Challenges in Expanding the Commonsverse

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ABSTRACT

Over the past two decades, hundreds of different commons around the world have arisen and developed working ties with peers, creating what might be called the Commonsverse. To elected officials, legislatures, bureaucracies, courts, and business people, the commons continues to be seen as a failed management regime, one that implicitly needs state or market intervention and control. As the essays of this special issue suggest, however, many projects and activists are seeing commons as a powerful, versatile force for change. The piecemeal efforts to build a Commonsverse amounts to a quest to build a parallel polis. Commoning honors wholesome values and different ways of being, knowing, and acting while allowing ordinary people to assert some measure of self-determination in the face of capitalist markets and state power. This essay explores a broad range of contemporary commons activities, the "ontological politics" they are engendering, and the challenges they face in expanding and institutionalizing commoning. Future development should focus on the potential of commons/public partnerships, new infrastructures to make commoning easier, legal hacks to open up zones of commoning, the potential of relationalized finance, and new institutional structures of care.

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Over the past two decades, hundreds of different commons around the world have arisen and developed working ties with mutually supportive peers, creating what might be called the Commonsverse. This proliferation of commons has sometimes resulted from the organizing of new projects; sometimes it has grown as people develop a new self-awareness and experience linguistic epiphanies. They realize that a discourse exists to describe already-familiar practices, and that this discourse can affiliate them with strangers with kindred values and a larger vision. In a general sense, the practice and the discourse of commoning has an elemental character: it reflects a desire by people to provision their needs directly, as self-governing communities working outside of the usual circuits of capitalist markets and state power.

Such realizations can entail a shift of identity and culture. Participants come to see that they are not "citizens" petitioning a remote, powerful state. They are not "consumers" seeking satisfaction through the market or "volunteers" donating their time to good causes. People realize they are *commoners* whose peer-governed activities are helping to constitute a different social and political *mise en scene*. They realize that their commoning enacts a different social logic, set of provisioning practices, and cultural ethos than the dominant ones of capitalist modernity and liberal, representative democracy.

Neither contemporary politics nor political theory has given much attention to the rise of the Commonsverse, however. This social phenomenon remains on the fringes of mainstream political consciousness. It is too difficult for many to see that commoning practices – at once ancient and newly emergent, encompassing Indigenous and traditional peoples as well as digital communities – constitute a dispersed but loosely coherent social order.

Most elected officials, legislatures, bureaucracies, courts, and business people cannot see or comprehend this realm, however. They continue to regard "commons" simply as unowned *resources,* and, as standard economics declares, commons are impractical, ineffective management regimes not deserving of serious attention.[1] The so-called "tragedy of the commons" parable (Hardin, 1968) has provided a reflexive justification for dismissing out of hand the commons paradigm. The story is often invoked to assert that collective wealth will usually be over-exploited and ruined because no individual player has a rational reason to limit their extraction from a shared pool of resources. While mainstream players sometimes acknowledge a growing literature treating commons as *social systems,* such claims often amount to a cultural posture – a virtue-signaling speech act that lays claim to democratic, egalitarian ideals, much as the word "sustainable" is used by people as a performative proxy for ecologically committed behavior.[2]

As the essays of this special issue suggest, however, the commons in modern times is a far more powerful, versatile, and seminal idea. It refers to a shadow culture with diverse manifestations that is barely recognized publicly, perhaps because commons, taken seriously, reject many norms of capital-driven markets and state power. Commoners tend to see climate change and myriad ecological crises, social inequality, precarity, and racialist divides as inescapable symptoms of economic growth, "development" and "progress." While the commons discourse helps make this critique of capitalism, many commoners also see the discourse as a useful scaffolding for building a transformative, alternative vision for society. Wary of the limitations of liberal meliorism, commoners tend to focus on bottom-up forms of social association that can, with the right structures and implementation, empower ordinary people to meet their own needs directly. The discourse affirms the need for personal responsibilities and benefits achieved through collective action, and to the importance of open spaces for creative, democratic, and local participation.

The essays of this special issue of the *International Journal of the Commons* explore how these dynamics are being played out in some very different contexts. We see how ordinary people are developing innovative forms of commoning in major cities like Barcelona (childcare commons, knowledge commons) (Zechner, 2024)), Bologna and Naples (commons/public partnerships) (Vesco & Busso, 2024), and in various ecovillages around the world. We encounter new types of online governance commons, such as DAOs (digital autonomous organizations), platform co-operatives, and alternative local currencies. A burgeoning academic and popular literature is assessing the immense variety of contemporary commons as vehicles for re-imagining the future. (Bollier, 2021; Dardot & Laval, 2019; Standing, 2022; Broumas, 2020; Varvarousis, 2022; Gerhardt, 2023).

What type of future is implied by the commons manifesting today (or whose members come to recognize them as commons)? Contributors to this issue point to some ways in which political economy and culture are being reinvented, often by adapting conventional frameworks of law, policy, and governance. We see how commons projects are challenging received notions of democratic liberalism and bureaucracy, as Roy L. Heidelberg observes in his piece (Heidelberg, 2024), and how state bureaucracies and politicians are using unexpected twists in municipal government to support commoning in numerous contexts (Zechner, 2024).

