

The common as reinterpretation of property

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1. Introduction

A growing number of activists and scholars posit the commons as a concept and practice able to provide an antidote to neoliberal capitalism. As summarized by Jeffrey et al., « The commons, after all, is a name for a disparate set of practices and conflicts across the globe connected—sometimes directly—by a commitment to life beyond marketization, privatization and commercialization” (2012:1249). The rising criticism of neoliberal globalization and the distrust towards the State and its representative democracy builds up a landmark moment for a movement, both political and reflexive, on commons and common property. According to Dardot et Laval (2014), the current convergence of mobilization against neoliberalism, underpinned by the idea of common, marks a turning point in the history of worldwide social struggle against capitalism. It is not only a new way to challenge capitalism, but also to envision its overcoming.

The current widespread enrolment reveals the rising of two joint anxieties : advancing frontiers of privatization further into the physical and moral personal lives of people; a deep-rooted feeling of powerlessness in the face of globalization which puts away and blurs civic and political means of action. The idea of common is then jointly the willingness to regain possession of our immediate environment, to reanimate production and exchange forms not only market-based and to restore values of sharing, solidarity and conviviality.

The “reclaiming the commons” dynamic being widely shared, the idea of common is underpinned by multiple meanings and encompasses various practices. The profusion of militant and intellectual enrolments contribute to cloak it within an aura of mystery and confers it a quasi-magical social and political power. There is a risk that this will transform it into a catchword, indeed with a mobilizing power, but no practical relevance for action. « If everything is a commons, nothing is a commons » as Rodotà relates (ECC report 2013:8).

This stress the need for trying to shed a light on the different discursive, symbolic, and pragmatic dimensions of this idea of commons though the analysis of practices and projects which claim to be part of it. To that end, we propose to distinguish four axis of mobilization: the resource governance rules issue, the common good as ethical principle, the *commoning* as a carrier of values, and the political struggle.

The common is widely seen to be opposite the binomial private – public property frame, or as the paradigmatic non-property case (Pedersen 2010 ; Dardot et Laval 2014). This contribution proposes questioning this two-fold lens and to address the idea of common from the perspective of the property multidimensionality. The aim is to identify the thread which connects and unifies all the ideas of common’s meanings. Conversely, understanding commons in the light of property leads to broaden conceptions about this one and to escape the limited traditional right-based approach of it.

This “putting in order” will be carry out in a particular field : that of agri-food networks which claim to be alternative. With Renting et al. (2002), we could aggregate these networks under the umbrella of “civic food network” (CFN). Today, advocates of more socially and environmentally sustainable food systems take up the idea of common and the ‘common food’ epithet is now an important mobilizing

and federating watchword. It is considered at once an ideal, an overall aim, and practices around access to agrarian resources and food products. How do discourses and practices encountered within these networks allow for the renewal over property issues and contribute to the current debate on commons ? This contribution aims to provide some food for thought drawing on the burgeoning literature devoted to these networks and on my own field work. .

2. The idea of common through food practices

Agriculture and food constitute a privileged ground for practices aiming to break with commodification (Renting et al. 2012 ; Trauger 2013 ; Vivero Pol 2014 ; Bollier 2014 ; McMichael 2012 ; The Food Commons). Our symbolic relationship with food and the link to land provides powerful levers for building alternative models to the market. Historically, food has played a role crystallizing counterhegemonic resistance to unjust social relationships (Johnston, 2007). The proliferation of civic agro food networks (CAFN) is an important field for reconfiguring property relationships and the power relations they entail.

How do these systems contribute to implement the idea of common in its multiple meanings and shed some light on its. Four levels of analyses could be proposed : the arrangements, the ideals, the values and the political action (see table 1).

2.1. First level : institutional arrangements for multi-faceted and collective forms of resource governance.

As a collective arrangement, the commons, in line with the Ostromian approach, constitute all goods and services productive activities and provide essential ways of resources management and governance. Institutional economy's developments on the commons invited us not to conceptually oppose several property regimes but to highlight the complexity and instability of their entanglements.

While the commons can lie simultaneously with several property regimes (Ostromians, following Hohfeld, prefer to refer to "bundle of rights"), alternative agro-food networks provide nevertheless multi-faceted lenses of analyses on property significations.

