

Commons, the Golden Rule and Sea Fields in Jeju*

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Abstract

Ostrom's commons theory is based on the erroneous premise that differences in the resource management method originate from the physical attributes of resources such as subtractability and non-excludability. Thus, the theory fails to explain that the same resource may become private goods and toll goods, or common pool resources and public goods depending on the social conditions. Commons must be defined not by physical attributes but by social ones. In this study, rivalry and legitimacy of monopoly are presented as the criteria for resource classification instead of subtractability and non-excludability. Moreover, it was found through sea fields management in Jeju that legitimacy of monopoly is evaluated by the golden rule, more specifically the principle of fairness and respect for human life.

Keyword

Commons, common pool resources, legitimacy of monopoly, the Golden Rule, Sea Field, Jeju Island, South Korea

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1. Introduction

Environmental issues are often considered in relation to a concept called “the tragedy of the commons” (Hardin 1968).¹ This approach was first introduced 50 years ago in 1968 when the ecologist Garret Hardin wrote a paper with the same title. He used pasture as an example of a commons, and warned that unless access to pasture was restricted, individuals would graze a larger number of cows in order to maximize their own gain and profit, and the pasture would be excessively used and eventually depleted. According to Hardin, commons are always accessible by anyone, and thus individuals who pursue reasonable economic actions use the commons in a way that maximizes their own gain – with effects on the commons, which have a limited capacity to support all, that are eventually devastating (Hardin 1968). Due to the freedom of the individual to pursue his or her own self-centered interest, the commons end up in tragic circumstances, and Hardin proposed that the solution to the problem should be based on “mutual coercion, mutually agreed upon” that can limit the freedom of members of a community. In follow-up discussions, including those of Hardin himself, it was suggested that commons need to be divided in a manner that gives existing users a private property right, or that the centralized national authority should intervene in order to prevent the tragedy of the commons (Hardin 1968; Ostrom 2010).

Hardin’s argument had a substantial impact, and has been quoted across various disciplines of natural and social science including ecological anthropology, demography, law, politics, ethics, geography, psychology, sociology and public administration, and the frequency of its citation has been on the rise (Burger and Gochfeld 1998). Meanwhile, studies have been conducted to verify Hardin’s argument by identifying cases caused by increasing population, such as the exploitation and depletion of resources, the destruction of habitat, and the extinction of species. On the other hand, some studies have discovered cases in which users successfully managed the commons to prevent tragic situations, and refuted Hardin’s opinion, examining the causes and social mechanisms behind these phenomena. Elinor Ostrom’s *Governing the Commons* (2010) showed the possibility that the commons can be managed in a sustainable way through the autonomy of local residents, without the privatization or government control.

Then, is Ostrom’s understanding of the commons sufficient or appropriate? Do commons, as Ostrom pointed out, have the status of commons because of their physical attributes or because of certain social attributes? Contrary to Ostrom’s argument, this paper argues that a certain resource becomes a commons not because of its natural and physical attributes, but because of its social attributes, and suggests examples

¹ Even scholars who research commons often confuse and use the concepts of commons and common pool resources (CPRs) interchangeably, but I clearly distinguish between the two in this paper. Resources that have no legitimacy of monopoly are commons. Out of these, those with rivalry are CPRs and those without rivalry are public goods. That is, the commons covers both CPRs and public goods.

that support this argument. This study also aims, through cases of managing commons, to prove that the dominant principles behind managing a commons are “the Golden Rule” and “respect for human life.”² In Chapter 2, a new definition of a commons is suggested based on the sociological imagination of the commons. In Chapter 3, some cases in Jeju that justify the new definition are reviewed. Lastly, in Chapter 4, the summary and conclusions of this discussion are suggested.

2. Criticism and alternative definition of Elinor Ostrom’s commons

1) Ostrom’s definition of the commons and its limitations

A series of attempts to define the commons have been made in the field of academia since Samuelson (1954; 1955). He defined, like lighthouse or public order, goods of which the quantity is not reduced by a certain individual’s use and thus that can be used by a large number of unspecified people as public goods. He distinguished public goods from private goods of which the quantity is reduced by using them and thus that are exclusively used by their owners, like food and clothing. This was the first attempt to academically define resources based on objective criteria including subtractability and excludability. Public goods had been also called free goods as the resources could be used for free. Samuelson had the view that subtractability and excludability were the same or were closely connected, and thus did not distinguish them. They were, however, two different criteria, causing confusion and criticism.³

