Foreword

Don’t Fight City Hall; Make It Work for People and Nature

In *Empowering Municipal Sustainability: A Guide for Towns, Cities, and Citizens*, Alexandra Lajoux presents an extensive review of tools available to citizens and to locally elected officials in their quest to respond to constituent demands for community sustainability.

The book has global reach but is made in America, where citizen empowerment is sorely lacking. Most Americans seem to believe that all the governing that matters happens in state capitols and in Washington D.C.—and those centers of power are far beyond our reach and influence. The reason for this outward-looking stance toward government, and perhaps for Lajoux’s presentation of options for the governments located in our own hometowns, is that community residents have generally given up hope that local authority exists to set policy and respond to quality of life and existential challenges, such as the relationship between local industrial and extractive projects and cancer rates, habitat loss, and climate change.

When it comes to decisions being made about our communities—all without public input or consent—the general consensus seems to be, as the saying goes, *you can’t fight City Hall*. People don’t bother asking anymore *why does it so often have to be a fight?* They just don’t bother. What may be mistaken for apathy and disengagement from the public life of community is in fact a general malaise and resignation stemming from once vibrant local engagement that was met by downward looks and shaking heads, as municipal officials intoned again and again, *we wish we could help, but our hands are tied.*

Most Americans not only wouldn’t think to try using their municipal government to vindicate local interests and aspirations; they just flat-out don’t think seriously about the government closest to them. They’ve been trained to stay away from public meetings of the local government, with the imposition of three-minute public comment sessions—before municipal meetings address substantive issues; and with often-conflicted citizen advisory committees that have no power and amount to a repository for tabled issues where all good ideas go to die. The setting aside of their aspirations for the future of their community has been normalized by the routine granting of conditional uses and variances to the comprehensive plans and the zoning laws intended to realize those aspirations. The threat of unbudgetable litigation from corporate applicants for permits at-odds with local aspirations account for the constant recommendations from municipal
attorneys to grant variances and ignore toothless, aspirational documents like comprehensive land use plans.

I’ll be honest: my long experience working with municipal leaders and fed-up residents has taught me that many of the tools reviewed here by Alexandra Lajoux don’t work and were never intended to work when the interests of the community conflict with the commercial interests of large corporations. When People try to use municipal government to protect their community and local environment from, for instance, state chartered and permitted waste disposal and resource extracting businesses, they discover how thoroughly the law has been crafted to eliminate local governing authority over corporate behavior within a municipality's nominal jurisdiction.

So, why this emphasis on municipal government as the last, best hope for achieving sustainability? Lajoux makes clear that it’s within our municipally organized hometowns that all the living and dying, all the industrial assaults on our environment and all the first-hand encounters with the challenges of modern life occur. It’s where we live and laugh and love, and for each of us, it’s the place that matters most in the world.

Alexandra Lajoux is an optimist, trying to uncover every possible avenue for municipal governments and their citizens to achieve local sustainability. From assessing challenges to sustainability, to making an inventory of available assets, to developing a practical plan to realize a community’s sustainability aspirations, Lajoux charts an idealistic path, using tools like comprehensive land use planning, zoning, land trusts, equitable taxation and budgeting. It is hard not to notice that the author touches on these and many other tools and processes in her exploration of the role municipalities might play in achieving sustainability goals, but in the end her recommendation is for a less traditionally constrained strategy.

In fact, in chapters 10 and 11, Lajoux minces few words as she advocates for the two cornerstones of the Community Rights strategy: The Right of Local, Community Self-Government, and the Rights of Nature. These two legal concepts depart radically from the deprivations of democratic governance that are laced throughout the highly restricted menu of hierarchically administered legal codes and regulations proffered as the outer contours of municipal authority.

This volume can serve as a civics lesson worth getting familiar with. It is a necessary addition to the collective knowledge of local self-government and a guidebook, as the title suggests, for “Towns, Cities and Citizens,” which covers traditional authorities and processes your hometown can try-out in the quest for real sustainability. But it’s necessary to say, as Lajoux’s concluding chapters suggest, that the pathological relationship between municipal, state, and
federal power makes local sustainability all but illegal when the interests of the public come into conflict with the interests of the so-called “private sector.” The whole of the US judiciary has privileged that “private sector” with legal rights that immunize corporate actors from public governance. Hence the need for a radical approach to living well, democratically, and justly, in the face of a received system of law that does violence with impunity to our families, our natural environment, our civic lives and our most cherished values.

Because federated nations and united kingdoms are built on property-favoring constitutions, and the US Constitution is explicitly property and commerce oriented, and because the US. Supreme Court has usurped the citizenry as the final arbiter of legality, basic tenants of democratic governance have been transformed into insurmountable authoritarian obstacles that benefit incorporated wealth at the expense of People and Nature. The very structure of law—the parameters that allow legislators and courts to define the limits of popular political society—have been constricted to the point of a singularity—the continuing counter-intuitive belief that democracy exists in these states.

Commerce Clause preemption at the national level, and state invocations of the democracy-killing judicial precedent known as Dillon’s Rule and the imposition of illiberal preemptions on municipal law-making, disenfranchise community-level government in general, and are activated by the courts in defense of privileged wealth whenever the prompting of corporate lobbyists alerts the system to their benefactors’ particular needs.

Fortunately, an increasingly less-quiet insurrection against the mooting of municipal sovereignty is stirring. A global quest for local community self-government, what Murray Bookchin has called Global Municipalism and some refer to as Fearless Cities, is setting roots in places widespread, from Barcelona, Spain; to Chiapas, Mexico; to Grant Township in Pennsylvania.