While these vanguard developments point to important paradigm shifts in public administration, policymaking and politics, it's important to note that these changes are driven

by changes at a subjective, experiential level of everyday life. People want to change the terms of their livelihoods and social practices. In her essay in this volume, Zechner emphasizes the importance of "micro-politics" – the social and personal "spheres of meaning and signification" that affect how people relate to each other – and how they *feel and behave differently* as a result (Zechner, 2024). By her reckoning, changes in the micropolitics of life provide "the most solid basis for engaging lasting and sustainable social and systemic change." This idea is a core theme of my book with Silke Helfrich, *Free, Fair and Alive,* which explores the inner subjective dimensions (behavioral, social, emotional, ethical, spiritual, etc.) that make commoning possible.

An immersion in the commons literature quickly reveals that many truisms of capitalist economics are problematic or simply incorrect. Multiple commons, for example, call into question the presumption of standard economics that private property law, contracts, and free markets are the most reliable, fair, and efficient vehicles for meeting people's needs. The fable of the Invisible Hand as an engine of progress and social equity is revealed as a just-so story, exposed by the egregiously Visible Hand of state power in creating a rentier capitalism whose markets are anything but free (Standing, 2021). The Covid pandemic, the climate emergency, and the rise of authoritarian nationalism have exposed the profound limitations of the nation-state as it has become a captive or at least deep ally of business interests. Beyond such political concerns, however, it has become clear that representative democracy and centralized bureaucracies have only narrow affordances, in any case, for addressing complex, systemic issues in Earth-friendly, participatory ways.

The exhaustion of liberal reformism – or at least its waning credibility in the public mind and its manifest political deficiencies – suggests that structural changes in the market/state system as constituted must be considered. Broadly speaking, prevailing governance systems cannot deliver results that are fair, effective, rational, and humane over the long term. Some sort of re-imagining – some artful reconfiguration of state power and political life – is urgently needed. But the path forward remains murky. It's not clear "the way out of no way," as the US civil rights movement once described its challenges.

THE COMMONSVERSE AS A PARALLEL POLIS

As a political dissident in Czechoslovakia, Václav Havel embraced a keen strategic insight introduced by his colleague Václav Benda. How does one nurture human dignity and political agency for serious change while "living within the lie" of a totalizing political system — in his case, the communist state? Decrying "the irrational momentum of anonymous, impersonal, and inhuman power," Havel argued that people must create a *parallel polis*. Havel, seeing citizen engagements with the state as futile or disappointingly modest, argued for the creation of "informed, non-bureaucratic, dynamic, and open communities." (Mishra, 2017). These were seen as a way-out-of-no-way because they could function as a kind of nascent parallel economy and prefigurative social order. A parallel polis could offer a space in which ordinary people, beset by an oppressive system, could assert moral agency and truth. They could enact their commitments to social solidarity despite a formidably hostile context. The very process of building a parallel polis could be valuable in rehabilitating trust, openness, responsibility, solidarity, and love in public life.

I believe the quest to build a Commonsverse – a piecemeal, still-emerging phenomena – resembles a quest to build a parallel polis. It seeks to honor wholesome values and different ways of being, knowing, and acting. Living as we do within the norms and institutions of the capitalist political economy on a global scale, commoning offers people ways to assert some measures of self-determination and autonomy from capitalist markets and state power. Peer-driven, socially convivial models of provisioning and governance provide important "safe spaces" for a more wholesome cultural ethic to flourish, beyond transactional individualism, material self-interest, and capital accumulation.

Though commoning is not directly political – it is usually more focused on meeting specific existential needs and protecting shared wealth (land, water, software code, creative works) – it often amounts to an *indirect* form of political action. The very existence of a commons often stands as a quiet moral rebuke to the prevailing system. It affirms that different, more socially constructive ways of meeting needs are possible. It makes visible an organized cohort of people with structurally ambitious goals. The commons discourse, as propagated by various transnational networks of commoning, redirects our attention to new types of practical solutions.

The rise of open source software in the late 1990s, despite its minuscule size and lack of conventional funding, is such an example. Open source (or more accurately, its progenitor "free software"[3]) posed a serious moral and market challenge to Microsoft's dominance that eventually spawned a robust new paradigm of open and collaborative software development. Similarly, the rise of local organic food systems in the 1980s and 1990s provoked powerful questions about the pathologies of the industrial food system, such as its reliance on monoculture crops,

pesticides, and genetically engineered seeds, and practices that deplete fertile soil. In time, that homegrown, localist movement helped spawn agroecology, permaculture, community supported agriculture, and the Slow Food movement. These efforts all seek to steward shared wealth (land, food, code) with care and holistic attention. They seek to decommodify wealth to assure its independence from the enclosures of financialization and capital-driven markets. They seek to empower people to manage their own provisioning systems, with an emphasis on access, transparency, and fairness.

Today, in a broader sweep, the Commonsverse is taking this agenda to many more arenas of change. The commons is not just raising deep questions about the market/state order and neoliberal capitalism in multiple realms (agriculture, cities, cyberspace, forests, water, the oceans); it offers a vision and armamentarium of tools for building working alternatives. Contemporary commoning is significant because it is unfolding at a cellular level of culture, on the ground, in people's hearts and minds. It is serving as a space for quickening people's aspirations and imaginations, and shifting their subjectivity and cultural allegiances.

Zechner's account of self-managed neighborhood spaces in Barcelona points to "more radical, ongoing and collective modalities of participation" than municipal government generally invites or permits. Under the Barcelona en Comú city administration, autonomous neighborhood groups are now authorized to manage their own projects (buildings, social services, information curation) with city support and legal recognition. Activist groups and civic associations also manage La Borda, a large housing cooperative that manages concert halls, workshops, a library-archive, a bar, and support center, as commons. This devolution of authority and responsibility is not just addressing people's material or political needs; it enhances people's creative agency, sense of control, dignity, and cultural zones in ways often ignored by conventional politics, policy, and bureaucracy.