Ostrom and Ostrom (1977) had the view that subtractability and excludability were two different attributes, and divided resources based on them into private goods, club goods (resources that are not reduced even if others use them, but for which access is allowed only for those who paid fees), common pool resources (CPRs), and public goods, as shown in <Table 1>. Two new types including CPRs and club goods were added to the private goods and public goods distinguished by Samuelson. Commons that are non-excludable resources were divided into non-subtractable public goods and subtractable CPRs. Based on this classification, Ostrom (2010) defined a CPR as ‘a natural resource or artificial facility that is commonly used by multiple individuals, from which potential users cannot be excluded or are non-excludable, and from which the quantity that can be used by other users is subtractable as an individual’s

² The Golden Rule is the most fundamental ethical rule, and is exemplified by sayings such as “Not doing unto others what you don’t want done to yourself (己所不欲勿施於人)” (『The Analects of Confucius』, Wei Ling Gong) or “Do to other as you would have them do to you” (Gospel of Luke, Chapter 6, Verse 31). People tend to describe them as culturally-specific, but the Golden Rule is a universal ethics and a rule in human society. Ricœur (2005) said that the Golden Rule includes not only the principle of justice, but also that of love (respect for humans). I agree with this idea.

³ For example, Buchanan (1965) pointed out that even resources that do not have subtractability can have excludability. That is, lighthouses have no subtractability, but can have excludability by banning shipowners who do not pay for the use of lighthouses from operating their ships, when the government cannot build a lighthouse due to a lack of funds. In this way, it is possible to guarantee profits to the companies that build the lighthouses.

use increases.’ While Samuelson confused subtractability and excludability, and thus limited commons to non-subtractable public goods, Ostrom and Ostrom distinguished CPRs from public goods and included CPRs in commons, significantly expanding the range of non-excludable resources.

<Table 1> Ostrom’s classification of resources

	Excludable	Non-excludable
Subtractable	Private goods: food, clothes, furniture, car, etc.	Common pool resources (CPRs): river, groundwater, sea, air, etc.
Non-subtractable	Club goods: cable TV, sales software, intellectual property, etc.	Public goods: public order, Internet, weather forecast, shareware, etc.

Source: (Ostrom & Ostrom 1977; Lee 2006, pp. 254; Ostrom 2010, pp. 70-75; Choe 2013a; 2013b; 2016; Choe & Kim 2014; Choe & Yun 2017)

Ostrom’s definition theorizes about resources from which potential users cannot be excluded or are non-excludable, such as the natural resources that are currently at issue, significantly contributing to addressing conflicts surrounding excludability from resources. In particular, neo-liberals have so far argued that all resources must be privatized for their efficient management based on Hardin’s theory called “the tragedy of the commons (Hardin 1968)” that became an axiom, but Ostrom’s study presented strong counterevidence and alternatives against this argument, which is very significant (Yoon 2004; 2016; Lee 2006; Kim 2010).

The definition, however, contains a couple of fundamental issues. First, Ostrom recognized the physical attributes of resources including subtractability and excludability as a criterion for the classification of resources; this, however, revealed multiple limitations (Choe 2013a; Euler 2015; Choe & Yun 2017). For this reason, social attributes including rivalry and legitimacy of monopoly had to be considered as a criterion for the classification of resources rather than their own physical attributes including subtractability and non-excludability.⁴ Like a typical economist, Ostrom is obsessed by the physical attributes of resources, and overlooks the fact that resources are resources only to humans and are defined and used in relations between humans. When the physical attributes of resources including excludability and subtractability are recognized as a criterion for the classification of resources, the nature of resources that is subject to change, regardless of their physical attributes, depending on social and historical changes cannot be fully reflected. For instance, water has a physical attribute called subtractability across all times and places. However,

⁴ Euler (2015) also suggests another social attribute like the commoning practice as a new criterion. However, the commoning practice does not have ethical base and, thus, is too relativistic and arbitrary.

water is considered to have no rivalry over water in regions like Korea where water is abundant, while regions like Saudi Arabia where water is scarce are considered to have rivalry. There is a saying “spending money like water” in Korea. That means wasting money in Korea, but means the opposite in Saudi Arabia. The use of and ways to manage resources like water are determined by social attributes independently from physical attributes.

In addition, since air is consumed during respiration and combustion, it has subtractability from the perspective of physical attributes. However, it is extremely abundant, and thus anyone has used as they like for over thousands of years without any fight (without rivalry) and legitimacy of monopoly (without excludability). Today, however, increasing population and environmental pollution are turning air into a resource with more rivalry, which justifies the artificial exclusion of those who excessively pollute air without paying for it. The reason why the world has made regulations on the management of air through Certified Emission Reductions (CERs) is that air starts to show more rivalry and becomes an excludable resource. Canned air currently in the market is also a private good with rivalry and legitimacy of monopoly (Wi 2017). Many other resources that used to be free goods or public goods became private goods or club goods that have rivalry and legitimacy of monopoly due to increasing population and changes in social relations. Ostrom’s definition, however, does not reflect the fact that resources can become different types of resources according to these historical, social and spatial changes.