A parallel and symbiotic movement for the Rights of Nature is gaining momentum. Transforming the legal status of ecosystems from that of mere property to that of rights-bearing entities promises a social/cultural revolution that could change everything for the better.

Underneath this two-pronged revolution is a growing global alignment of communities against empire, colonialism, racism, privilege, hierarchy, divisiveness and perpetual war. The right of ecosystems to survive, thrive, replenish and regenerate, is being recognized in real places around the world. With this change, there is also the accompanying rejection of the so-called enlightenment ideology that argued human superiority over Nature and those elitists believed were lesser People. It was high-class propaganda that propelled European empires to rove the globe committing genocide and ecocide with equal measures of self-righteousness.
The trend toward local community empowerment and liberation from central government dictates is, quite simply, a visceral recognition that humans evolved to gather in communities of limited size, to inhabit natural environments from which they gained sustenance, not surpluses, and that the community, when they thought of it, included the local ecosystem and their neighbors. It was the coerced amalgamation of communities into states, and states into empires, and the intentional separation of People from the land and solidarity with their neighbors, that has led to the multiple global crises that frighten us today and make large, unmoored populations of insecure People vulnerable to manipulation and submersion in the nightmare of technological “progress” that continues to create, not lessen, those dangers that frighten us.

The Community Rights Movement, rightly understood, includes the Rights of Nature Movement, and suggests a way out of the stifling desert of life-opposing lies that pass for political discourse. Like a vast expanse of dunes, the horizon in the direction of the future defined for us by corporate colonial totalitarianism appears as an endless landscape of unassailable deception and diminishing quality of life, but only because we’ve been led to believe that barren vista is the only option available. No wonder the general sense of despair has grown palpable.

To use the strongest yet truest language, this was a colonial-settler-genocidal-ecocidal cultural mandate, and its premises are more than flawed. They are maladaptive and have spawned a cultural pathology whose cause célèbre was once summed up by Richard Grossman as the endless production and consumption of more. The false premises of the corporate colonial culture are these:

1. Humans are inherently apart from and superior to Nature, not a part of and dependent upon it.
2. Superiority over the natural world, including People who will not separate themselves from it, justifies conquest, subjugation, and dominion over both natural and human communities.
3. Reason and law are to be the governing principles of the corporate-colonial hegemony, with both reason and law rooted in the axiom that the hegemony is superior to and deservedly governs over biological persons and Nature.
4. The law, by premising its legitimacy on the corporate-colonial ideology, finds it rational to elevate legal rights attached to accumulated property (wealth), that is, conquered and possessed land, labor and resources, above all other rights and interests. It is an ideology with its pedigree in the Doctrine of Discovery and the Law of Conquest.
5. Any posited rights pertaining to People, communities and Nature are subordinate to rights attached to property ownership and conveyed to the owner through that property.
6. Since all the legal rights and social privileges that matter in the eyes of the law are conveyed via ownership to the owner of property, the greater the accumulated property (wealth), the more legal rights and social privileges are accrued by the owner.

7. All necessary laws and institutions will be devised to sustain this arrangement as the perpetual status quo.

Certainly, this is not the kind of sustainability Alexandra Lajoux is proposing here. That’s why she brings the crescendo of this book, arriving at chapters 10 and 11, to a full-on fanfare for Community Rights and the Rights of Nature.

These are legal concepts that challenge the notion that whoever possesses the greater exclusive control over Planet Earth and its riches deserves to govern, by virtue of that material wealth. We should be howling that their social Darwinian-styled culture can’t pretend to be playing by the law of the jungle when the laws they’ve made let corporations protected against public control clear cut the jungle and suck its water and minerals and soils for every monetizable element possible—while making it illegal for us to stop them. Let’s keep in mind that Rights of Nature advocates, not neoliberal corporate colonists, are on the side of the jungle.

The Right of Local, Community Self-Government challenges black-letter law that allows the central government to veto community rights-protecting local laws in order to privilege the priorities of corporate wealth accumulation and criminalize community self-defense. Rights of Nature proponents challenge bedrock corporate-colonial law that says that Nature has no other legal status than that of property, whose owners may do as they wish to ecosystems in their possession. Community Rights advocates challenge the big lie that says People are not part of their local ecosystems. It does so by recognizing the unity of People and Nature as a community, indivisible and rights-bearing. The People, neither individually, nor collectively can “own” Nature, any more than they can own their neighbors.

The violation of these principles for more than six hundred years has cursed humanity on a global scale, inflicted what historian Gerald Horne calls *The Apocalypse of Settler Colonialism*, upon indigenous people worldwide, and brought us to a realization of the multiple existential crises confronting us today. To reverse, or at least halt the momentum, of these rolling catastrophes requires that we do more than try to make “work” the nominal and wholly inadequate tools given to municipalities. They won’t. They can’t. Not without ending the dictatorship of property and the concomitant privileges that accompany its gluttonous accumulation by the smallest of narcissistic and parasitic minorities.
We all have to start from where we are, of course. If reading this book is your taking-off point, then welcome to the struggle. Keep learning, keep asking questions. But remember: it’s going to take more than becoming informed. They say that *knowledge is power*, but it’s not true. Knowledge fuels our actions and our actions are power. If aimed in the right direction, if our knowledge is informed by integrity and not deceit, then our *actions* are where our power lives. Read and learn. Then discern. Then act. Your neighbors and your planet are counting on you.

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