

Commons: The Network of Life and Creativity



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Commons are a network that sustains, that is woven together from our multilayered relationships to natural, social, and cultural resources. They are not separate from us; they do not exist without us. “There are no commons without commoning,” as political scientist Massimo de Angelis says.

The concept of the commons sheds light on the two sides of this relationship, reveals its two faces. On the one hand, it highlights the nature and function of the resources under discussion. On the other hand, it raises questions about the state of the communities associated with those resources and the conditions required for their success.

The common pool resources concerned here – whether material or immaterial – **are the basis of all productive, reproductive, and creative processes.** Without genes, there can be no diversity. Without land, no food. Without light, no growth. Without sound, no music. Without language, no communication. Without knowledge, no progress. Without water, no life. In short, it is impossible to imagine any form of life or productive activity that is not created from the abundance of common pool resources. Natural resources can exist without us. But we cannot exist without them. The commons of the mind which has been collectively created over millennia is equally vital to us. It emerged from human creativity and is as important to education, culture, and medicine as the air is necessary to breathe.

The power to dispose over common pool resources is historically contentious terrain. This prompts us to **look to the past.** One of the first literary accounts of the conflicts over the commons, which goes hand-in-hand with the constant redefining of what is “lawful” and what is “unlawful,” can probably be found in the ballades of Robin Hood.¹ Robin Hood, the once “lawless,” advanced over the centuries to social revolutionary hero. The historian Peter Linebaugh investigates the historical origins of both the real and the legendary Robin Hood. He concludes that the first mention of a “Rob. Hod Fug,” occurred right at the start of the 13th century² and thus, de facto, coincided with the publication of the Magna Carta in 1215. The Magna Carta is the most important source of the English constitution. It also became a crucial constitutional basis for the United States. It contains largely unappreciated calls against the exploitation of the forests as ordained by the king at that time.³ The king wanted to degrade the forests to a source of lumber, convert the lumber into money, and invest it in those who promised him their loyalty. The Magna Carta, on the other hand, spoke of a kind of *common rights of the forest* (Chapters 47 and 48). In Chapter 33, it cites the *common right of piscary*, that is, the right to fish in waters that – formally – belong to others. **Private property** (in this case, of the king or the lords) **does not exclude the right of use by the general public here!**

Until the Norman conquest in 1066, the cultivation of carefully planted and grown wooded pastures in England proceeded according to a simple rule: **“The soil belongs to the lord, while**

1 *A Gest of Robyn Hode* (“Lettersnijder” edn.). Antwerp: Van Doesbroch, ca. 1510.

2 Rob. Hod is mentioned in 1225 in an administrative record, the Pipe Rolls of the archbishop of York. It is, however, unclear whether the Robin Hood ballades trace back to this historical figure.

3 King John, also known as John Lackland, Son of Richard II, succeeded Richard the Lionheart to the throne of England in 1199 and ruled until 1216.

grazing belongs to the commoners.” That ended when the king switched over to reserving the forest for the hunt and for the pleasure and privileges of his followers. The forest became the supreme status symbol. The king’s ban had driven the *commoners* from *their* forests, to which the legendary Robin Hood and his band retreated. We understand why the legend is so vibrant when we realize that the woods of that time were as important to the people as oil is for us in our time.”⁴

The wheel of history continues to turn, yet the essence of the conflicts remains the same. How we **arrange rights of access and use of common pool resources** is also at the center of **today’s** major social and political **conflicts**. This is exactly what the dispute over emissions trading shares in common with the struggle for preservation of cultural and biological diversity or opposition to software patents. This, although often unrecognized, is where the interests of the environmental movement meet with those of the movement for free software and free culture. The Heinrich Boell Foundation publications on the commons are designed to illustrate the **convergence of these movements**.

By looking at the past, we can identify a mechanism of the present, which will presumably also continue to resonate into the future. **To the extent that a common pool resource is discovered to be usable in an economic sense, its enclosure will proceed in the private interest.** Yesterday, it was the earth’s largely visible natural resources. Today, it is the earth’s visible and invisible natural and cultural resources. Will it be the mineral resources of the moon tomorrow?⁵ For different common pool resources will come into focus depending on what is the central productive source of an economic system. “So if you’re interested in predicting where the next big transfer of wealth from public to private hands is going to happen, you need to look for processes of enclosure,” John Hepburn aptly writes.⁶