The second limitation is also closely related to the first one. Ostrom’s definition divided resources that can be physically and technically excludable into private goods and club goods, which led to unexpected results such as legitimizing some people’s monopoly of resources without any social legitimacy. For instance, as shown in <Table 1>, most resources today are private goods or club goods and are used exclusively and monopolistically. Any individual or group is able to use any resource as private or club goods exclusively and monopolistically without any social consensus; only the technology that can prevent others from using the resource is required. Ostrom’s empirical study contributed to protecting the commons, but the definition of the commons suggested by Ostrom declared that excludable resources can inevitably be commercialized. However, a certain resource can be monopolized by an individual or group not because of its physical attribute called excludability, but because the resource is given excludability as society legitimizes an individual or group’s monopoly. The weaker the legitimacy of the monopoly, the higher the cost of the exclusion, and, thus, the lower the excludability.

2) Social attributes and common pool resources (CPRs)

Cohen (1978) discussed property rights, and already pointed out the importance of correcting this misconception about the relations between resources and humans. He highlighted that people must have a clear understanding of property rights, which are not the relations between an owner and an object, but the

power relations between people surrounding the object. That is, a person's private property right was always his or her right to prohibit and exclude others' use. The relations between resources and humans, whether the resources are natural or artificial, are ultimately determined by the relations between humans, not by the physical attributes of said resources. In other words, the physical attributes of resources affect their classification, but what ultimately defines the relations between resources and humans and classifies resources is the relations between humans surrounding the resources.⁵ Even if software programs have the same physical attributes, they can be either public goods or club goods depending on which social relations the software programs are involved in. Likewise, water can be either a private good or a CPR depending on social conditions.

Therefore, the commons must be defined not from its physical and economic aspects – that is, not based on the attributes of the commons nor from the stance of the owners of commons – but from the ethical and social aspects; that is, from the stance of social humans or citizens. The reason why a certain shared resource is recognized as a commons is not because of the non-excludability of the resource itself or the high cost of exclusion, but rather because allowing anyone to hold a monopoly would make it difficult for potential users to survive, or because it is not ethical to exclude potential users and monopolize the resource. In addition, when monopolizing a certain resource is generally considered illegitimate, it is not easy to exclude potential users from the resource regardless of legal ownership or technical possibility. Commons are commons not because they do not have excludability, but because it is illegitimate to monopolize them. For example, in Jeju, anyone is still allowed to pick bracken, which is common in the mountains and fields, and is not grown by farms. It is not because there is no landowner, or because there is no technology (CCTV, etc.) to prevent others from picking bracken without permission of the landowners, or no law that punishes stealing. It is rather because of the common sense and values of people in Jeju, who believe that **everyone should be allowed freely pick bracken by hand** that is not cultivated in farms.⁶ Because of these socially shared values, no landowner attempted and was able to stop others from picking bracken. While legally, landowners are free to stop others from picking bracken, no one has attempted to do so.

Given these facts, I oppose the classification of the resources of humans based on non-excludability and subtractability, the resources' own natural and physical attributes. As mentioned above, this study argues that resources must be classified based on their social attributes – that is, legitimacy of monopoly and rivalry. According to this argument, I define a commons as 'a natural resource or artificial facility for which

⁵ Groundwater rather than land, and stream water rather than groundwater are easily considered as a commons that is not legitimate to monopolize. In general, people tend to view those things that are fluid or cannot be divided as a commons, rather than those things that are solid or can be divided due to their physical attributes. That is because people consider physical attributes when assessing the legitimacy of monopoly or excludability of those resources. However, physical attributes themselves do not determine the legitimacy of monopoly or excludability.

⁶ Bracken is a widely consumed plant for food in Jeju and Korea, and, in particular, is one of the essential foods for ancestral rites. It is not permitted to use machines or employ many workers to pick bracken on a large scale.

monopolization with potential users excluded is not socially accepted,' and correct the definition of those with rivalry out of these as a common pool resource⁷. There seem to be two reasons why for some resources, their monopolization and the exclusion of potential users from the commons is not socially accepted. First, when potential users are unable or would find it very difficult to survive without free access to certain resources, no individual or group is allowed to monopolize the management and use of the resources. Second, since the resources are neither produced nor exclusively developed, maintained and conserved by a certain individual or group, it is illegitimate for someone to exclude any user willing to bear the burdens required to develop, maintain and conserve the resources and to use them together, and monopolizes them⁸.