The first lens is the relationship with nature. Most initiatives like Community Supported Agriculture promote organic food and agro-ecological practices. This demand entails, specifically, locally contextualized articulations between human and non-human (or natural) elements. It opposes the commodification logics which seek to standardize these relationships in making artificial links between producers and their natural environment, and abolishing time and space. The organic food-short food supply chain link allows, moreover, to escape the purely environmentalist discourse on the organic food. In combination with agro-ecology and the participatory guarantee systems (or simply trust-based systems), they contribute this way to a reappropriation by the producer of his agricultural system and allow him to escape many types of techno-economic enclosures. The autonomy making of agricultural production systems related to agro-business inputs (that is the reversal of "appropriationism") forms part of this commitment of "re-commonification", allowing farmers to reframe property relationships on the means of production. On the consumption side, the "eaters" practices lead to a de-artificialization of the consumed goods through alignment with the space (localism) and time (season) constraints, the acceptance of quality variability, the adoption of less finite resource-consuming packaging and transport. In the same vein, change in the relationship to knowledge and know-how is at the heart of recent initiatives of cooperatives linking producers, processors, eaters, ..., where the knowledge share is pivotal for the mutualization of production conditions. In the case of AMAP (French

Table 1 - The different understandings of the commons

	C. as « management design » (arrangements)	C. as « rights for all » (ideals)	C. as “social practices” (values)	C. as a political issue
WHO	« Ostromians », neo-institutionalists.	Alterglobalization movements.	Commoners, local networks.	Activist networks, scholars, political supporters, ...
WHAT	Systems of shared resources governed by collective structures and bundle of rights.	Goods and services deemed to be essential for current and future generations. “Ideal commons”.	Action, “commoning”.	Political struggles, narratives, occupy mvts, referendum, ...
CLAIMS	Sustainable resource management	Social justice, moral.	Sharing, autonomy, self-governance, territorialization, subjectivation.	Change power relationships between property models
PROPERTY ?	Make visible and clarify multiple forms of property and its interleaving.	Right to exclude -> right to be not excluded.	Renewal of market and democratic institutions; Heterogeneity in property relationship, Use rights >> accumulation.	Recognition/ strengthening ⇒ Institutent/ constituent power of commons
LIMITS	Utilitarianism, methodological individualism, “common in but private out”	Commons without communities. Individual rights	Enclosure/exclusion, new social segmentations.	

equivalent to Community Supported Agriculture) for example, Lamine (2008) stresses the need of requalification for the participating members (new framing practices, knowledge on products, cooking skills, ...). These alternative food networks raise also the consciousness of eaters about environmental concerns and the rights of future generations (Lang, 2009), in line with the “moral” lens of the commons “rights for all” (see below).

Transformation of market rules and institutions is a second analytical perspective of the “commonification” process. The first transfiguration lies in the breaking out of the “product” logic. In the box-scheme system, where the composition is determined in accordance to choices made at the beginning of the crop year and seasonally, the consumer commitment supposes the renunciation to free choice. Restriction on products and amounts goes against the ideal of freedom granted by absolute consumer sovereignty in line with the methodological individualism. More fundamentally, as underlined by Dubuisson-Quellier et Lamine (2003 :7), “in this act of purchase, their choice does not

deal with a combination of products among many possibilities but with social, economic and political options related to the production system of vegetables and fruits [...]”. The box-scheme system and its setting of visibility allow “to go from a judgment relating on the product characteristics to a judgment relating on the production system properties” (10). The whole transaction being globalized on all goods and throughout the subscription period, the criteria for involvement are much broader than the only possibility to immediately compare food products. That means the relationship between producers and consumers are no longer just mediated by a third-party organization’s imposed technical norms and controls, but mainly by trusting relationships. Searching for greater self-organization reflects a rejection of a pure profit-driven motivation and of the public funding dependency¹. It is based on a collective and mutual learning, where mistakes are considered as possible lessons. Building confidence and mutual learning needs time and strong interconnectivity. The time dimension of such an exchange opposes the “all and immediately” logic of conventional consumption. Not only natural time (seasons) but also “social time” is needed for enhancing this mutual trust. Moreover, the consumer power to leave the marketing chain and its possibility to change at any time practices of purchase are reduced. Change in prices, types, and availability of food goods requires renegotiation between network members. The second transformation about the conventional market forces concerns the money and its central role as an interface between operators. In CFN, eaters² participation to production schemes, price negotiations, exchange of product mix between farmers for the food supply through box schemes, , represent practices re-introducing an “economy of regard”, escaping from impersonal price-driven market exchanges. In some exchange forms now developing, money is replaced by other exchange units, such contributing labor and local currencies, or is completely eliminated³. According to the ‘polanyian’ terminology, money is no longer a fictional resource but is re-embedded in social, cultural, local contingencies. Third, the economic criteria of profitability and profit maximization are watered down by other social and environmental considerations, such as the equitable distribution of added-value. For instance, prices are negotiated in order to meet all production costs, included a fair family wage. As Demunck stresses it, within the mutually supportive buying associations, “collective bargaining process allow to problematize what needs to be internalized into the price and what should not be it” (2013:295). Fourthly, the physical infrastructures of exchange also challenge the conventional market-related institutions. Farmer markets, sales on the fields, farm shops, ..., constitute as many opportunities of debate, circulation of information, of enhancing capacity to be individually and collectively subject. These four issues around the food exchange illustrate the rebuilding of a plurality of market institution in seeking a new subjectivity relative to it.

