CITY OF NEW YORK				0
DET	IMG	405/1268	37	ENTIRE LOT		7/19/1977	DEED	2	CITY OF NEW YORK	MORFESIS, LUISA				0
DET	IMG	367/1831	37	ENTIRE LOT		4/30/1976	DEED	28	FINANCE ADMINS CITYNY	CITY OF NEW YORK				0
DET	IMG	261/1370	37	ENTIRE LOT		12/13/1972	ASSIGNMENT, MORTGAGE	2	HENSON REALTY CORP	SLAYTON, HENRY		✓		0
DET	IMG	252/1224	37	ENTIRE LOT		9/18/1972	MORTGAGE	4	PRIETO, DORIO	HENSON REALTY CORP				0
DET	IMG	252/1222	37	ENTIRE LOT		9/18/1972	DEED	2	HENSON REALTY CORP	PRIETO, DARIO				0

Selecting a help option will open new window

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 38 Unit: N/A
Date Range:
Document Class: All Document Classes

Search Results By Parcel Identifier

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View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/ Remarks	Doc Amount
DET	IMG	281/1101	38	ENTIRE LOT		6/13/1973	DEED	18	FINANCE ADM CITY OFNY	CITY OF NEW YORK		✓		0

Selecting a help option will open new window

Current Search Criteria:
Borough: MANHATTAN / NEW YORK
Block: 1617
Lot: 39 Unit: N/A
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Document Class: All Document Classes

Search Results By Parcel Identifier

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DET	IMG	181/818	39	ENTIRE LOT		8/13/1970	DEED	15	CITY OF NY DEPT. OFFIN.	CITY OF NEW YORK				0
DET	IMG	40079/451	39	ENTIRE LOT		7/11/1966	DEED	4	NISSON TRADING CORP	HUB CONTRACTING CORP				0

