Commoning Practices - Towards becoming 'in common'

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This module is part of a series of learning modules centred around commons, created and published for internal circulation among the researchers of Dakshin Foundation. Information contained in these modules is collated from publications of various scholars. While these are not exactly 'commons for dummies', we have tried our best to simplify the concepts :)

Commoning - the word and the origin

'Commoning', an unusual sounding word, is derived from the old English word - 'commoner', which has older historical antecedents in Roman traditions of how society was hierarchically divided. In English tradition, the title 'commoner' was used to refer to non-aristocratic members of communities who often owned no land but depended instead on 'common land' for their livelihoods. These common lands were lands either owned by multiple people or owned by a single owner with others having use rights. These communities traditionally relied on these common lands for their sustenance, by gathering firewood and grazing livestock off it. Even when the lands were owned by the Crown or by feudal lords, use rights of the community were generally respected. These rights of people to use the commons to meet their basic needs were also recognised and reaffirmed by the state, as seen in the example of the Charter of Forests, issued in 1217 by King Henry III, which among other things, granted the right to every freeman to collect honey, to feed pigs, to dig ponds and ditches and to keep falcons, eagles and other hunting birds in the royal forests[1] .

In short, the Charter acknowledged the customary practices and rights of the traditional users of these forests.

Historian Peter Linebaugh argues that certain cultural processes drive such customs that a group of people agree to hold certain resources in common and act together in a manner that uses and preserves it. Linebaugh, who popularised the term 'commoning' uses it as an activity - a verb, to highlight the practice of creating and reproducing commons (as cited in Ristau 2011).

While the word 'commoning' has European origins, the idea by itself did not originate in the West. Humans all over the world, over millennia, have lived socially in close but diverse relations with nature and have practiced 'commoning' as a way of life. While there are significant differences between indigenous understandings of the commons that are embedded in their world views and associated knowledge and those associated with European legal and scientific traditions, both carry the same central theme of collective possession of resources 'in common' and sharing them among a set of people.

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[1]Based the English translation of the Charter of the Forest retrieved from http://info.sjc.ox.ac.uk/forests/Carta.htm

"To speak of the commons as if it were a natural resource is misleading at best and dangerous at worst - the commons is an activity and if anything, it expresses relationships in society that are inseparable from relationships to nature. It might be better to keep the word as a verb, an activity, rather than as a noun, a substantive." (Linebaugh 2008: 279)

"Forest Charter 1225(revised version of forest charter of 1217)". Released under British Library copyright statement "Public Domain Mark 1.0"

What is commoning?

In an interview from 2010, Massimo De Angelis, political economy scholar, also advocated in the same vein that regarding commons as mere resources that we do not need to pay for, leads to a very limited definition of commons. The scholars' conceptualisation of commons consists of three elements: pooled resources, community and commoning. In this framing, 'commons' refer to the non-commodified resources that enable users to meet their needs; 'communities' are the commoners who share the resources and set the norms and 'commoning' refer to the social practices that create and reproduce commons (De Angelis 2010).

David Bollier, American activist and commons scholar, refers to commoning as acts of mutual support, conflict, negotiation, communication and experimentation that are needed to create systems to manage shared resources (Bollier 2016: 2). 'Commoners' by definition then refer to those who practice commoning; who want to roll back pervasive privatisation and marketisation of their shared resources and assert greater participatory control over them through community life.

Citing Gibson-Graham and other post-capitalist scholars, feminist political ecologists Chizu Sato and Jozelin Maria Soto Alarcón observe that there are three types of commoning:

(1) commoning enclosed resources
(2) maintaining commons or creating new commons
(3) commoning unmanaged resources.

Sato and Alarcon argue for a post-capitalist Feminist Political Ecology (FPE) approach where humans and non-humans engage in re-appropriation, reconstruction and reinvention of available resources, knowledge and practices in ways that strengthen the well-being of the community. In this imagination, a commoning community is constituted through the process of negotiating access, use, benefit, care and responsibility. FPE illuminates the interdependencies between humans and non-humans and recognises non-human's right to life. This approach cautions against perpetuating power hierarchies and/or inequalities in the name of commoning as well (Sato & Alarcon 2019).

