

# COMMONS FORUM *RESPONSE*

Response to: “Our Association Is ...,” by Erling Berge and Sanjeev Prakash

**‘Return of the Native’/Our Association was...**

**Minoti Chakravarty-Kaul**

**Affiliated to Life Network - Researcher in Customary Law and Activist for Pastoral Rights in India**

*“What’s in a name? That which we call a rose by any other name would smell as sweet.”* [Shakespeare: Juliet to Romeo]

How remarkably seamless this world could be, if only Shakespeare’s words were true. However, we now know better, or perhaps worse. Names can spell tragic divides, not only between tribal peoples of yore, but perhaps even more vehemently today in so-called civilised societies. As a senior member of the IASC, and a participant in its growth over ever since its inception, I do not anticipate such drastic consequences over the loss of a single letter, but I would like to sound a note of discontent. After a long period of trying to shift from active research to a position of lobbying for rights in common property, the change in name provokes a feel of ‘take-over’ and a soft push along the path to being marginalised. Is something more going on than is apparent at present, or should we be confident that the *IASC* is all that the *IASCP* was, and perhaps more? Let us see. The IASCP had indeed “pioneered a new area of cross-disciplinary research,” as Erling and Sanjeev say, but, as an economic historian, I know that the IASCP collectively *extended* the frontier of common- property research, which has its roots in the second half of the nineteenth century. Sir Henry Sumner Maine, a scholar of comparative history and jurisprudence in the universities of Oxford and Cambridge, drew scholars from different disciplines and from both sides of the Atlantic into a discourse and debate about customary law and common property. Key to these deliberations was the village community. The contribution from academic research was enriched by those officials who helped govern the colonies of imperial Europe. At a time when communications were through handwritten letters, one can gauge the serious involvement of the discus- sants, all scholars of great repute in their times, who included: Henry Morgan from USA, Erwin Nasse and Georg Maurer from Germany, Fustel de Coulanges from France, Emil de Laveleye from Belgium and Haxt Hausen from Russia and still later Paul Vinogradoff.

Further, the IASCP, true to its origins, set out to study with none of the strict formality of any one discipline, through all the “memorable international and regional conferences”, as Erling and Sanjeev point out. On a personal note, I can never forget the very first meeting in 1990 at Duke University, where the atmosphere was one of a dispersed family being united, and for me every name in the first list of members acquired a face. Through the next several international meets there remained this sense of a family reunion, even if the location was in Arctic Bodo! All this was bound to change as the IASCP “consistently broadened and diversified its membership base. And, in the process, it has probably helped to nurture a new breed of young professionals.”

Consequently, as Erling and Sanjeev point out, as our “association broadens its scope and size, it also expands its heterogeneity”. This is good, but could it also be that the very success of the

IASCP, in keeping with its eclectic and boundary-free roots, attracted a range of individuals and organisations whose expectations were beyond the agenda of the IASCP? As a result, the word 'common' used in 'common property' became emphasised, and introduced a plurality of meanings. What can be the consequence of this? An interesting discussion of this point comes from Wittgenstein's *Philosophical Investigations I*: "Consider for example the proceedings that we call 'games', I mean board-games, card-games, ball-games, Olympic games, and so on.

What is common to them all? - don't think, but look! - Look for example at board-games, with their multifarious relationships. Now pass to card-games; here you find many correspondences with the first group, but many common features drop out, and others appear. When we pass next to ball-games, much that is common is retained, but much is lost. ... Or is there always winning and losing, or competition between players? Think of patience. ... the result of this examination is: we see a complicated network of similarities overlapping and criss-crossing: sometimes overall similarities, sometimes similarities of detail." Rather as a group of chess players may not be able to relate to a group of football players in discussing the important elements of their game, has the loss of the unifying theme of 'property' meant that the IASC now lacks a common identity? Without being able to relate to each other, researchers will speak past one another, and not be in a position to have meaningful discussions. And as the senior researchers retire and withdraw, will there remain a theoretical basis across all the groups of the IASC, to tie the membership together?

For these reasons, I wonder if dropping 'property' may not act as a wedge, where there was no disciplinary boundary in the IASCP? Let me explain. "Property" does not only signify *claims*, but also has a corresponding *obligation*. The balancing of obligations with claims was, and continues to be, central to village communities associated with natural and other resources. These obligations are reflected in land tenure. There is thus an aspect of "human order" (Vincent Ostrom) in organizing and governing resources. Decisions based on consensus have been the weapons of the weak and have often resisted a "tyranny of the majority". When such order is self initiated and sustained for more than a thousand years, as in Europe and certain countries of the Indo-European language communities, surely there are lessons worthy of research? This perception is shared by others in the field. For example, last year, Barbara Neis's essay about fisheries in Canada had a title "need for historical knowledge for using current knowledge". In other words, context is of the essence. So, when we drop the "property" from the title of the association which studies the commons, are we not perhaps demoting the key importance of associated human ingenuity to organize and govern?

When we made the change we lost a "focal point", and perhaps have weakened practitioners in the field; and here begins the marginalisation process. Owen Lynch hinted at this in his essay. As a lobbyist-researcher, I see my moorings to the IASCP as having come loose, leaving me adrift. As a researcher of CPRs in India, I must obtain records of customary usage from the past centuries to bolster legislative recognition for the protection of rights of pasture of pastoral people, both within and outside forests, and now we are confronted with an obligation to prove that the pastures were indeed *common property*! Without the proof, the commons stood wide open for State acquisition. The contemporary situation lacked protection which only historical precedent could provide.

To put it another way, apart from the key issue of “continuity and marginalization of parts of the membership,” the name change poses a certain danger of demotion of both historical heritage and associated wisdom. There is a sense of shifting our research priorities *away* from critical issues of livelihoods of inhabitants in the developing world, to whom dependence on common property resources both inside villages and in the forests makes a difference between life and death. Researchers and practitioners have often come with great hope to our conferences. It is not enough to hope we will make it all up when we return to our roots in village common lands, which incidentally still *is* common property, at the next conference in Gloucester in 2008!

[minoti.chakravartykaul@gmail.com](mailto:minoti.chakravartykaul@gmail.com)