There are numerous cases that support the first reason. Many empirical studies on the commons in the past and present have been conducted in countries around the world including the United Kingdom, Japan, Indonesia and the Solomon Islands, and they have shown that many resources required for living and self-sufficiency in many regions cannot be monopolized by individuals or groups (Kato 2008; Sasaoka 2008; Tanaka 2008; Ishizaki 2008; Polanyi 2009; Linebaugh 2012). There are many regions where no one is allowed to monopolize not only the resources that directly affect survival such as drinking water and air but also agricultural water needed for living (Ostrom 2011). Even in South Korea, where the popularity of neoliberalism resulted in many more resources becoming commodities that can be monopolized, the private ownership and monopolization of groundwater has been banned since 2000, which is attributed to the pressure of a social common sense that values the survival of humans (Choe 2013b).

There are also many cases that support the second reason, and one of them is land. Land was the first natural resource monopolized in the process of human development, and was also the first natural resource commercialized in the process of the development of capitalism. Yet to this day, some remain critical of the monopoly of land. Even Locke, who legitimized capitalist ownership, pointed out that the ownership of

⁷ As mentioned above, many scholars including Ostrom confused subtractability and rivalry, but I think there is a difference between them. Air naturally has the property of subtractability (reduced by combustion or respiration both quantitatively and qualitatively), but it did not show rivalry until the 20th century. While subtractability is limited by objects' own attributes, rivalry reflects the objects' own attributes and is also a social attribute associated with things like technology and population. Euler (2015) criticized Ostrom's definition of CPRs for the absence of social attributes, but, like Ostrom, he also made the error of using subtractability, a non-social attribute, as a key variable of the classification of resources.

⁸ Tawney (1978) distinguishes a variety of property of an active nature obtained as a result of an activity to maintain a profession or household and maintained by the owner's activities, and a variety of property of a passive nature that gives the owner power to acquire, exploit and control, even though the owner does not use or has no direct relationship. He argues that the former is 'property' worthy of protection, but the latter is 'improperty' that is not worth it. The latter includes natural resources that humans cannot produce such as land, water, sunlight and mineral resources, but is not limited to natural resources. It also includes those that are jointly produced such as waterway and road, and inherited property. See Choe (2012) for a variety of discussions on property rights and exclusion from nature.

land could be legitimate only when it had no rivalry (Locke 2011). Therefore, since land has rivalry today, the argument gives a basis for criticizing land ownership (Choe 2012). Both Nozick's logic that justifies land ownership based on procedural legitimacy and the economic logic that justifies it based on the efficiency of land use are still weak (Choe 2012). Thus, even liberalists like Henry George argued that no one can monopolize land, since all human beings have equal rights over land (Kim 2011). However, it was hard even for many liberalists who highlighted the importance of ownership to justify land ownership, because above all else the owners of land did not produce the land. Even if farmers' monopolistic use of lands is legitimate, it is difficult to find legitimacy for transferring the right to their descendants. While their monopolistic use was guaranteed in recognition of their efforts to cultivate the land, there is no social or ethical ground for excluding new users who are willing to make efforts to cultivate and develop the land or to maintain its fertility.

For this reason, this study considers illegitimacy of monopoly instead of Ostrom's non-excludability, and rivalry instead of subtractability as the attributes of common pool resources (CPRs).⁹ Ostrom defines difficulty in excluding others' use of a certain object due to its physical attributes or technical limits or costs as non-excludability. Unlike Ostrom, I view the level of legitimacy of monopoly, a social and ethical attribute, as a criterion for the classification of resources. The reason why it is difficult to exclude others from a certain resource and monopolize the resource is that it is ultimately illegitimate to monopolize the resource in society. Therefore, a commons means a resource for which there is no or weak legitimacy of monopoly. The reason why a certain individual or group has no or weak legitimacy of monopoly over a certain resource is that it is not recognized that he, she or they specially contributed to the creation and maintenance of the resource. It is illegitimate for a resource to be monopolized by anyone except the person who produced and developed the resource solely by himself or herself. Therefore, anyone who bears the burden of developing, maintaining and conserving a resource can use the resource. Furthermore, even where a certain individual or group has produced and developed a certain resource on his, her or their own, it is still illegitimate for the individual or group to monopolize the resource if potential users cannot survive without using the resource. For example, those who develop and maintain an oasis have the monopolistic right to manage the oasis, but there is still the social and ethical duty to allow travelers who do not have anything to pay to use the oasis for their survival.

The new definition of a commons serves not only to protect the remaining commons against the neoliberalism that destroys humans and nature by commercializing everything, but also to provide a logical basis for justifying movements to return things that should not have been privatized and monopolized back to those associated with them and those who participate in their conservation and development. In

⁹ Ostrom did not clearly distinguish rivalry from subtractability, but they are distinguished in this article.

particular, on that basis, it will be possible to greatly contribute to narrowing the gap between rich and poor and use nature in a sustainable way, by managing nature which has rivalry but no legitimacy of monopoly as a commons that cannot be monopolized. It is possible to lay a foundation for more citizens of Earth to engage in the sustainable use of nature by managing nature as a commons, and ensuring all human beings enjoy benefits from it. In reality, it is difficult to use nature in a sustainable way, since rich developers and poor people conspire together to exploit and destroy nature. It is necessary to eradicate poverty by recognizing the rights of poor people over nature and sharing benefits from nature together. By stabilizing the livelihood of the poor, it will be possible to break the conspiracies between developers that disadvantage the poor, and promote the sustainable use of nature.