As such examples show, commoning can be an important source of social innovation, writes Koen P.R. Bartels in his essay in this issue (Bartels, 2024). The narrow "political-ontological foundations" of neoliberal institutions is precisely what impedes them from mobilizing creative energies, social collaboration, and citizen initiative. State institutions tend to prefer a strict instrumentalism, quantitative metrics, and market-oriented interventions, which helps explain why they produce so many "empty-hearted projects" that go nowhere, in the words of a citizen cited by Bartels. "Prefigurative initiatives" such as commoning "remain 'below the radar' of recognition and support."

Is there a constructive way to move beyond these difficulties? Bartels calls for the development of "relational ecosystems" of commoning as a path that could liberate neoliberal institutions from their own hegemonic prejudices. By supporting commons, the state could begin to acknowledge people's actual feelings, experiences, talents, and aspirations on their own terms, and in so doing, help stimulate constructive social innovation.

The big challenge may be how to make the relational dynamics of commoning more visible as a constructive social force. Catherine Durose and her co-authors offer some excellent suggestions, starting with the need to "better understand the micro-practices of commoning" and "how situated agents can contribute to urban transformation." (Durose et al, 2024). Here, as in the examples above, the micro-practices and affective life of commoning tend to be inscrutable to social scientists, politicians, and government officials. They generally fail to realize that communities of practice can have highly nuanced, realistic, and even profound understandings of their problems and possible solutions. The problem is that their situated, non-theoretical, non-credentialed knowledge is often dismissed as insufficiently expert, quantitative, or congruent with administrative systems. The actual powers of commoning are not recognized in theory and they therefore tend to be invisible. We would do well to remember Elinor Ostrom's dry observation, that "a resource arrangement that works in practice can work in theory" (McKay & Bennett, 2014).

To hasten the development of more suitable "theories" of commons, Durose et al. make a valuable proposal in calling for "greater systemic comparison" of commoning practices, along with better ongoing interpretations of the fieldwork that surfaces. Giving fresh visibility to commons projects, case by case, will over time strengthen the theories and discourse of commoning. Durose et al.'s call for a "knowledge mycelium" is timely and important because a collaborative network to align knowledge of commoning in practice and theory, would certainly make the Commonsverse more visible. It would also help expose the perceptual blind spots of neoliberal institutions and policy, enabling new vistas of inquiry and innovation in public administration. I will return to this topic in the last section of this essay.

For now, let me just underscore the basic point that any transformations in democratic polity and politics must engage at the micro-level of everyday practice and culture. That is a key lesson of the Occupy encampments in 2011, the public square protests in Egypt, Tunisia, and Turkey, and the growing climate action movement. It is becoming increasingly realize that political change will not occur without personal, experiential shifts of consciousness. As Manuela Zechner puts it in her essay in this volume,

micropolitical aspirations give rise to new worldviews, and those personal transformations ramify outward over time, finding expression at the macro-levels of society – in law, institutional life, and configurations of state power.

Commoning is a already serving as a vehicle for larger societal transformations, as seen in social associations not normally conjoined: neighborhoods and mutual aid networks; online communities and open source design and manufacturing networks ("cosmo-local production"); agroecological projects and community land trusts; complementary currencies and mutual credit systems; digital autonomous organizations and platform co-operatives; the "commitment pooling" of Indigenous peoples and online infrastructures created by hacker communities. These cooperative social forms, in wildly diverse theaters of action, are altering people's everyday subjectivities and, in the process, how they imagine social and political change. In this sense, new forms of democratic possibilities are already unfolding before our eyes.

THE ONTOSHIFT FROM THE TRANSACTIONAL TO THE RELATIONAL

Commoning is not a single, unified approach, however. There are many different mindsets for approaching the commons, each reflecting philosophical, political, and cultural priorities. As a result, there is no consensus discourse about how to talk about the commons. For now, at least, there is a burgeoning pluriverse of different perspectives, which includes:

- *Standard economics,* whose commitment to the idea of h*omo economicus* makes the commons appear nonrational and impractical;
- *Academic scholarship developed by Elinor Ostrom* and her colleagues, which generally sees commons as an effective vehicle for collective decisionmaking and management of resources;
- *Liberal defenders of public assets* who believe the state is the best, most legitimate trustee of public assets;
- *Autonomous Marxists* who foreground the role of commons in critiquing capitalism and transcending it;
- *Subsistence commons* that focus on agriculture, forests, fisheries, and care work occurring outside of the market economy and state;
- *Practitioner-oriented commons* focused on problem-solving and mostly indifferent to the political and philosophical implications of their commoning;
- *Open source technology commons* that see peer production on digital networks as pathways for social and economic emancipation;

- *Voices in the global South* who celebrate Indigenous and traditional forms of commoning that challenge the premises of colonialism, capitalism, and modernity.