The enclosure of land went hand-in-hand with the agricultural revolution. Industrial society helped create a breakthrough in the patent system – also in the area of intellectual property. The knowledge society is characterized by both patented and technologically enforced private access to algorithms, information, and knowledge.⁷ The revolution in biotechnology is associated with patents on life forms and living processes. Every **technological leap** increases the possibilities for privatization, because, among other reasons, the building blocks of knowledge and life that fall prey to this process are permanently shrinking. Fragmentization seems to go hand-in-hand with privatization. Today, there are patented chemical elements⁸ and gene sequences. Tomorrow, matter at the nano scale will be patented. This series does not discuss the issue of the social benefit of patents or the highly controversial expansion of patent law to natural phenomena; rather, it addresses an interrelationship that arises with the erosion of the commons: **the smaller the individually controllable and controlled elements (resources), the greater the power to control the entire production process.**

4 Peter Linebaugh: *The Secret History of the Magna Carta*. Boston Review. Summer 2003.

5 Currently, the resources of the moon are still considered the “common heritage of mankind” under the Moon Treaty (which entered into force for the ratifying parties in 1984 as a follow-on to the UN Outer Space Treaty).

6 John Hepburn, *Reclaiming Commons – Old and New*, presentation by John Hepburn to the Other World’s Conference, University of Technology, Sydney, April 2005.

7 For example, through copyright mechanisms

8 The patent for the artificially produced element Americium and for the manufacturing process of Curium have been issued to Glenn Seaborg.

In their contribution, the Alternative Nobel Prize laureate [Pat Mooney and Silvia Ribeiro](#) explain, with a critical view to the latest technological developments, that this process cannot be stopped even by our sound judgment:

Researchers are learning to follow the neurological pathways from senses to one (or several) responding parts of the brain. They are also learning how to grow neurological connections and redirect impulses. Publicly, the purpose of this research is to help those in chronic pain, to suppress anxiety, or to vanquish addictions. But, the same research could wipe away fear in soldiers or induce apathy among anti-globalization protesters.

Yet virtually all the contributions presented here show how the **enclosure of common pool resources, which has been enforced for centuries**, is increasingly breaching the commons. Bit by bit, common pool resources are being extracted – not in order to be used, but to be consumed; not to be increased in the interest of the common welfare, but to be privately appropriated. Particularly over the past 150 years, this process of appropriation was justified with the argument that it would increase productivity – “efficient allocation.” But **commons were and are always productive**. Humanity has always created and extracted from them – wood from the forest, fish from the seas, potable water from ground water, motivation from social commons, ideas from the commons of the mind, healing skill from knowledge of indigenous plants. How “efficiently” we produce and create from the common pool resources depends on many factors. It is also essential to recognize that the commons do not merely have a providing function; they are multifunctional.

So the central question is not how efficiently we use the commons in a productive sense but **to what end, to whose benefit, and in whose interest common pool resources may and may not be used and by whom**. Property issues play an important role in this respect.

Let us now consider the second side of the commons: that of the community. The community (communities) appear(s) to be constituent to the notion of the commons itself. To describe a commons, one must not only look at the concrete resource but must also ask with which specific community (communities) it bears a relationship. Particularly in the United States, the concept of community has experienced a significant renaissance over the past 20 years. Authors such as N. Bellah and others (*Habits of the Heart*, 1985), Robert Putnam (*Bowling Alone*, 2000), and Amitai Etzioni (*From Empire to Community*, 2004) express support for the restoration of community as a new form of social integration – a concept that has had a tradition in the United States since the nation’s founding days.

Several authors included in this web collection give accounts of successful collective management of the commons and the respective *communities*. For example, the environmental expert Jean-Pierre Leroy from Brazil describes the struggle to arrange rights to access and use natural and cultural resources within the Gurupá Amazon community (Pará, Brazil) in a fair manner. The anthropologist and political scientist [Leticia Merino](#) likewise critically reflects on the various forms of managing Mexican forests. [Sunita Narain](#), an Indian environmental expert, reports how Indian village communities are successfully overcoming the acute water shortage and ultimately ensuring that “markets truly work for the people.”

One of the world’s most renowned commons researchers, [Elinor Ostrom](#), sums up in her contribution:

Silke Helfrich: Commons: The Network of Life and Creativity

We have learned that citizens do play an essential role in the governance of common pool resources and that efforts to turn over all of the responsibility for governing these resources to external experts are not likely to protect them in the long run. The complexity of the resources at local, regional, national, and global levels do require complex governance systems involving citizen input in diverse fashions.

Thus, when we talk about commons, we must think of them in relationship to their communities, to commoners, to a new kind of citizenship.

Commons are the wealth of us all. The authors of this series, particularly American author and commons expert [David Bollier](#) in his introductory essay, highlight this fact. Yet they always have to be managed in a way that allows them to continue developing their function as commons. That is mandatory.