3) New definition of common pool resources (CPRs)

As mentioned above, a common pool resource (CPR) is defined as a resource that have high rivalry and zero or weak legitimacy of monopoly. As legitimacy of monopoly is determined by society, it is subject to change depending on social conditions and public opinion. However, both the legitimacy of monopoly discussed at length above and rivalry are social attributes. The dotted lines in <Table 2> indicate that even the same resources show a different level of legitimacy of monopoly and rivalry depending on associated social relations. For instance, air that naturally had subtractability was considered a resource without rivalry during the time when the population was small and only a small amount of carbon dioxide was emitted. However, as the population has increased and industries have been developed, the emission of pollutants such as carbon dioxide has also increased to the level that the resilience cannot control, which has also raised its rivalry recently. Its rivalry was not high enough, but it gradually turned into a resource with rivalry after the arrival of industrial society, which indicates that it is necessary to distinguish subtractability, a physical attribute of resources, from rivalry, a social attribute of resources. Resources with the same physical attributes can be defined differently according to the social relations surrounding them.

<Table 2> Classification of resources based on social attributes (Arrows indicate directions of historical changes.)

	High rivalry				
Strong legitimacy of monopoly	Private goods: furniture, automobile, mobile phone, luxury item	food, clothes↓ →	land, house↑ ↔	Common pool resources (CPRs): groundwater, irrigation facility	Weak legitimacy of monopoly

	Internet network↑			national park↑, air↑, public order↑, national defense↑	
	Club goods: cable TV, corporate software	personal software →		Public goods: open software, knowledge, Internet	
	Low rivalry				

3. Jeju examples that support the new definition and the Golden Rule

Fishery management in Jeju is an example that supports my argument. Here, I focus on the sea field in Jeju where female divers or *haenyeo* harvest marine products such as seaweed, abalone, conch, top shell and sea urchin. Jurisdiction over the sea field in Jeju was not granted to individuals, but was allocated to neighboring villages under a mutual agreement between them. The agreement is according to the custom of villages. When you closely look into the custom, you can find the principles of managing commons. The boundary of the sea field that was determined according to the custom of villages has been maintained until now, although there have been some disputes over the boundary between villages. In this case, the representatives of associated fishing villages – that is, the presidents of the respective local unions of the National Federation of Fisheries Cooperatives – need to settle the disputes (J. Go 2018). If necessary, the competent local government and court in order will intervene in the cases. In the process of settling these disputes, you can identify the principles of managing the sea field, a commons, and I think that fairness and legitimacy are applied as the fundamental principles of managing the sea field in Jeju. In addition, they can be materialized with the Golden Rule (fairness and respect for human life). These principles are applied to individuals (or households) within a village who use the sea field, a commons for the village. These villages define the boundary of a specific sea field based on their rules that reflect the Golden Rule, and force each other to follow the rules. Commons in the villages are managed by the association of each village or the association of *haenyeo* in each village, and the principles of the use of the sea field in each village are also based on fairness and respect for human life.

The sea field that belongs to villages, as a commons in the villages, brings them many benefits. *Haenyeo* in each village can pick marine products only within the sea field that belongs to their village. Seaweed that was flung and piled on beaches by the waves is called ‘*olrimi*’ and people in each village jointly collect and distribute it and use it for fertilizer. The sea, at the same time, imposes duties on people in the villages. Sometimes, corpses were washed up on beaches by the waves, which were called ‘*yeongjang*.’ People had

to treat the corpses together. They tried to ease the grudge of the corpses by performing a ritual called ‘*gaesdakeum*’ and holding a funeral. Any village that did not remove a corpse washed up on a beach managed by the village was considered to have declared that it was relinquishing its right of management.

Any *haenyeo* diver who did not participate in shared work within a village such as coastal maintenance and joint picking was not allowed to pick marine products in the sea field designated for of the village, and this custom has been maintained to this day. The right to use commons such as sea fields is a reward for users or villages’ fulfilment of certain responsibilities and duties. In other words, an unlimited right to use commons is not granted to those who achieved early occupation of the commons, but the right was redistributed anytime to those who did their duties and responsibilities based on the principle of justice, called fairness. Old *haenyeo* divers, however, were released from their duty to participate in the shared work, and were exclusively allowed to pick marine products in shallow waters (*halmang badang*, meaning grandmother sea) without diving. Young *haenyeo* divers were banned from picking marine products in *halmang badang* (Kim 2014; Kwon 2016). As Ricœur (2005) pointed out, consideration for the old and the weak and guarantee of survival are not against fairness and the Golden Rule, but essential parts of it.