A key point of consensus among these schools of thought may be that human culture is so multifarious and disparate that the idea of imposing a single, unified global order – a One-World World, which is the ambition of modernity and neoliberal capitalism – is absurd. The world is a pluriverse, as Arturo Escobar puts it (Escobar, 2018). At the risk of a certain reductionism, it may be helpful to sort these diverse approaches to the commons into three general categories:

1) *Capitalist-friendly frameworks for seeing commons* accept the foundational premises of capitalism, modernity, and liberal democracy. They see the world as largely governed by individual self-interest, market rationality, property rights, and the freedom to contract. Literature on commons in this genre usually define them as *resources*, with social behaviors playing a secondary role. This framework is most obviously the basis of standard economics and its emphasis on rational, utility-maximizing individual behaviors. Ostrom scholarship has certainly expanded the scope of this standard narrative by documenting the realities of cooperation and calling for experimentation in governance. Ostrom and the "Bloomington School" has also recognized that cooperation is propelled by the complexity of cultural circumstances, social norms, and geography.[4] And yet a great deal of commons scholarship nonetheless approaches commons through the lens of methodological individualism and rational-actor, within the framework of the capitalist political economy. Similarly, political liberalism emphasizes the primacy of individual rights and freedoms within a capitalist framework, with the state irregularly acting as a trustee of public assets (public goods as commons). Even many autonomous Marxist interpretations of commons, while still hostile to capitalism, accept these ontological and epistemological premises in their accounts of commons.

2) *Commons as problem-solving innovation.* Practitioners in digital commons and urban commons, among others, are focused on empirical problem-solving in bounded situations. They do not generally care about the philosophical or political ramifications of their commoning. Their overweening focus is how to make collective management of shared resources *work*. The priority is making software programs, urban partnerships, and other collaborations work in specific,

defined situations, without bothering to consider larger conceptual, political, or ideological implications.

3) *Commons as integrated social organisms.* Unlike the other two general approaches, this mindset sees commons as living social organisms defined by the dynamic, unfolding relationships of its members. It is deeply relational and not transactional in nature. Here, commoners self-consciously strive to enact a different social mindset and vision of change. This perspective sees commoning as a way to actualize an *ontological shift*, or OntoShift, as people struggle to move from a world defined by individualism, calculative rationality, and material self-interest in markets, to one that is richly relational in all directions. The commons, by this reckoning, becomes an inherently subversive discourse and social project because it reframes many basic premises of social, economic, and political life.

THE IMPORTANCE OF MAKING AN ONTOSHIFT IN UNDERSTANDING COMMONS

I believe that learning to see through the third lens – commons as integrated social organisms – is the core challenge that serious commoners face. Capitalist-friendly frameworks that see commons as "resource management" schemes don't begin to explain how commons are actually experienced subjectively and how they generate value. And commons committed to task-specific, practical challenges fail to take account of the larger political and economic forces at play, especially state and corporate power.

The commons-seen-as-a-social-organism posits a different register of attention entirely. It focuses on the artful, holistic orchestration of relations among commoners in their unique contexts, to meet needs, preserve self-determination, and respect their shared wealth. These are decidedly different roles than those ordained by orthodox economists. Commoners must strive to align their individual and collective interests; enter into active, caring relations with each other, natural systems, and non-human creatures; and honor past and future generations. All of this requires serious attention to ethical and spiritual commitments, interpersonal behaviors, peer governance, collective traditions and rituals, and so on.

This is the vision outlined in the book *Free, Fair and Alive,* by Bollier and Helfrich (2019). The remainder of this essay reflects on some future implications of this view of commons, as in: What does it mean to embrace an OntoShift in thinking about commons?

This is a necessary question because, unless we make an OntoShift in how we see commons, the capitalist-friendly interpretations of dominant culture will continue to dismiss commons as irrational, ineffective, and unworthy of serious attention. A methodological individualism in the study of commons will hold sway despite compelling evidence and theories from recent biological, evolutionary, ecological, and complexity sciences (Wilson, 2015; Nowak, 2011; Widlok, 2017; Kohn, 2013; Bowles, 2012; Weber, 2014, Weber, 2020; Harding, 2009; Mueller, 2017; Ridley, 1998; Ohlson, 2022; Sennett, 2012). Without an OntoShift, a resolute fragmentation of perspectives on commons will continue. Each school of thought will find it easier to "talk past each other" and stay safely within its familiar silos of understanding, rather than recognize that a relational ontology opens up new possibilities for developing social solidarity and a new epistemic framing for public life.

Once a commons is seen primarily as a *social system* rather than a *resource* (as standard economics posits it), a different field of vision quickly comes into focus. The dynamic complexities of creative, living organisms and their symbiotic relationships are elevated as the salient viewpoint. The mechanistic, objectifying mindset of standard economics that separates humankind from nature and "resources," has much less explanatory value. The operational concerns of commons – situational dynamics, histories, personalities, constraints – can be given their full due.

To be sure, the conceptual separation of humankind from "nature," and the reduction of living entities to commodities and "resources," are not just deficiencies of economics. They are a feature of modernity itself. This may account for why so few commentators choose to attempt an OntoShift toward commoning. Once the relationality of living entities is prioritized and put at the center of our understanding, it begins to challenge some basic premises of economics and the modern worldview. The epistemic coherence of *everything* starts to unravel, opening up a distressing, confusing void in human consciousness and culture – an "epistemological delirium," in Bruno Latour's words (Latour, 2018). (No wonder nationalism, authoritarianism, and fundamentalism are flourishing today!)

Which ontological framework for describing reality and improving life, then, shall predominate? And how might such a paradigm shift be advanced, achieved, enforced, and defended? This is a subterranean, barely acknowledged battle that undergirds many political debates of our time. One might call it "ontological politics" – a struggle over elemental ideas of human relationships and order. It's unclear how this clash might be resolved — through culture wars and social change movements? Through

law, policy, and jurisprudence? Through conventional liberal politics or through state coercion and vigilante violence? If commoners are to advance *their* ontological worldviews, they must find ways to express those views and introject them into societal institutions, law, and politics (Walsh, 2019).