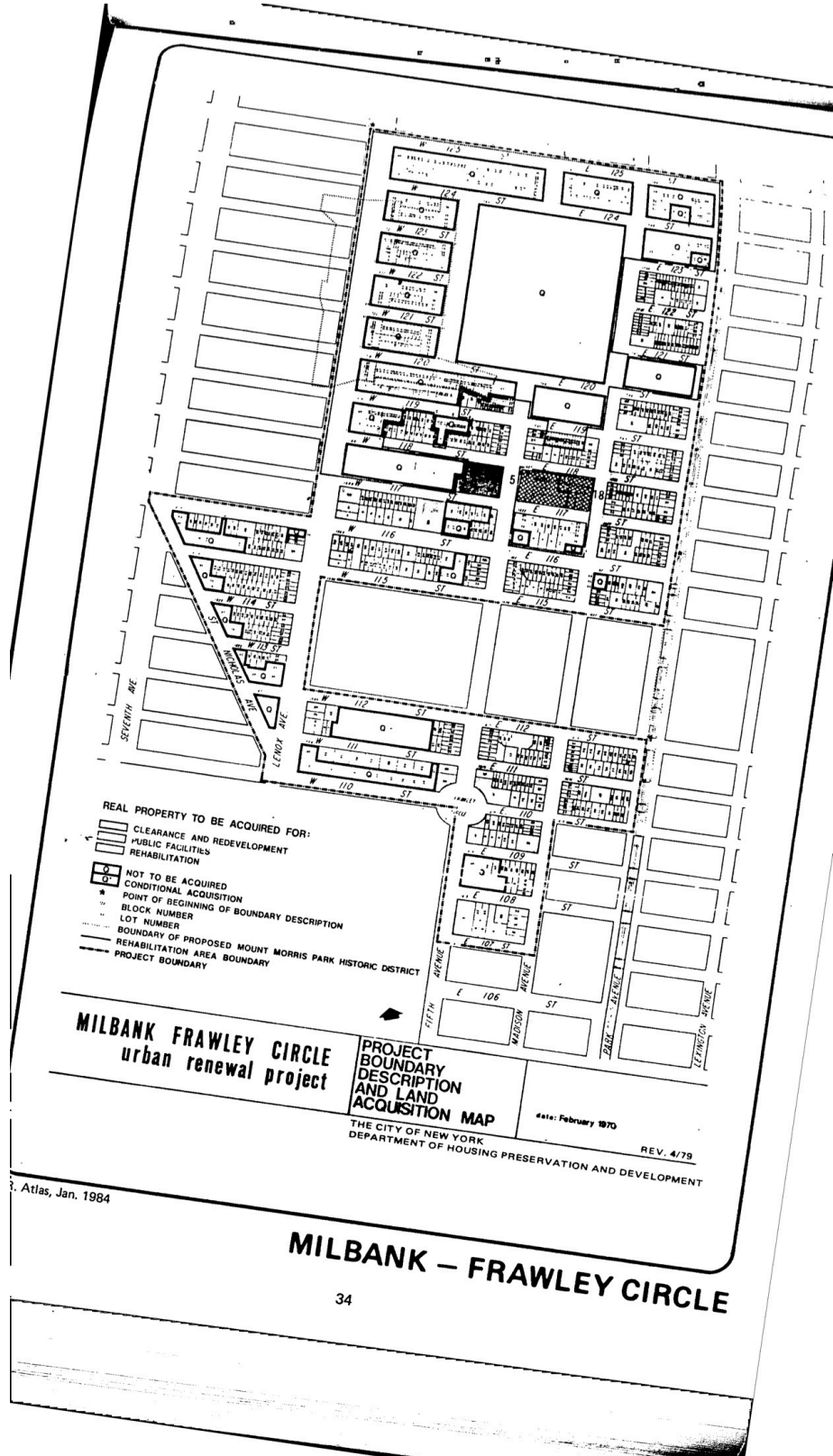
Search Results By Parcel Identifier

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Block:	1617
Lot:	40 Unit: N/A
Date Range:	
Document Class:	All Document Classes

Records 1 - 2 << previous next >> Max Rows 10 [Search Options] [New BBL Search] [Edit Current Search] [View Tax Map] [Print Index]

View	Reel/Pg/File	CRFN	Lot	Partial	Doc Date	Recorded / Filed	Document Type	Pages	Party1	Party2	Party 3/ Other	More Party 1/2 Names	Corrected/ Remarks	Doc Amount
DET	IMG	181/818	40	ENTIRE LOT		8/13/1970	DEED	15	CITY OF NY DEPT. OFFIN.	CITY OF NEW YORK				0
DET	IMG	40079/451	40	ENTIRE LOT		7/11/1966	DEED	4	NISSON TRADING CORP	HUB CONTRACTING CORP				0

vi Here's a map depicting the area the Milbank-Frawley Circle Area (City Planning, 1966) affected, which includes the limits of East and Central Harlem where East 111th Street block is located.



MILBANK - FRAWLEY CIRCLE

vii Photo of the 2008 Licence Agreement's last page:

EXHIBIT A
THE PREMISES

<u>Address</u>	<u>Block</u>	<u>Lot</u>
1691-93 MADISON AVE	1672	51,52,53

viii Photo of the 2014 Licence Agreement:

EXHIBIT A
THE PREMISES

<u>Address</u>	<u>Block</u>	<u>Lot</u>
1691 Madison Ave.	1617	51,53

ix Here's the breakdown of the past and new acreage by location:

- Chenchita received a little bit above the acreage they were licensed to (4,391 f²; +162 f²), according to the erroneous license agreement, but has lost 1,865 square feet (-30%) compared to the area were using according to our measurements. However, they had the "benefit" of choosing the location they preferred on the south-west corner instead of the developer's suggestion of being squeezed between the Park Avenue above-ground railway and the privately-owned lot that could be built in an undetermined future. The contact person soon feared the community would accuse her of "stealing" the spot one of the gardens not invited back used.
- After relocation, Mission is supposed to have 3,991 f², which is higher than the erroneous amount they were licensed to use (1,925 f²) but also higher than the amount they actually used (3,360 f²).
- Villa Santurce and Villa Santurce Jardinera decided to share the same space, as this is how both of their gardens historically started. Louisa had participated in the garden to represent her grandmother who is getting old and didn't have the energy and will for those collective meetings. Miguel, in his late eighties, had an operation earlier that winter and also didn't have the energy or the will to participate in those collective meetings. Both coming from the same district called Santurce in San Juan, Puerto Rico, Olga had shared her garden with Miguel and over the years it gradually became two different gardens divided with a fence. Because they were already accustomed to the train and didn't mind staying along Park Avenue, and as a result of the geographic breakdown the developer imposed on the gardens for their relocation, they suggested sharing the same space so they would all reach an agreement. But they made quite a concession: they would share 3,917 f² while each was supposed to have a minimum of 1,993 and 3,985 f², and hence should have had together a minimum of 5,978 f².