There are various other cases in Jeju of a commons managed based on the Golden Rule containing the principles of fairness and respect for human life. First, in a legend in Jeju, it was found that the management of the commons in Jeju was based on fairness and respect for human life (reciprocity). Hyun, Yong-Joon heard the following legend of a person named ‘Goe Beomcheonchong’ from Heo, Giho (male) in Handong-ri, Jeju on February 27, 1975.

‘Beomcheonchong’ lived in a site called ‘Gulmiwat’ in Handong-ri, Gujwa-myeon about four hundred years ago. His last name was Gim and his first name was Yong-u. He was over 8 *cheok* (over 240 cm) tall and had two pupils in one eye. When he raised his eyes with anger, his eyes were like the eyes of a tiger and made even a man of sturdy build faint from fear. Handong-ri used to be named ‘Goe,’ and he served in a government post called ‘cheonchong.’ He was named ‘Goe Beomcheonchong,’ a name which combined his birthplace, the characteristics of his eyes and his government post. (...) Handong-ri benefitted from Beomcheonchong, and was damaged by him at the same time. Both back then and now, there is a large amount of seaweed in the sea bordered by Handong-ri and its neighboring village, Haengwon-ri. Back then, however, it was not easy to collect seaweed, and thus there was little income to be earned from the sea. The sea not only did not give benefits to the people who lived near the sea, but often even annoyed them. Since the ships used back then were no bigger than sailing boats and were easily wrecked, fishermen on board were often drowned. Their dead bodies would wash up on the beaches after a few days, and the villages

that owned the beaches were responsible for collecting and burying them, which was the most troublesome of all the troublesome things that needed to be done. There was a region called ‘Sojookeuni’ in the sea close to Haengwon-ri and Handong-ri. As the region was so wide, whenever the wind blew, several dead bodies floated to the surface of the water. People in Handong-ri had a hard time removing the dead bodies. Beomcheonchong tried to deal with this. One day, he called the people of Haengwon-ri in and said, “The area from here to there is your sea. Cut and take this sea.” They were forced to take the sea without saying a word and had to get rid of the corpses. Since then, the sea called ‘sojookeuni’ has belonged to the people of Haengwon-ri. Today, the amount of income from selling seaweed collected from the sea is more than several million won. It was a blessing in disguise for the people of Haengwon-ri (Hyun 2017, pp. 230-2).

There is a legend that the sea field between ‘Banongyeo’ and ‘Saengikoji’ called ‘Sojookeuni’ or ‘Deobengi’ originally belonged to Handong-ri, and later became the sea of Haengwon-ri, and Go confirmed it from Hong, Boksoon (born in 1931), a woman living in Haengwon-ri (G. Go 2012). As this legend shows, the norm that the management of commons had certain responsibilities cannot be changed even with physical force or power. The fact that this norm is not just an old story is proven by several cases, including the history of the village boundary marked on a big stone called ‘Gamaepang’ by the union of fishermen in Geonip-dong in 1900 (estimated), and the process of settling a dispute over the sea field of Jigwi Island in the 1980s.

Geonip-dong, Jeju-si stretches from ‘Gamaepang’ to ‘Tabal,’ sharing its border with Hwabuk-dong and Samdo-dong respectively¹⁰. The original border between Geonip-dong and Hwabuk-dong was the Hwabuk Stream about 1 km east of Gamaepang, but later the border was moved about 1km towards Geonip-dong, and was marked on the stone called Gamaepang. You can still find the following phrase on the stone today, as shown in Figure 1: ‘票, 庚子五月巾入上洞魚採契中書’ – this means that the union of fishermen in Geonipsang-dong marked Gamaepang on the stone in May in the year of Gyeongja. The year of the marking estimated to be either 1840 or 1900, and the union of fishermen back then marked ‘Gamaepang’ as the boundary of the village. Geonip-dong was divided into Geonipsang-dong and Geonipha-dong, which mean the upper and lower part of Geonip-dong respectively. “Gamae” means a palanquin in Korean. Beneath the landmark stone is a round stone called ‘Pangdol.’ The stone is shaped like a palanquin. Pangdol means a wide stone. For this reason, the stone was named Gamaepang. There is no record that Geonipsang-dong wrote the mark by mutual consent between Geonipsang-dong and its neighboring village, Hwabuk-dong,

¹⁰ The border of villages in Jeju is mostly considered based on the boundary of the sea.