In the concluding section of this essay, I consider how the OntoShift that commons entail might be advanced within the framework of the liberal polity and capitalist-enabling law. This is a difficult but primary challenge because the modern market/state system tends to be philosophically and politically hostile to commons, or at best indifferent. This makes it challenging for commoners to expand their social practices and provisioning projects. The Western edifice of property and contract law – predicated on the presumed sovereignty of the individual and the vector of "freedom" enacted through markets – makes it legally difficult or even criminal to cooperate through collective action. The market and state are presumed to be the only legitimate, consequential paradigms for governance and provisioning.

This mindset prevailed in the early response of the proprietary software industry to the rise of Linux and open source software production, for example. In the late 1990s, Microsoft blasted open source software as "communistic" and coercive, and attempted to undermine its growth through patent law and proprietary technical standards enforced through its monopoly over operating systems for personal computers. Similarly, as the proprietary seed industry has grown, it increasingly regarded seed-sharing among farmers – a timeless tradition in agriculture – as a threat to market revenues. So it worked with politicians, state bureaucracies, courts and international treaty organizations to prohibit and criminalize the sharing of seeds. At an even greater extreme, Indigenous peoples have found that their traditions of cooperative land stewardship and privileging of use-rights over property ownership have little or no standing in Western jurisprudence (Salmond, 2015; Mander & Tauli-Corpus, 2006).

All of these are examples of "onto-politics," in which there are core (but usually tacit) conflicts revolving around different ways of being, knowing, and acting in the world. Commoners enact a world of deep, dynamic and intricate relationality. They frankly recognize interdependencies among people, and between humanity and more-than-human systems. This understanding of the world is at odds with that of capitalist modernity, in which market/ state institutions generally declare the supremacy of individual sovereignty, market freedom, and material progress over the claims of community, future generations, and ecological needs. It is not surprising that market/

state institutions often attempt to suppress, co-opt, or criminalize commoning.

In his essay in this issue, Roy L. Heidelberg astutely dissects "the incompatibility of the commons and the public" (Heidelberg, 2024). While there is a tendency in modern life to conflate the two, in fact each term points to different worldviews and political orders based on different conceptions of "the people." It is important to understand this tension because so many modern complications in law, policy, and governance flow from it.

Heildelberg traces the clash between "public" and "commons" to an obscure 1652 book by English diplomat and scholar Thomas Elyot, which declares the commons as a realm of "'only the multitude, the base and vulgar inhabitants not advanced in honor or dignity,' meaning that the commons *lacked* what the people *contained*." Heidelberg writes:

> Essentially, Elyot postulated that the common folk cannot be left to themselves; it is ultimately a disservice to them and to the nobility to allow that. In order for all to prosper, the common folks must be guided by those who are especially capable of governing and leading. For there to be order, the commons must be subsumed under the public....To call something common is to label it as unrefined, average, run-of-the-mill....while the idea of the public [allows for] the possibility of a general governance, meaning one that applies to all."
> (Heidelberg, 2024)

Over the centuries, state power has continued to assert its claim to legitimate governance of "the people" and its general economic and cultural superiority, while commons have been subordinated and maligned as deficient – a tradition upheld by the 'tragedy of the commons' parable. The modern rediscovery of the commons is constrained by this deep structural clash of political power, worldview, and social order that separates the state and the commons.

As commoners and allied movements today struggle to disenthrone free-market narratives – with greater or lesser awareness of the ontological premises at stake – they have drawn on the history of commons/public tensions to create a different landscape of political struggle. In so doing, they have opened up new cultural spaces. They have forced a reckoning with the foundational terms of order. Instead of ideological conflicts revolving around familiar axes of "private" vs. "public" power (i.e., corporations and investors vs. the state) and arguments over which should prevail, a new conversation becomes possible: How might we structure *relationships* among people in local, distributed circumstances, independent of both market

and state? Through the commons discourse, it has become possible to consider social design options that go beyond the constrictive framing of choices afforded by the market/state.

Much remains to be theorized and socially enacted before a clearer idea of a post-capitalist, commons-friendly politics can be limned. As the editors to this special issue correctly note in their Introduction to this volume, *Free, Fair and Alive* does not propose "a comprehensive theory of the commons." It points towards possibilities, and outlines ontological dimensions that commoning could help bring into being without proposing how exactly to effect an OntoShift that might catalyze a different socio-political and economic order. That is the subject of the final section of this essay: some speculative reflections on how commoners – themselves raised within and acculturated to capitalism and modernity – might move beyond individualistic, linear, mechanistic mindsets to ones that honor the "kinship relations" needed for a healthy, flourishing world (Topa & Narvaez, 2022).

EXPANDING AND INSTITUTIONALIZING THE ONTOSHIFT

Fortunately, the fitful process of imagining a new political order is well underway. This project has been pushed forward by the paroxysms of the Covid pandemic, the wildfires, floods, droughts, and extreme weather associated with climate breakdown, the soaring profits of corporations and billionaires amidst growing poverty, social disintegration, and crumbling infrastructures, and waning public faith in the liberal state. In the face of such traumas, threadbare political cliches about trickle-down economics, jobs-creating entrepreneurs, and the magic of markets are losing credibility.