Here's a table synthesizing the situation for each garden:

Gardens on E 111th St. Block All measures in square feet (f ²)	Acreage Used (according to GT)^{ix}	Acreage Used (our measure)	Acreage Licensed to Use (with errors)^{ix}	Acreage Licensed to After Relocation
Chenchita's	6,510 (lots 51,52,53)	6,256	4,229	4,391
Mission	3,360 (lots 54,20)	∅	1,925	3,991
Little Blue House	3,184 (lots 121,122, 22)	∅	∅	Not relocated on the site
Friendly Garden	3,330 (lots 35)	∅	∅	Not relocated on the site
Villa Santurce	3,618	∅	1,993	1,992 + 1,925 = 3,917 (Merged together)
Villa Santurce Jardinera	3,985	∅	3,985	
TOTAL	23,987	∅	12,132	12,299

^x An aerial photo of East 111th Street block showing the gardens' many trees taken from NYCHA's King Towers upper floor (from Chenchita's facebook page):



^{xi} New GreenThumb Requirements for the 2019 Licensing: “shared understanding of membership rights and responsibilities, rules and procedures, governance structure, and how the group makes decisions [...] At minimum, your bylaws must include the following (but you can always add more!): •Your garden’s mission; •Membership (how to join, rights and responsibilities after joining); •Decision-making process; •Leadership structure; •Process for changing the bylaws in the future; •How the garden group handles conflicts and disputes; •Finances (including protocol if a member is unable to pay dues); •Rules for garden members (what are gardeners allowed and not allowed to do?) and procedures for what happens if a garden member does not comply with the rules of membership.

^{xii} Snow removal requirements if the snow stops falling between:

- 7:00 a.m. and 4:49 p.m. - you must clear within four hours
- 5:00 p.m. and 8:59 p.m. - you must clear within fourteen hours (by 9 a.m. the next day)
- 9:00 p.m. and 6:59 a.m. - you must clear by 11:00 a.m. the next day

Do not push snow from the sidewalk into the street. Clear the snow from around the fire hydrant. Where possible, try to clear a path at least four feet wide along the sidewalk.

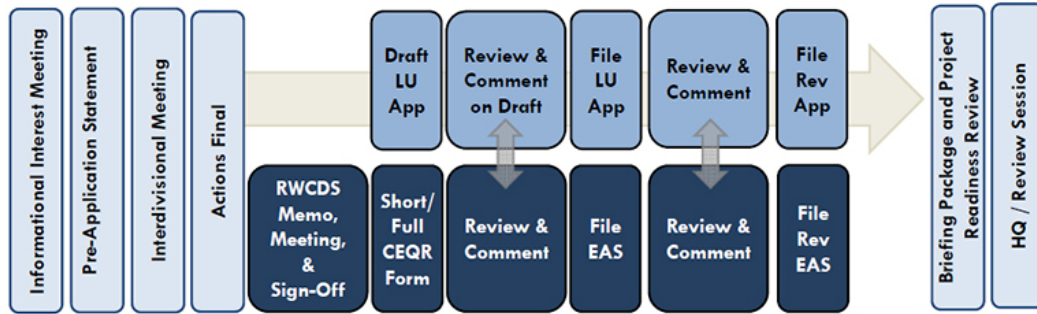
^{xiii} Some of the flagged keywords or phrasing by NYCCGC in the new 2019 license agreements:

- “if the new license is 12 pages long; that’s tell-tale warning sign that the new license is full of a lot of legalese which only the City’s lawyer(s) fully understand;
- if it expressly states or contains a phrase resembling :
 - “Licensee [meaning the community gardener] shall forever defend, indemnify, and hold harmless the City... from and against all claims for damages by means of injury to persons ... or property”;
 - “Licensee expressly waives all rights to trial by jury...”;
 - “ ... the Licensee complies with all applicable laws and regulations including those at Chapter 6 of Title 56 of the Rules of the City of New York ...”: Chapter 6 of Title 56 poses serious preservation-related problems for community gardens. For instance, Chapter 6 – Section 05.4 of the Section on the Garden Review Process states the following:

“Before any Transfer, the Department [of Parks] will prepare a Garden Review Statement that includes the following, to the extent that such information exists and/or is contained in the Department’s files: ... [from Section 05(4)(g)] ... a description provided by the Gardening Group of any programs, activities and events in and existing features of the Garden. The above description, which shall be no more than four legal size pages in length, will be included in the Garden Review Statement if submitted to the Department before submission of any application for approval as set forth in Section 6-05(b)(6)”