We are the decisive players in revitalizing and modernizing the commons in our various social relationships. The vitality of the relationship between the resources and the relevant community (communities) is key to mastering the challenges facing us. Escalating ecological crises, ubiquitous processes of concentration, and ever deepening privatization of knowledge and life, in other words, the fragmentation and “enclosure”⁹ of our environments have brought on the phenomenon that more and more people are being forcibly cut off from the network that sustains us.

As this process continues, some people have been able to substitute access to common pool resources for access to other means – such as money or power. Entire regions have gradually replaced the security that use of commons provides to important spheres of life almost exclusively with the purchase of goods. This too offers certain security (as well as comforts), but of the kind that is generally tied to the availability of money. That is why a substantial number of other people are being left behind. “Therefore, maintaining the integrity of the commons is the same as maintaining the integrity of their social relationships, values, and identity,” Bollier writes.

Yet another trend within the common goods sector gives us reason not to become resigned. As some traditional commons (soil, water, atmosphere) disappear, we are simultaneously witnessing a dynamic **process of emerging new commons**. It frequently starts when we clearly analyze the social and cultural bursts that accompany the private appropriation of common pool resources. A prime example of this is the birth of free software about 25 years ago. The hacker and father of the free software movement [Richard Stallman described it in an interview](#) documented here:

The free software movement takes for granted certain ideas of freedom and justice: namely, that **people should control their own lives and should be encouraged and permitted to cooperate.**

The free software movement has been guided by this idea in all its actions. It is this idea that determines how free software products should be produced and distributed. Within the context of digitalization and our increasingly knowledge-based society, the fundamentals of our economic system are currently shifting in such a way that the availability of immaterial, cultural, and informational common pool resources is more important than ever. It is therefore no coincidence that the explosive growth and influence of the commons movements is occurring

9 The term traces back to enclosure of commons pasture in 18th century England.

precisely in this sector (use of knowledge, information, code, culture). Free software, the community of Wikipedians, and the movement for free culture bear eloquent testimony to this trend. Yet a **fundamental transformation within the economy and society** must similarly occur **in respect to the rights to use all common pool resources**. For not only have the exploitation and production models of industrial society evidently become obsolete as a means to promote innovation and creativity but natural resources have also grown absolutely limited as the basis of our economic activity. There is no clarity yet on which paradigms will shape the future. But what is clear is that we do need new paradigms in order to set out again on the path to a new livable society of the 21st century.

Pointing in this direction, [Yochai Benkler](#) coined the term “commons-based peer production” and defined “commons” as follows:

. . . a particular type of institutional arrangement, for governing the use and disposition of resources. Their salient characteristic, which defines them in contradistinction to property, is that no single person has exclusive control over the use and disposition of any particular resource. [. . .] As we transition to a networked information economy, every point of control over the production and flow of information and culture becomes a point of conflict between the old, industrial model of production and the new distributed models.

The German computer scientist [Christian Siefkes](#) takes up this idea and discusses the components of a commons-based society. Such a society “springs from numerous communities” – communities “that make and develop their own rules to create, preserve, and use commons.” This is an intrinsic feature of the commons.

Yet the current crisis is not just of a social or environmental nature, it is, above all, also a **crisis of ideas**. Conservative thought has ossified into a “conserving” and “conserved” way of thinking. Liberal thought has never developed responses to the multifaceted processes of disintegration associated with the erosion of the commons. It has admittedly never sought such responses, but instead actively helped to escalate the crisis of the commons, which is a crisis of human society. And the thinking of other factions of the left has for decades immersed itself in the dichotomies of government versus the market, cooperation versus competition, private property versus public property. It has frequently gone on the defensive. Dichotomous ways of thinking, however, do not appear to be very helpful or geared toward finding solutions. They are unable to sufficiently guide us towards new essential and constructive principles for an equally innovative and conservation-minded economic system.

To approach an **ideal commons-based society**, we need a **systematic advocacy of commons**. That seems to be stating the obvious. Yet, in many cases, commons simply are not visible. Who would think to ask, for example, Who is entitled to silence, to the electromagnetic spectrum, or to the resources of the deep sea? But if we are unable to define and name commons as such, then we are also unable to develop an advocacy of them.

The interdisciplinary **social debate** on the commons, which, among other things, is aimed at revealing and identifying the commons, has only just begun worldwide. Its supporters are building bridges to each other and sharing experiences that allow us to conceive of and partially anticipate an **economy and society with a growing commons sector**. So far, there have only been initial attempts to develop indicators for the vitality and robust nature of this sector – beyond gross national product and growth curves. The emerging debate will have to answer

questions concerning the value of commons to a society. It is also clear that commons are not “measurable” in a market-economic or mathematical sense; rather, their value and benefits are limitless.