Yet the narrative void left by the decline of free-market ideology has no ready substitute. For now, the void has been filled by an inrush of nostalgic denial, conspiracy theories, authoritarian nationalism, and demagogues pandering to public fear, anger, and cynicism. But political narratives or philosophies that speak in constructive ways to the challenges of our time don't really exist. This is perhaps understandable; the very idea that conventional political campaigns and venues (elections, legislatures, courts) can bring about the change needed, feels archaic. The change needed today is more elemental and entangled in everyday life and modern culture, a realm on which elections, law, and policy can have only limited impact.

Indeed, the instability of the planet's climate and severity of other ecological crises confirm what Mihnea Tănăsescu writes in *Ecocene Politics*: "[M]odernity tends

towards the annulment of the striations and textures of the world" (Tănăsescu, 2022a, 13–14). It is *this* fundamental ontological reality of modern life – "all that is solid melts into air" – that must be reversed. The coming epoch is not so much the Anthropocene, in which humankind will hold sway, but the Ecocene, in which more-than-human natural systems will profoundly intrude upon and reshape civilization. Tănăsescu argues that the Ecocene,

> by foregrounding the central role of ecology in the new era....implies that we have to make political sense of our times via concepts that are synchronous with ecological science. And if we accept that chance, change, and locality are what ecology injects into political thought, then the Ecocene becomes that era when human social and political arrangements start from the necessity of living with uncertainty....Our imbrication with the world is not something to be escaped so as to find human meaning and purpose; it is itself the condition for meaningfulness (Tănăsescu, 2022a, 13–14).

Much more deserves to be said on this topic, but for the purposes of this essay, it is enough to say that any path forward must deal with "the irruption of ecological processes within the polis" – a theme that Bruno Latour also addressed in his later books (Latour 2017; Latour 2021; Schultz & Latour, 2023). Climate change is destroying the global capitalist fantasy of infinite possibilities and material extraction without consequences. It is also shattering the idea that the Local, as a counterpoint to the Global, is a haven of sequestered safety, morality and order. Neither the Global nor Local is truly connected to the biophysical realities of the Earth, Latour points out. Both are modernist constructions and projections. It is this worldview that the Ecocene is disrupting, forcing humans to radically reshape the polis of modern civilization.

The vision and impetus for devising a new polis will emerge (if it does at all) from outside of the prevailing market/state system, which defines contemporary life. It will arise from spheres of commoning, and from allied system-change movements such as degrowth, the solidarity economy, socially minded cooperatives, Indigenous peoples, decolonializing campaigns, peer production networks, and a swarm of other value-aligned initiatives. These movements will be the staging areas in which new political imaginaries will be incubated.

If uncertainty is a keynote of the coming Ecocene era, as Tanasescu suggests, then we will need to be open to improvisation, dynamic change, and a radical re-scaling of functions that are now mostly centralized, regimented,

and corporatized. Hierarchies of control are becoming more problematic, or at least more expensive and complicated to administer, as disrupted ecosystem processes assert their own living logics over and against the anthropocentric demands of modern civilization. This suggests the need for new organizational forms that can embrace exploratory and participatory processes, in the manner of open source innovation. Crisp blueprints and rigid, linear systems of command-and-control won't be effective. Far better to nurture relationships of trust and solidarity among people, and with natural systems, as facilitated by "infrastructures of reciprocity" that support mutualism (Tănăsescu, 2022a).

This is obviously a massive challenge conceptually and administratively, but there are already numerous gambits underway to explore how governance can be decentralized, infrastructures can be designed to serve bioregional integrity, and state power re-imagined to facilitate and support subsidiarity of control. Here are five compelling realms of experimentation:

COMMONS/PUBLIC PARTNERSHIPS

As municipal governments struggle with waning budgets and service-delivery, and declining public trust, a number of city governments, academics and activists, especially in Europe, are actively developing commons/public partnerships as a new organizational form. The idea is to dismantle and redistribute some of the centralized, consolidated power of the state, so that collaborative partnerships between commoners and municipal government can develop, based on new types of distributed authority and responsibility.

We can get a sense of this trend in essays by Manuela Zechner (2024), by Pera and Bussu (2024), and Antonio Vesco and Sandro Busso (2024) in this volume, which discuss experiments in Barcelona, Bologna, Naples, along with other cities around the world including Bangkok, Ghent, and Seoul (New Geographies, 2021; Shareable, 2017). Both Bologna and Naples have boldly explored the use of legal innovations to support urban commons, blurring the public/private distinction and easing the public/commons clash. The experiments have opened the door for new forms of public/commons collaboration, leveraging the under-appreciated powers of ordinary people acting as commoners (Foster & Iaione, 2022). The tensions between commons and representative liberal democracy have not been erased – bureaucrats and politicians still take credit for the work of commoners, for example – but these experiments have created a new socio-political logic and validated the "micro-political" powers that Zechner identifies. This type of bottom-up energy is also playing out in fifteen cities that have declared themselves "Doughnut Cities" – inspired by Kate Raworth's book, *Doughnut*

Economics. Cities from Copenhagen and Amsterdam to Brussels and Melbourne are exploring innovative ways in which cities can renovate their economies to stay within ecological limits while meeting basic social needs. Another forty places around the world are internally exploring the potential of "the Doughnut" framework (Raworth, 2019; Doughnut Economics Action Lab, 2024).

These ambitions are encouraging, but of course it remains to be seen if such brave gambits will endure and expand. Despite some noteworthy commons/public partnerships around the world — mostly with municipal, not national governments – politicians and state officials generally find it difficult to embrace commons and other post-growth systems. They may realize that if people decommodify more aspects of their lives and reduce their dependencies on the market/state system, it could diminish their moral and political authority, along with economic growth and tax revenues.