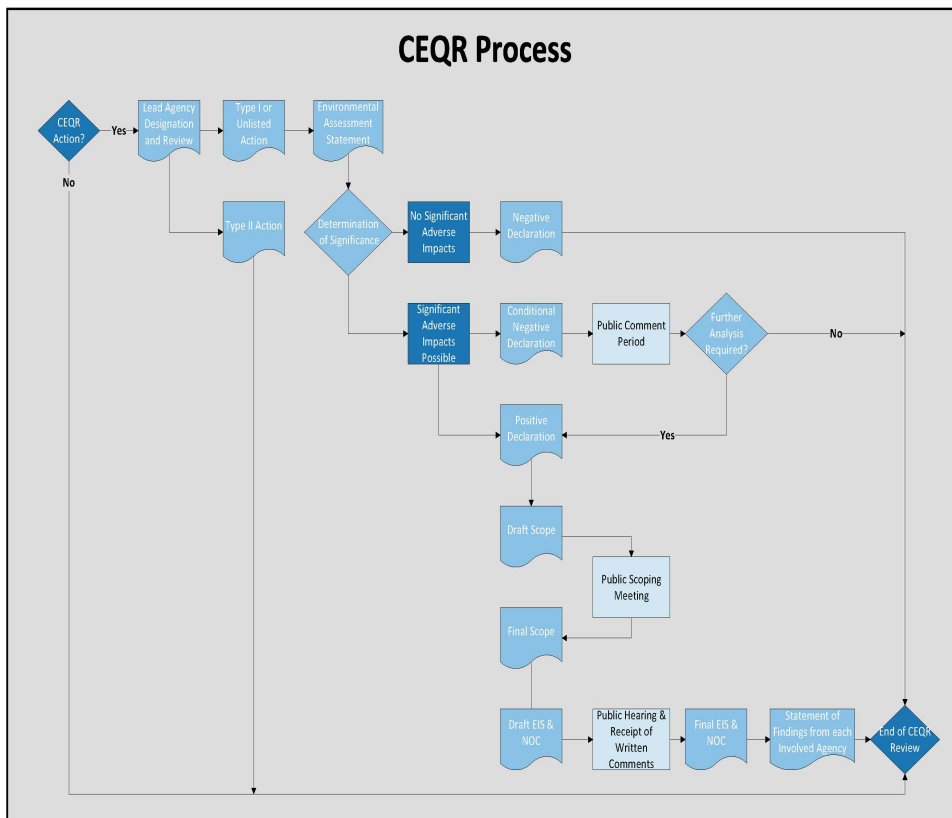
[However,] we don’t [know] what before refers to since the City is not fully transparent about the dates of its Transfer Applications. The only time frame the community gardeners know about are the 45 days to respond to the Alternative Site Notice. [It] allows for Community Gardens to be regarded (as set forth in Section 6-05(b)(6) – mentioned above) as blighted areas that can be subject to the Transfer process and to being bulldozed for the purposes of Urban Renewal and Urban Development Action Area real estate development – this is exactly the justification that was used to recently bulldozed 6 community gardens in El Barrio.”

xiv CEQR process:



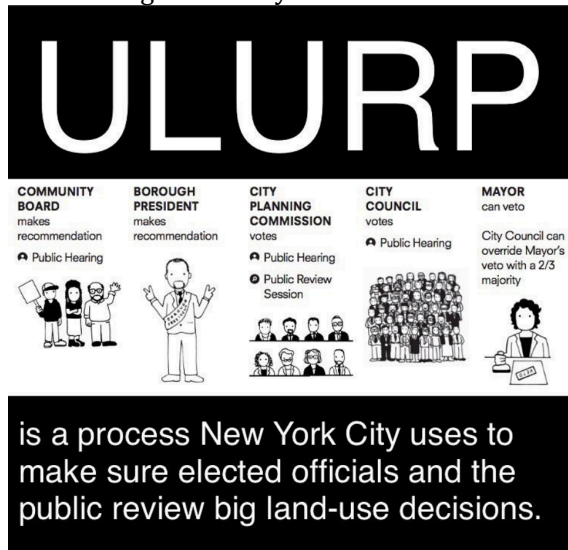
Retrieved from: <https://www1.nyc.gov/site/planning/applicants/environmental-review-process.page>

CEQR process:



Retrieved from: <https://www1.nyc.gov/site/oec/environmental-quality-review/ceqr-basics.page>

xv The Uniform Land Use Review Process (ULURP) explained by the Center for Urban Pedagogy and posted by 596 Acres on Instagram in May 2017:



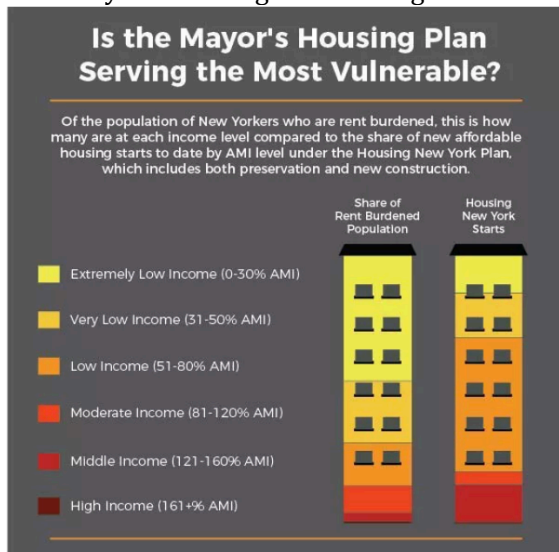
Other explanation in the form of a brochure for the public:

http://welcometocup.org/file_columns/0000/0956/cup-ulurp-diagram_tabloid.pdf

xvi New York City Average Median Income (AMI) varies statistically and with inflation.

