

# COMMONS FORUM *RESPONSE*

Response to: "[The Past is Not Another Country: The Long-term Historical Development of Commons as a Source of Inspiration for Research and Policy](#)," by Tine DeMoor

## **Bridging the Gap between Disciplines**

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In her lead essay, Tine DeMoor directs our attention to the obvious, but often forgotten, fact that the past is not an entirely different country from the present and that they who lived in the past did not do things all that much differently there. Not only is the past still with us in the form of institutional layers of customs, laws and doctrines that still shape a path dependent future. But more importantly, the past was not the stable state it is often imagined, a static traditional society that did not change until modernity arrived with its dynamics and turned everything upside down. On the contrary, seen in the long perspective, the past always seems to have changed and thus always contained seeds of the future. Tine argues that at least after the 10<sup>th</sup> century onwards, we have enough historical evidence to compare the behaviour of homo sapiens over time and that we can show how both their individual and collective behaviour can be explained a matter of circumstances – whether ecological, economic, social and cultural, rather than as a result of some grand evolutionary design. She chooses the European Common – in all its variety - to prove that the study of long lines of institutional development can be most useful in understanding contemporary collective choice dilemmas.

Tine is very right in pointing out that much of the lack of mutual interest in resource governance issues between historians and other social scientists is the rather negative and static view of the pre-1800 village common that was created in the 1960's. And she uses this image to explain how Hardin could make such erroneous assumptions about the historical common and why consequently his analysis could turn out so wrong – and have such grave consequences in terms of privatisation on a world scale through the latter part of the 20<sup>th</sup> century. What Tine does not point to, however, is the fact that this static view was in many ways created much earlier, more than 100 years earlier when the “enclosure movement” and the enclosure debate raged in the industrializing Europe, with famous combatants like Fustel de Coulange and Henry Sumner Maine. It was also at this time that much of the social sciences were formed under the pressure of solving the three great questions of the time: “Die Sozialfrage”, “die Arbeiterfrage” and “die Agrarfrage” Still all 1<sup>st</sup> year students in Sociology are taught the difference between “Gemeinschaft” and “Gesellschaft” as the best way of dichotomizing the “traditional” and the “modern”. Thus the past became even more stereotyped as the static, unchangeable agrarian society where everybody did all tasks themselves and where everyone thought the same way in some sort of mechanical solidarity.

Whether deliberately or not, this contrasting with the vibrant, dynamic and specialized modern *gesellschaft*, also stigmatized the empirical models of the “ideal type”, the commons, the *allmend*

and the *genossenschaft* as old-fashioned and best suited for the garbage heap of history. While in fact, as Robert Netting has shown us, the *erdgenossenschaft* was a very efficient economic and ecological governance machine, which programmed all economic activity in the alpine communities and secured what today is called “sustainable development”.

But as Tine suggest, we sometimes have to look at really long lines of development to really understand the changes that takes place. Such important lines can be also found in the development of juridical doctrines in Europe, where the legal revolution of pope Gregor VII combined with the extreme individualism of the renaissance gradually produced the “Western Maxime” that “No one should be forced to stay in co-proprietorship against their will!” This combined with the convenience of individual collateral security in the emerging banking system produced what after 1000 years is now known as the victory of Roman Law over Germanic Law and other folk laws. However, as Tine does not mention, juridical factors are very often the result of politics and power struggles. Thus we should also remember that in understanding the long lines of development between the origin of European commons, and their dissolution, it is also necessary to understand the growth of the nation state – especially the nation state that emerged after the Great French Revolution. This state was founded on the obligation to defend the “freedoms” of the individual citizens on its territory, among these, the freedom to own property. But this involved not only protecting citizens from thieves and external enemies, but also defending individuals against oppression by tribes, clans, lineages and other “secondary groups”, which in many cases were the foundation for various kinds of “Commons”.

A by-product of this was of course also to keep down such territorially based secondary groups that could be a challenge to the unity of the nation. The nation-state thus became an important agent in changing the relationships to property at the local level. Therefore land consolidation, registration and individualization was not only about agricultural efficiency and food surplus for the new industrial class, but also about a young nations seeking legitimacy with individual citizens whose individual property rights were guaranteed by the same state. So when “new legal doctrines” are applied by the modern European states, like international treaties on indigenous collective rights to land and water, the reaction among the former loyal citizens should be analysed on the basis of this long “partnership” between the state and the individual.

Today there is no doubt that the Commons, as a form of collective action, monitoring and self disciplining, has a future: Either as locally based governance systems – or in partnership with a partially withdrawn state in some kind of co-management arrangement. With the advance of adaptive ecosystem governance practices in many jurisdictions, the demand for knowledge about “commons- like systems” will only grow. Here both the knowledge of social scientists about the internal dynamics of collectives – and the historians and legal scholars knowledge about the external preconditions for a commons-type institution to function and survive, is of equal importance. So here we should join Tine in her call to bridge the gap between the disciplines.

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