The commons debate is, as clearly can be seen from these contributions, about reflecting in a fundamental, candid, and collective manner on our quality of life and the quality of life of future generations. While expansion of market-facilitated economic and social relationships may have helped meet numerous (individual) needs (assuming access to means of payment), the market and growth are, nevertheless, hardly capable of strengthening social cohesion.

What we need to do is to analyze life and economic activity in terms of the diversity and functional development of commons. What we need is a world where there will continue to be conflicts but not top-down “solutions to those conflicts,” where exclusion from access to common pool resources is conceivable or even necessary – whether to preserve those resources or whether out of respect for the historically acquired rights of those who have always cared for those resources – but also where fair access to vital resources is guaranteed, a world where wealth and poverty are not defined by availability of financial resources but by the close-knit nature of the network that sustains us.

In short, we are talking about a world in which the energies of commonly available resources and the inspirations that spring from their use are accessible to everyone in all their abundance. There are no easy solutions on the path to that goal. This is a central insight of commons research, as is the realization that private property, government property, and common property have all, at the same time, proven their effectiveness and their failures. Rather, it is a complex undertaking to establish and reflect on **institutions** and **administrative regimes for commons management**. This effort depends on numerous factors – on the nature of the affected resource, the history of its origins, the mechanisms of production to which it is subject, the regulatory systems into which the respective community is integrated, and many others.

Managing global natural commons also presents a special problem. Peter Barnes, however, succeeds in proposing a simple and logical model for administering our rights to use the atmosphere – the sky trust (see: <http://onthecommons.org/content.php?id=1543>). By contrast, there seem to be few promising solutions to the history of overfishing in the world’s oceans. In his article, [Michael Earle](#) assesses numerous attempts at regulation which have already been “tried” or are on the table. The future looks grim. And finally, [Jamie Metz](#) is dedicated to examining the ethical and moral reasons for the government to set limits on the manipulation of human genetic resources. The human gene pool is one of those commons that particularly powerfully illustrates our bond with the common pool resources.

Anyone who expects prescriptions, a one-size-fits-all solution, or urgent appeals for government regulation and against market-driven instruments will be disappointed by this web collection. For what will enable us to progress in a careful and farsighted manner differs from the already mentioned dichotomous thinking, above all, in two respects. First, **diversity**. If it is true that the only functioning principle of nature is diversity, then the diversity of common pool resources, the diversity of the related communities, and the diversity of the systems for administrating and managing commons is precisely what will allow us to look to the future with optimism.

Another central aspect is to strengthen the role of the individual within his various communities

and thus to strengthen the role of society vis-à-vis the market and the government. Argentine social scientist [Esteban Castrol](#) goes so far as to say that the commons debate is capable of **adding a new dimension to the concept of (government) guarantees:**

There is no certainty that human emancipation [. . .] will be achieved, not any time soon at least to judge by the increasing alienation of common citizens caused by hegemonic neoliberal globalization in recent decades. However, the defense and reclaiming of the commons constitute one of the front lines in the ongoing struggle over the territory of substantive democracy and citizenship. In the process, it can be expected that new social forms will emerge that may help to re-equilibrate the system in a higher level of human organization that privileges intra- and inter-generational cooperation and solidarity over the blind dynamics of competition and the survival of the fittest.

Many communities of the 21st century are able to organize themselves globally – thanks to technology. They are building virtual networks of new dimensions. That moves the commons debate from the defensive and catapults it out of the past and into the future. Numerous ideas, production and distribution processes, proposals for redefining what is lawful and what is unlawful, systems of organization, and supporting institutions are ensuring that the ideas of a commons-based economy and society will take hold in innovative environments and create something new.

The conflict surrounding the commons shines a spotlight on the common welfare and the interests in preserving common pool resources. The prospects for citizens themselves are crucial in this regard, for we are not only beneficiaries of a flourishing commons sector but also, at the same time, the decisive stakeholders in bringing about the necessary expansion of the commons sphere. **We are “commoners”** and, as such, we have a birth right to numerous commons. Other common pool resources, like Wikipedia, we have developed together. Still others we have financed together through taxes and other contributions. We are the ones who have a decisive influence on the structure of the commons. We therefore need to re-establish the networks that sustain us. Often, it is also just a matter of mending the networks, away from hierarchical ties that rely on few control points and towards ties among equals.

To be able to do this and thus ultimately to create greater individual ability to act, we have to be conscious of the value commons have for our quality of life and that of future generations. This essay collection is intended to offer food for thought.

When we see the world from the perspective of society sharing in the commons, we are forced to stop focusing on individual issues or commons systems – if only for a moment. For this moment, we need our high beams instead of the headlights focused on our own lanes. We have to illuminate the new environment in order to be able to re-establish the network. The debate on who should be responsible for our collective resources is a debate about the state of society.