Organisational studies scholar Valerie Fournier (2013) defines three pillars of commoning as follows: organising

"What is shared is not just a plate of food, so many kilos of carrots or tomatoes or some knowledge of organic gardening. The process of collectively producing, cooking and eating food also produces community and solidarity. Commoning in Can Masdeu is not just about the fair distribution of garden space or food products between members. It is about creating community and solidarity through the sharing of work, food and knowledge: it is producing of the commons" (Fournier 2013: 442)

in common, organising for the common and organising of the common. Organising in common refers to the collective action and shared management of the resources including the co-creation of the rules and norms. For example, a forest to remain a forest, there should be rules stopping individuals from destroying it for personal benefit. Organising for commons is envisaged as the collective use and consumption of the commonly held and allocated resources. To illustrate this, the author refers to Can Masdeu, the squatted commune of 28 residents on the outskirts of Barcelona that occupied an abandoned public building. They cultivate land communally and also cook and eat the produce together. Knowledge and skills (organic gardening, baking, etc) are acquired for common use and also shared with the broader public via workshops. Organising of commons here refers to the collective production of common resources. It involves the social process of creating communities and collectives through sharing and reciprocity.

Another example of commoning practices can be drawn from the practices of some traditional fishing communities in the Coromandel coast of India. Fishermen councils there regulated fishing on nearby territorial waters by imposing bans on particular kinds of fishing gear or its applications. Those who violate the bans were tried by the councils who impose fines or sanctions. Bavinck (1998) observed that councils refer to the potential harm caused to the community while imposing these bans. He identified three recurring definitions of harms: damage to the fish stock on which the community depend, injury to majority ways of fishing and injury to the community as a social entity. He further observed:

"When fishermen refer to harm imposed on the fish stock, they are concerned primarily with the species which are important for their livelihood, that is, the varieties they target because of market price and availability. The second kind of harm stems from competition within one and the same ecological niche, and means that the livelihoods of a large group of fishermen are being threatened by a gear type used by a minority. Finally, harm can be social in nature; if a profitable gear type is too expensive for all but a few fishermen, its use is thought to result in undesirable social differentiation" (1998: 154-155)

## Commoning as a movement against capitalist enclosures and commodification

De Angelis envisages commoning as a movement against enclosures and incessant commodification be it that of land, natural resources or labour. Commodification can be defined as the transformation of relationships, formerly untainted by commerce, into commercial relationships, relationships of exchange, of buying and selling[2] . Capitalism converts things and activities into commodities that are traded for profit (Leys 2012). Not just raw materials and machinery but labour itself is sold and bought in the market under capitalism.

On the other hand, enclosure refers to the privatisation of resources that excludes other individuals and communities from accessing and using them. With the rise of agrarian capitalism in England, there was an imperative to improve agricultural productivity (Wood 1998). Marxist historian Ellen Meiksins Wood observes that this imperative led to not only technological innovations like the wheel-plow or new farming techniques like drainage of marsh and plow lands, but also to land consolidation and the elimination of old customs and practices that interfered with the most productive use of land. The ways of extinguishing customary rights included converting the common lands to private lands, eliminating use-rights on private lands and challenging customary tenures. Wood terms this extinction (with or without physical fencing of land) of common and customary use-rights on which many people depended for their livelihood as an enclosure. These enclosures led to the deterioration of livelihood of the commoners; the widows[3] , the elderly and the landless and led to widespread poverty among them. This also freed up the much required wage-labour for capitalism.

Capitalist commodification and enclosures have led to dispossession, widespread inequality, and environmental degradation. This has led many scholars and activists to think of post-capitalist alternatives that are more sustainable, equal and reduces human suffering. Some of them put forward commons as a way of moving beyond the