Third-analytical perspective, initiatives such community-based-urban gardens enable citizens to re-appropriate collectively public or private spaces, giving rise to original kinds of resource uses which could in some cases prevent property speculation.

These three focuses allow us to understand the carrying-out of a property conception which thwarts the ideal-type of private property. Let us recall this one is based on the principal by which resources constitute a collection of separate “objects”, each attributed to someone in particular (and thus belong to), excluding others and society as the whole. “Eaters” are instead in line with a lens of broader

¹ According Bollier, for instance, commons are « A self-organized system by which communities manage resources (both depletable and or replenishable) with minimal or no reliance on the Market or State » (<http://bollier.org/commons-short-and-sweet>). Similarly, for Ristau, « Commoning represents a new way for everyday citizens to make decisions and take action to shape the future of their communities without being locked into the profit-driven mechanics of the market or being solely dependent on government agencies for funding. [...] At the heart of this trend are people joining together to become “co-creators” of the world they want to see” (<http://www.onthecommons.org/work/what-commoning-anyway>).

² The term « eater », in contrast with the « consumer » one, constitutes also a symbolic change.

³ In the « incredible edibles » practices, i.e.

common interest (particularly environmental) which hampers individual concern, and with the indivisible nature of material resources and knowledge which prevent their commodification.

2.2. Second level : the common good or commons as fundamental right.

The second level in the mobilization of the principle of common concerns less the question of resources rules of access and governance as the finality of the property system. Access and use for all to goods and services deemed most fundamental prevail for the purpose of utility maximization or even of general interest. In this other vision, commons are considered as basic goods for everyone or the common good (in the singular form), assumed to be human rights.

This conception of commons is adopted especially by the Rodotà Commission, in Italy, which defines commons as being “such goods whose utility is functional to the pursuit of fundamental rights and free development of the person”. Access to these goods should remain independent of any property regime. By going beyond the property appropriation, this conception brings forward an “assignment relationship” (or “*lien d’affectation*”, according to Marella, 2016). Rhetoric of good and service’s social function underpinned by this definition breaks out the paradigm of property (Festra, 2016). “The social function works as a principle limiting ownership whose classical prerogatives look much less important compared to practices of live” (ib.).

This approach, referring to ideals of social justice for the rules of resource distribution, is clearly mentioned in alter-globalization movement’s discourses. Likewise, many national and transnational initiatives for access to water advocate substituting “right to exclude” for “right to be not excluded”. Concerning food, La Via Campesina adopted the “Declaration of the Rights of Peasants – Men and Women” at the Conference on the Rights of Peasants, in Jakarta, June 2008. In Article 2, the Declaration reaffirms that all peasants have the right to the full enjoyment, collectively or as individuals, of all those human rights and fundamental freedoms that are recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law”. This concerns access to land, water, own food consumption, own seed use (considered as heritage and common good of humanity), ... As rights for all, the purpose of property is questioned. Instead of the protecting power on resources, property plays a significant rule in access regulation to them, including dignity and capacity-building opportunities for everyone.

Nevertheless, for some scholars, commons as universal rights are commons “without communities” (De Angelis 2003). Teeple (2005, quoted by Schmidt et Mitchell 2014) similarly argues that “The human in the context of human rights, then, is nothing but the way the human appears in a society based on contractual relations; it is the human defined as isolated individual, as whole unto itself, as singularity, as an unrelated atom; it is not the human as a social being, as a product of social relations, whose chief characteristic is relations to others” (ibid. 2014:57).