Income Brackets	% of AMI
Extremely-Low income	0-30%
Very-Low Income	31-50%
Low Income	51-80%
Moderate Income	81-120%
Middle Income	121-165%

xvii Is the Mayor's Housing Plan Serving the Most Vulnerable? In Raby (2017) and Goldstein and Breault (2017):



Part of the infographic from the [ANHD stats report](#) on Housing New York | Courtesy of [ANHD](#)

^{xviii} Three buildings, the taller 37-story building with 365 units of the 655 (56%), the mid-size 15-story buildings with 211 units (32%), and the smaller 10 story-buildings with 79 units. Of the 655 units, 40% or 262 units are permanently affordable and the remaining 60% or 393 units are affordable for 60 years, after which period they may receive new funding or they will turn market rate. The affordability housing lottery with maximum income is capped at 130% of AMI and 50% of units will be set aside for CB11. Overall, 42% of units are for AMI above 80% of AMI or 69% are for AMI above 60%. From the three options the city proposed before negotiation to developers, Sendero Verde chose options 1 and 3. The breakdown is as follow (MBO, 2017: 14-5):

Composition of affordability at Sendero Verde			
Bracket of affordability (AMI)	Number of units	Ratio on total #of units	Average rent
30% AMI	134	20%	From \$327 for a studio to \$582 for a 3-bedroom
40% AMI	32	5%	From \$ 464 to \$ 819
50% AMI	42	6%	From \$ 599 to \$ 1,053
60% AMI	147	27%	From \$ 775 to \$ 1,344
80% AMI	109	17%	From \$ 1,050 to \$ 1,831
130% AMI	164	25%	From \$ 1,727 to \$ 3,008

xix Photos of the Sendero Verde project on East 111th Street Block where six community gardens and a baseball field used to be located.

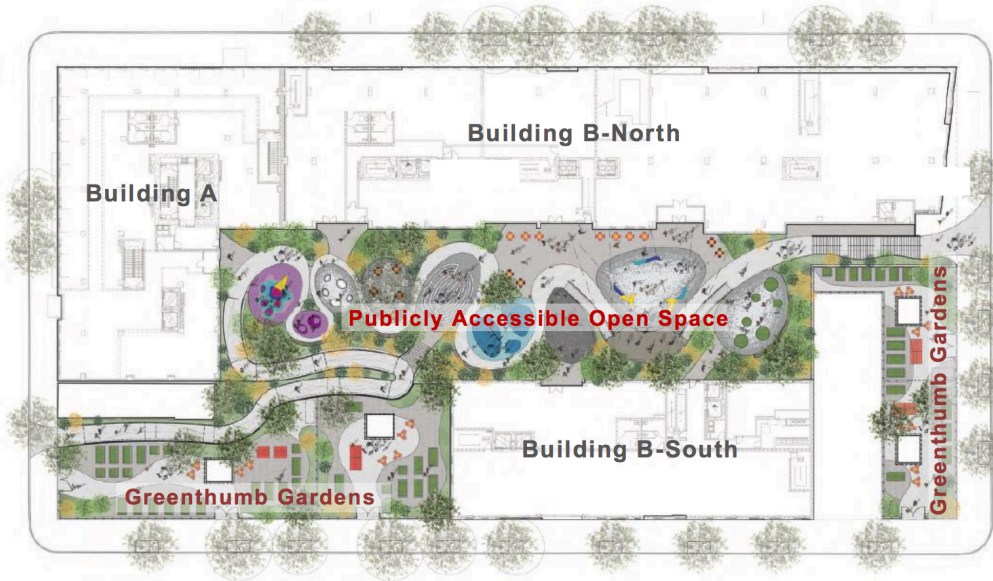
Looking North-East:



Looking West:



SENDERO VERDE: COMPOSITE SITE PLAN



xx Traditional Process for Rezoning Versus Creating a New Process for the East Harlem Neighborhood Plan (EHNP, 2016: p.12):