NEW INFRASTRUCTURES TO MAKE COMMONING EASIER

One impediment to the growth of local commons is the lack of supportive infrastructures and new organizational forms. Creating and maintaining commons should not require heroic individual struggle and pioneering creativity; they need support at the meso-level of social and political organization and law. Much of the state apparatus, however, is designed to support market activity and growth. If the state is going to leverage the energies of commoners in an open source manner – which is arguably essential if the state is going to recover the trust of citizens and its own administrative efficacy – it needs to develop infrastructures and policy regimes that enable decentralized delegations of authority.

An early attempt to regularize state–commons collaboration was the Bologna Regulation for the Care and Regeneration of Cities, an initiative that has been adopted by a number of other Italian cities (P2P Foundation, 2024). Its primary purpose is to offer legal and policy structures by which city governments can enter into constructive, good-faith partnerships with self-organized groups of commoners. City bureaucracies provide legal, financial and technical support for specific projects initiated by commoners, and commoners in turn acquire significant measures of formal authority and resources to peer-manage commons that matter to them, such as eldercare centers, parks and public spaces, or rehabilitated buildings. This innovation has been further developed by the Co-City Protocols, a methodology developed by the LabGov.City project to facilitate commons/public partnerships (Foster & Iaione). Legal charters are used to explicitly authorize commoning and community rights, or the use of state-owned land and facilities.

While many municipal and national governments have formal ministries or agencies dedicated to promoting commerce, why not special state agencies to support commons, cooperatives, and solidarity economy projects? In 1987, Brazil actually had a ministry dedicated to helping cooperatives. States could take other steps to help develop commons as a stable, fair-minded, democratic alternative to markets. They could recognize socially embedded forms of property – "relationalized property" (Bollier & Helfrich, 2019, 201–281) – and they could offer legal support for noncapitalist forms of "relationalized finance" (Bollier, 2023a). Governments could be helpful in convening interested parties to sort through the legal, financial, and administrative complications of new systems to support commons and cooperatives.

LEGAL HACKS TO OPEN UP ZONES OF COMMONING

Because commons are strongly oriented toward respecting ecological limits and devising fair-minded allocations of shared wealth through flexible peer governance, they could address many societal problems better than existing organizational forms, especially state bureaucracies. But commoning as a legal activity, as mentioned earlier, is philosophically alien to many aspects of the liberal state and market. Law in the modern liberal state is mostly geared to serve markets and businesses, and to uphold private property rights, "contract freedom" among individuals, and legal privileges and subsidies for businesses (Pistor, 2019; Fligstein, 2001).

As commons grow in scale, it's important to figure out how law and public policy can be crafted to affirmatively support commoning and to decriminalize it, as needed. Historically, one important strategy has been the use of legal hacks that use existing law — for property rights, copyrights, contracts, and other relams – by modifying the law in clever ways so that it can advance purposes that lawmakers may not have envisioned. For example, the General Public License for free software, various open source software licenses, and Creative Commons licenses use copyright law – a state-created regime of private rights in creative works and information – to authorize free, permissionless copying, re-use and modifications of works (St. Laurent, 2004; Creative Commons, 2024; Suber, 2012). A copyright holder need only attach the license to their work to allow others to share and re-use content: a legal maneuver that is essential to creating knowledge commons such as Wikipedia, open access scholarly publishing, open educational resources, among others.

In recent years, some intriguing new legal hacks have emerged to get beyond the modern presumption that humans and nature are separate and that humans can essentially use nature as they wish. Legislatures and courts in twelve countries have now recognized the "rights of nature" at the state, local, and/or national levels in a dozen nations (Boyd, 2017; Kauffman & Martin, 2021; Tănăsescu, 2022b; Bollier, 2023b). These laws authorize the appointment of legal guardians to represent specified natural systems (rivers, watersheds, mountains, landscapes) in legal actions that may affect them. In the United States, some three dozen communities – from Pittsburgh and Toledo to Orange County, Florida (population 1.5 million people) – have now enacted such laws, often with overwhelming public support. Ecuador now has a constitutional provision recognizing the rights of nature. The idea has now expanded to include "self-owning land," which is a legal provision that enables a landowner to set aside specific tracts of land to be represented by legal guardians (Bollier, 2023b).[5]

To be sure, legislatures and courts will not readily welcome legal hacks on the law, and the law as it exists may itself may be intractable. Still, through persistence and ingenious legal draftsmanship, it is possible to usher in legal innovations and/or political mobilizations that can be quite catalytic. Creative legal hacks hold much potential in many areas such as seed sharing, peer governance, commons-based land stewardship, and mutual credit systems, for example (Sustainable Economies Law Center, 2024).

Legal hacks raise a larger, more significant question: Can liberalism as a governing polity come to accept and support commons on their own terms, or are its philosophical commitments (to individualism, private property rights, capitalist markets, etc.) too entrenched and rigid? It is becoming increasingly clear that neoliberal capitalism in our time is reaching some alarming, rigid extremes. Global financialization is preying upon the productive real economy, leveraging its control over it and siphoning away greater profits. Heedless market extraction and growth is destroying planetary ecosystems beyond state power's capacity to control them. Soaring household debt, wealth inequality, and social dysfunction are eroding social stability. And reactionary, authoritarian responses to these outcomes are surging. Legal hacks may be one way to advance commons in the face of a politically captured liberal polity, but it remains to be seen whether the guardians of capitalist markets and liberal states are willing to enter into productive, good-faith relationships with system-change movements.