As the Italian mobilization for the idea of common’s construction and recognition shows, the fundamental rights approach allows to further this universal and disembodied individualism. On one hand, as Carroza and Fantini illustrate it clearly about the water movement, the human rights-based frame around a resource could guide action in giving it an ethical base which transcends all local contingencies. This backdrop, supported by alter-globalization movements, international NGOs, indigenous people rights defenders, ..., has made it possible for the Italian movement to situate its activities “in the cultural and pedagogical spheres, with the goal of promoting ‘a new water culture’ to counter neoliberal globalization and privatization” (2016:105). Many initiatives to escape water privatization are inspired and justified by this moral argument. It allows the movement to promote collective ownership and public governance of water, beyond any utilitarian or market principle. On other hand, to escape the trap of “referring commons to a undermined and disembodied human

community, at a global scale” (Festa , 2016 : 252), a Constituent Power⁴ proposes a new definition of common goods, who complements the Rodotà’s Commission’s one : commons are “ goods which, regardless any ownership title, prove to be adapted, by their nature or their intrinsic finality, to the achieving of collective interests and fundamental human right, both for everybody and for the community to which anybody belongs”. Against the Rodotà’s Commission definition, this one underlines the connection between common goods and a community’s interests. As stressed by Festa, “it is not question of universalizing a community of reference but of universalizing connection between commons and free development of the human being” (ib.,: 252).

2.3. Third level : the values or common as practice (commoning)

The two previous levels of understanding concern the question of how resources need to be allocated and how they mobilize different property conceptions with different aims (utilitarist : increase in overall human well-being; or in accordance to principles of ethical values and of social justice). The third ‘one relates to human values that property needs to promote and to social relationships to be shaped by it. As argued by the proponents of the American *progressive property* school⁵, property implicates plural and incommensurable values, whether individual or collective, or enable and shape human interactions. These values being not adequately understood or analyzed through a single metric, choices about property entitlements have to be constantly debated and negotiated. The pursuit of these values implies that property is no longer focalized on relationship to goods but needs to be conceived as arrangements to live together. It acquires a strong territorial, cultural, identity dimension.

Alternative food networks provide opportunities for developing the social economy. Spaces of solidarity, sharing of means of production, integration of marginalized people or of people with disabilities, community gardens, ..., are built from these initiatives. Within cooperatives, knowledge exchanges are promoted. Producers collaborate to mix their agricultural products for selling it through a single supply chain. Associations such as “Terre de Lien” in France or “Terre-en-vue” in Belgium have put original mechanisms in place to facilitate land access to young farmers which are stalled due to terrific land price increases. In line with diversification of production finality (not limited to accumulation), diversification of property forms is at work. Citizens participation in the capital of agri-food cooperatives for ethical motivation (instead of financial-based reasons) is rising. It provides a way out of capitalist logic of control and power through investment.

2.4. Common in a political dimension

The key issue of commons is however not just the “intentionality” of individuals (Coriat, 2015). It is far more than that of “the bundle of rights on resource, its governance and *the conditions that enable its enforcement*” (ib.: 2). Commons, as other property forms, have not innate performativity (Blomley, 2014). The local imbedding of property arrangements needs to go along with the requirement of change of the institutional and constitutional frames which shape property relationships to a more global level. Bailey and Mattéi call that “the constituent power” of commons. Furthermore, as stressed by Rodotà (2016) and Dardot (2016), decision-making about what has to stay or become commons must be carried out according politically defined objectives, through the design of institutional instruments.

Institutional embedding and change of level in the alternative food networks practices constitute the fourth lens of analysis. Legal approaches over commons carried out in Italy by a group of scholar-activists under the umbrella of the ‘Beni comuni’ movement (specially over water) could be analyzed

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⁵ See particularly Alexander et al. (2009) et Blomley (2014).

in the light of needs for democratic spaces beyond the local level and the institutional and legal recognition of commons.

The political dimension of the idea of common seems to be the most difficult one to implement. Of course, the CFN provide spaces for new subjectivations, social learning, counter-narrative building against the powerful dynamics of commodification. But can they lead to a change in global governance of current food regime, to a shift in power relations imposed by the market and the State ? CFN are often criticized for willing to stay on the sideline of the system, to cultivate a protecting non-political character (Verhaegen, 2012). As Pleyers stresses it, “the transition from self-transformation, individual conversion or social change within a small group of participants, to wider and deeper social changes remains the blind spot of this activist culture and these projects” (2015:7). These networks seek overall to build and protect their own identity, to develop their “alternative” characters, and so to erect barriers against institutional powers. As Harvey (2003) notes, the defence of the commons can easily become reactionary and particularized (Harvey, 2003, quoted by Blomley, 2008). A producer and eater reluctance to look at these networks as political platform and to put forward claims to the public spaces, is generally witnessed⁶. Moreover, *commoning* is it-self a source of new social fragmentation.