but the stone seemed to be set up by request from Hwabuk-dong. There are several places named Gonheul, Keungoraejib, Silnaeooseok and Monyeo between the Hwabuk Stream and Gamaepang. In Silnaeooseok, in particular, dead bodies would often float to the surface of the water, and thus people in Geonip-dong who wanted to dump the work of collecting the floated bodies on people in Hwabuk-dong gave up the sea field between Gamaepang and the lower Hwabuk Stream (also called the Byeoldo Stream), and marked the revised boundary on Gamaepang to show the status (G. Go 2012; Y. Go 2001). The boundary between the administrative districts called Hwabuk-dong and Geonip-dong shows that the farthest boundary from the coast is the Hwabuk Stream, but Gamaepang is still the border down the stream (Figure 2).

<Figure 1> Photo of Gamaepang



Source: (Y. Go 2001)

<Figure 2> Map of Hwabuk-dong



Source: (Google 2019)

Jigwi Island is located 4.5 km southeastwards from Harye-ri, Namwon-eup, Seogwipo-si and 6.5 km southwestwards from Wimi-ri. Until 1948, about 10 households lived on the island, but today it has no residents (Figure 2). Until the late 1970s, the sea field of Jigwi Island was a common fishing ground shared by seven villages including Seogwi-dong (Seogwi-dong, Seogwipo-si), Bomok-ri (Bomok-dong, Seogwipo-si), Hahyo-ri (Hahyo-dong, Seogwipo-si), Harye-ri (Namwon-eup), Sinrye-ri (Namwon-eup) and Wimi 1-ri and 2-ri (Namwon-eup). Go, Jayeon (born in 1940) who became the head of the union of fishermen in Wimi-ri in 1976 heard from Yi, Usaeng (born in around 1910), a resident of Wimi 1-ri, that he and other people in Wimi 1-ri collected the bodies of three Japanese navy men washed up on a beach on Jigwi Island during the height of the Pacific War (1941~1945). According to the testimony, a Japanese government official visited villages to find the person who managed the sea field of Jigwi Island to collect the bodies. Bomok-ri dumped the work on Hahyo-ri and Hahyo-ri dumped it on Harye-ri. Harye-ri dumped it on Sinrye-ri, and Sinrye-ri dumped it on Wimi-ri. There was no village left for people in Wimi 1-ri to push the work to, and thus they made and loaded coffins on a ship and headed to Jigwi Island. They put the corpses in the coffins and moved to ‘Sorong Point’ to perform their temporary burial. After months passed, an official who came from the Japanese Department of Defense loaded the coffins on a ship and went back to Japan. Go, the head of the union of fishermen in Wimi 1-ri, argued that the sea field of Jigwi Island was solely owned by Wimi-ri based on the testimony, which caused a dispute over the right of fishery on Jigwi Island. Hahyo-ri, Harye-ri and Sinrye-ri countered the argument of Wimi 1-ri based on the history of sharing the fishing ground. In particular, Harye-ri claimed that the fishing ground belonged to Harye-ri, which was the closest village to it. The president of the Seogwipo union of the National Federation of Fisheries Cooperatives who was in charge of confirming which village owned the right to fish on Jigwi Island had

delayed the decision day by day for about 11 years. Wimi 1-ri had persistently claimed its sole right based on its history of collecting bodies during the Pacific War. The case was about to go to trial, but the administrative authority checked the case and found that Jigwi Island was incorporated into Wimi-ri during the Japanese occupation. The case was settled in the mid 1980s, and Wimi 1-ri was given the right of fishery on the fishing ground of the island. Still, the union of fishermen in Wimi 1-ri has issued identification cards to *haenyeo* divers of other villages who had worked on Jigwi Island in order to allow them to keep working on the island (J. Go 2018).

<Figure 2> Map of the areas surrounding Jigwi Island (the red line is the boundary of Wimi-ri, and the island within the boundary is Jigwi Island)



Source: (Google 2019)

The principles of managing the sea field in Jeju confirm the fact that the right to commons is not determined based on things like wealth, power, violence and authority, nor is it granted simply by accepting practices passed down from the past. Since commons cannot be monopolized, the legitimacy of using the commons had to be recognized by surrounding villages when people needed to continuously use the commons. They had to perform activities such as tending to nature and respecting human dignity in order to obtain the recognition of legitimacy. In other words, in order to use the sea field, people in a village had to carefully bury dead bodies, to perform ‘*gaesdakeum*,’ a ritual (called ‘*gut*’) to appease the spirits of the dead where the bodies were found floating, and to keep coastal areas clean. Respect for the dead is respect for humanity itself. Since commons are things that cannot be monopolized but belong to all to use, any village that leaves its beaches dirty without caring for human dignity needs to give up its right to use the beaches and the sea field connected to them to a village that has kept the beaches clean and shown this respect (Kim 2014).