RELATIONALIZED FINANCE FOR COMMONS-BASED INITIATIVES

The conventional financial system, ostensibly intended to support needed economic production, has increasingly become problematic and anti-social. Extreme

financialization of the 'real economy' and rentier capitalism have accelerated the monetizing and privatization of nature, and private equity firms are colonizing healthcare, hospices, housing, retail businesses, and other sectors to aggressively cut costs, sell off assets, and maximize investor profits. To protect themselves from such capitalist extraction, some commoners have developed noncapitalist forms for finance that pool money among supporters, decommodify shared assets such as land, and minimize the need for market growth to repay investors and lenders. Salient examples include community land trusts for agriculture and affordable housing, community supported agriculture farms (CSAs) for local, healthy food, place-based development finance, complementary local currencies, crowdfunding, platform cooperatives, and novel digital organizational forms that use peer governance and mutualize benefits (Bollier, 2023a).

For commoners, the point of relationalized finance is to minimize transactional debt and equity held by outside investors, thereby enhancing self-determination and reducing pressures for profit-maximization, growth, and hierarchical cultures. Noncapitalistic forms of finance take many different forms, but seen through the lens of the commons, they constitute a distinct, overlooked class of finance. Much more study is needed to normalize the legal, financial and organizational dimensions of relationalized finance.

NEW INSTITUTIONAL STRUCTURES OF CARE

Capitalist markets tend to regard "care" as a unit of productive service-delivery, not as an elemental human need based on affective commitments over time. It is therefore important to craft new types of institutions that provide care outside of the transactional, monetized mindset of markets. Feminist economics has probed some of these questions for years, but not necessarily for a postcapitalist context. Yet there are instructive, mature models to be explored in the form of Greek health clinics and pharmacies, mutual aid networks, timebanking, the neighborhood nursing firm Buurtzorg (Netherlands), the Barcelona childcare commons, and Cecosesola, the Venezuelan federation of cooperatives that won the Right Livelihood Award in 2022. There is a need to explore how commons could provide care in more humane, committed ways that are largely impossible via state bureaucracies and productivity-driven businesses.

* * *

If there are some fuzzy edges to the analysis presented here, it is because the scope of possibilities held by the commons paradigm is so expansive and still-unfolding. It is therefore difficult to declare the contours of the Commonsverse in advance. The path is made by walking it, as the saying goes. Commons become real only if they are actively, personally *made*. Certain types of knowledge and collective commitments arise only through the very particular, concrete attempt to enact them. Moreover, much of this knowledge is not easily abstracted; it remains embodied in people's living bodies and memory, and situated among people in specific landscapes and distinctive cultures.

Framing the appropriate questions for investigating commons is a critical task in learning about their expansive potential. This volume of essays offers many valuable insights into the future of the commons as a social, economic, and political paradigm. It suggests how commoning as a cultural force can catalyze political change, if indirectly, by demonstrating working alternatives to established organizational forms and ideological strategies. Commoning in many guises has already prompted major sectors of the market/state system (software, electronics, agriculture and food, land management, academia, creative industries) to embrace new social logics and priorities, and in the process address some of their profound limitations. We will surely need this openness to bold experimentation and change in the coming years as we face even more daunting challenges.

###

NOTES

1   Few introductory economics textbooks, for example, mention the commons at all except the Hardin "tragedy of the commons" parable. They rarely mention the commons as a value-generating social system.

2   For example, socially minded venture capitalists, "regenerative finance" (Refi) tech entrepreneurs, and advocates of digital autonomous organizations (DAOs) often invoke the commons despite their indifference to bottom-up governance and nonmarket social exchange, as seen in the group "Funding the Commons," at https://fundingthecommons.io.

3   In most respects, free software and open source software are the same; both make software available for free with few practical or legal limitations. Indeed, they are sometimes conflated together, as seen in the acronym FLOSS, which stands for "Free, Libre and Open Source Software." However, free software – which originated through Richard Stallman and the Free Software Foundation — stresses the philosophical and political reasons for making software shareable. It emphasizes that "free" refers to freedom, not at no cost, as explained by a much-used slogan in free software hacker communities: "Free as in 'free speech,' not as in 'free beer.'" By contrast, open source software presents itself as a utilitarian, apolitical project, which by design omits any political valences of meaning, thereby making the software more acceptable to corporate users. For a fuller treatment of the history and differences between free/libre and open source software, see https://www.digitalocean.com/community/conceptual-articles/free-vs-open-source-software.

4   Paul Lewis and Matias Petersen note that Elinor Ostrom "clearly departs from the notion of self-centered welfare" by

acknowledging that "people have other-regarding preferences, allowing for a broader set of motivational drivers in rational choice theory." Lewis concludes, however, that "the balance of the textual evidence [from Ostrom's writings on collective action and rationality] suggests that, in her view, rational conduct involves identifying the best means of achieving goals that the individual herself has chosen (rather than involving people displaying a commitment, in [Amartya] Sen's sense, to social rules.)....In other words, unlike Sen, Ostrom seems committed to a view of rational action which precludes the possibility that agents might have reasons for action that are independent of an agent's preferences (Lewis & Petersen, 2023)."

5   The guardians of self-owned land are not simply trustees who represent the fiduciary interests of an owner; here, they represent the ecological, intrinsic needs of an element of nature.

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The author has no competing interests to declare.

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