A major shift nevertheless seems progressively taking place. We could now observe structuration and wider network-building movements from multiple small initiatives. Moreover, while the independence issue from any public authority remains a source of tension within the networks, certain forms of institutional embedding and official recognition come into being. Some producers-eaters groups represented by a coordinating structure begin to be granted by public funds and associated to decisions about agriculture and rural development policy. Through this structuration, we see emerging convergences, at the regional level, between consumer associations, farmer organizations, transition initiatives, ... Everywhere, short supply food chains and box scheme systems integrate into kinds of collaborative economy platforms or larger cooperatives. New types of collaboration with public authorities and other food system actors into projects coordinated at citywide or regional level (like Food Councils in North America) are timidly emerging. It results in progressive building of common identity on food sovereignty values, also at international level.

In the light of these structuration movements and alliances, alternative agro-food networks have to be no longer considered as just a fuzzy collection of players each with his own agenda. They reflect a growing awareness from these participants that the only horizontal spreading of local *commoning* initiatives is not able to lead to a recognizing of values and principles they advocate. The idea of commons - with (and despite) its polysemy articulating governance rules, ethic and values - could provide a mobilizing and federating banner for political struggles, as Carrozza et Fantini (2016) have clearly demonstrated about the *Beni comuni* movement in Italy.

However, it remains to be analyzed and understand how – concerning food systems – these practices and struggles lead really to a better institutionalization of common property regime, especially in the legal sphere (place of the commons in the law and the interpretation thereof).

4. Conclusion

“Civic agro food networks” (CFN) concretely invent and rebuild original modes of resource allocation and product distribution, as well as new forms of governance for these arrangements, challenging the supremacy of private and absolute right assignment on resources under individual claims. In this regard, they reveal that commons do indeed exist and invited us to not conceptually opposing several property regimes but to instead understand their complex and unstable entanglements.

⁶ See for instance DeLind et Ferguson (1999) and Flora et Bregendahl. (2012) in the case of Community Supported Agriculture in USA.

Underlying social rules of these modes of allocation are mostly determined in line with the collective interest of society as a whole. A “social function finality” (Lucarelli, Morand-Delville, 2014) overrides individual power on resources (supposed to ensure individual freedom) and the utilitarian goal of welfare maximization. With the idea of “common good” (in singular), this finality is based on inclusion (the right of not to be excluded) with universal and intergenerational justice as a backdrop. La Via Campesina and her many member national and international organizations struggle to make the right to food, land, water, seeds, ..., as this common good.

As every day practices, CFN gives a real meaning to this spatial and temporal abstraction, being rooted in physical, socio-economic, cultural, and territorialized contexts. Through these networks, the social dimension of the idea of common is highlighted. This lens shows that the classical conception of property as protection of individual control over valued resources is inadequate as the sole basis for resolving property conflicts or for designing property institutions (Alexander et al., 2009). Human-values underlying these institutions and social relationships which shape it have to be taken into account. Underpinned by values of sharing, solidarity, conviviality, local democracy, these commons as relational seek to promote a property form no longer focused on relationship with goods but conducive to living together. It contributes, therefore, to renew a diversity in market institutions and rebuild a plurality in economic and democratic participation grounds.

Movements and representations around the idea of commons abound, but their main thread is the questioning over our vision on property relations (and the resulting social constructions) which arises out of it. By unveiling the hegemonic nature of the absolute private property dogma, questioning logics who entail it performativity, these different insights aim first to emphasize the centrality of the property as an institution. Debate on commons allows to highlight the power of one property model, the ownership model, devised as a necessary corollary of individualism and the self-regulating market. Today, the various strands of the “reclaiming the commons” movement build up visions aiming to escape the accumulation-property frame and redesign the cognitive, pragmatic and political dimensions of the institution of property. These visions remind us that property rights are “*by nature*, social rights; they embody how we, *as a society*, have chosen to reward the claims of some... and to deny the same claims of others” (Underkuffler, 1990, quoted by Blomley, 2013:29) and so disclose the ethical issues underlying negotiation about these rights. While debates on commons brings both plurality and depth to the property concept, property regimes themselves contribute to highlight the conditions and ways of common resource use and the distribution of benefits it entails.

Nevertheless, as Blomley terms it, “The tragedy of the commons, [...] is less its supposed internal failures than its external invisibility” (2008: 322). This invisibility is institutionalized by legal frames, norms, rules, that govern the society. So, it remains difficult to see how the current proliferation of common-based food initiatives could effect a meaningful change to the institutional landscape. Do the growing number of commoning practices related to food reveal a more global dynamic of “de-commodification” at work ? Articulating local practices with a global, constituent powerful, reinterpretation of property in its meanings and purposes, through broader democratic spaces, poses a major challenge for the future of these civic food networks. It constitutes a crucial requirement for common to overcome the risk of only being only enclosing and excluding social micro-systems.

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