The right to use the sea field within a village is granted only to those who fulfill their duties. According to the rules of villages, *haenyeo* divers between the age of 15 and 60 (or 65) are not allowed to work in the

sea field designated to their village unless they fulfill their duty to participate in shared work within their village, such as managing seaweed. The right to work on the sea field can be obtained only when responsibilities and duties are fulfilled and legitimacy is obtained. However, there is an exception to the balance between rights and responsibilities. *Haenyeo* divers over the age of 60 (or 65) are relieved from responsibility, and are even granted with the right to exclusively use certain shallow areas, in the sea field designated for their village, where marine products are abundant (Kim 2014; Kwon 2016). These rules are to guarantee the survival of the elderly.

4. Conclusions

In his paper called ‘the Tragedy of the Commons’ Hardin argued that privatization or state intervention is required to use commons like natural resources in a sustainable way. Since then, many studies including those of Ostrom have pointed out that it is possible to manage nature in a reciprocal and sustainable way through rules of mutual coercion. Ostrom’s commons theory, however, started from the false premise that differences in the methods of managing resources originate from their physical attributes, such as subtractability and non-excludability. Therefore, the theory does not explain the fact that the same resources can be either private goods (or club goods) or commons pool resources (or public goods) depending on social conditions. To address this problem, commons need to be defined based on their social attributes, not physical attributes.

Rivalry and legitimacy of monopoly are subject to change depending on the social context and relations of resources. That is, resources like air that did not have any rivalry or legitimacy of monopoly started to show more rivalry due to pollution caused by industrialization, and today its legitimacy of monopoly is recognized through systems such as Certified Emission Reductions (CERs). The same software programs can be either public software (public goods) or commercial software (club goods) depending on the purpose of use or the characteristics of users. For example, the V3 vaccine anti-virus software that people use at home in Korea is considered as a public good, but it is at the same time a club good when the program is used by companies for the purpose of making profits. This indicates that the attributes of a certain resource or goods are defined by those who use it and are determined by their relations and situations. The principles of managing common pool resources in Jeju indicate that the top priority criteria for the evaluation of legitimacy of monopoly in this process are fairness and respect for humans.

When a certain individual or group does not have the legitimacy to monopolize a certain resource, the resource is a commons. As mentioned above, resources from nature or facilities created by communities are typical examples of commons. In addition, there are other examples of inventions, such as print or letters, for which the inventors’ right to monopolize was recognized at first, but became the commons of

the world later. Numerous intellectual properties and social capital were at first possessed by individuals, but later became commons after time passed. Choe and Yun (2017) argued that it is only when an individual or group produces and creates a certain resource and others accept the legitimacy of the monopolistic and exclusive use of the resource that the resource has excludability. Any resource that does not fulfill this condition cannot be exclusively and monopolistically used by a certain individual or group. That is, things other than natural resources that are not created by humans can be used by anyone who bears the responsibility of reciprocally using and conserving them. They also argued that when a certain individual or group is unable to survive without using a certain resource, the resource becomes a commons, and that anyone who did not contribute to creating or maintaining the resource can still use it.

The example of managing the sea field in Jeju supports this argument on the illegitimacy of monopoly that commons have. For example, the preoccupation of natural resources in Jeju is not necessarily a basis for permanently monopolizing them, as Locke pointed out, because it is unfair to future generations. Therefore, even those who have used a certain natural resource can be deprived of their right to use it unless they continue on their own to engage in practices and actions that secure their legitimacy. This kind of practice and action, particularly in fishing villages in Jeju, involves respecting human life and protecting nature. Therefore, I argue that the concept of the commons is based on the Golden Rule (fairness and respect for human life).

Cases in which fairness and respect for humans are applied as a dominant principle of managing commons within communities can be found in many places around the world, at many different times in human history. For instance, cases of managing commons in countries like Switzerland, Japan, the Philippines and the Solomon Islands show that the right to use a commons is equally distributed among members of communities based on the principle of fairness, and that those who do not participate in shared work or break the rules of communities have a limited access to or are deprived of their right to use (Ostrom 2010; Kim 2012; Tanaka 2014). In addition, there are many cases around the world other than the Jeju case in which for their survival, the priority right to use is given to community members who are old, weak or widowed for their survival (Linebaugh 2012). However, there has been no case in which the principles of fairness and respect for human life (that is, the Golden Rule) were applied to people both in and outside communities as the principles of managing the right to use commons like the Jeju case. As reported in the study of Ostrom (2010), this can be attributed to the fact that earlier studies on commons focused only on conditions for the sustainability of the commons, and did not pay attention to conditions for the creation of commons and the principles of regulating the right to manage a commons. I hope that this study contributes to promoting studies on commons around the world.

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