[2]https://www.marxists.org/glossary/terms/c/o.htm
[3]Under the Charter of Forests 1217, windows had a special provision to access means of subsistence from the commons.
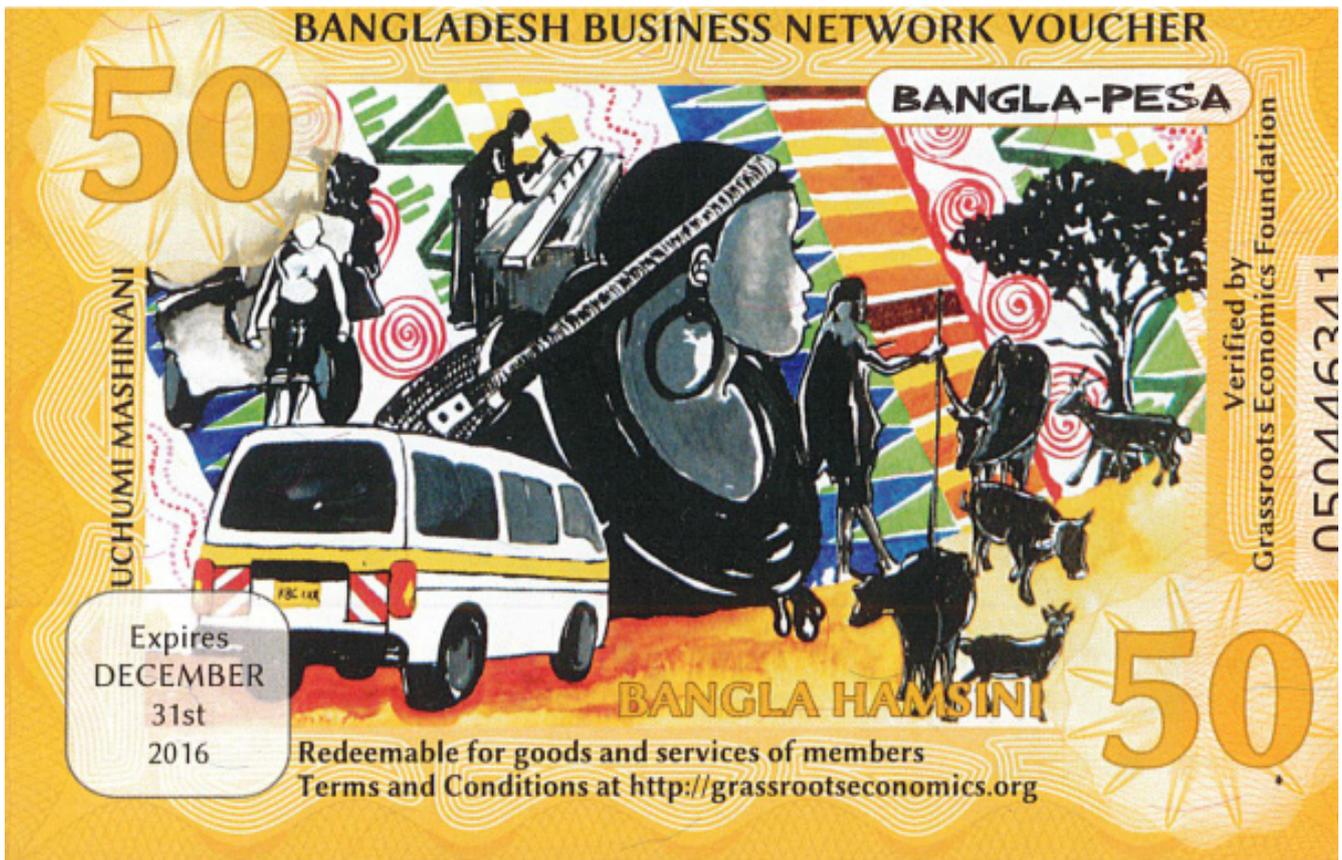
"A paper note of the community currency "Bangla-Pesa", representing a value of 50 Kenyan shillings"
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capitalist enclosure, commodification and alienation (under capitalist production, workers sell their labour and produce commodities for others and thus are separated from the outcome of their endeavours). Post-capitalist formations, as Chatterton and Pusey (2018) recommend, should inhibit commodification and enclosures, as well as build commons, socially useful production and doing.

One alternative to the mainstream development paradigm is the *Buen Vivir* (good living, or collective well-being according to culturally appropriate ways) philosophy that became popular in South America in recent years. This philosophy involves a holistic view of social life and grew out of indigenous struggles by peasants, Afro descendants, environmentalists, students, women and youth. *Buen Vivir* questions the overriding centrality of economy in social life and subordinates economic objectives to ecological criteria, human dignity and social justice (Escobar 2015)

Bengla Pesa is an example of commoning that challenges mainstream capitalist thinking. In any economy, people have wealth - unsold tomatoes, unused driving skills and other people have needs; food, ride to the hospital. But parties are unable to exchange services because they lack national currencies regulated by for-profit institutions, banks. In this context, Bengla Pesa, a voucher that traders and service providers can use to do business in the urban poor community of Bangladesh in Kenya, provides a community-based means of exchange between supply and demand (Bollier & Helfrich 2015).

An inspiring way in which some commons counter capitalism is by valuing everyone's time, needs and efforts equally. For example, at Helsinki time bank, where participants exchange goods and services with each other without using currency money, one hour of babysitting is equal to one hour of helping an elderly neighbour or providing accounting services. Similarly, in the Cecosesola
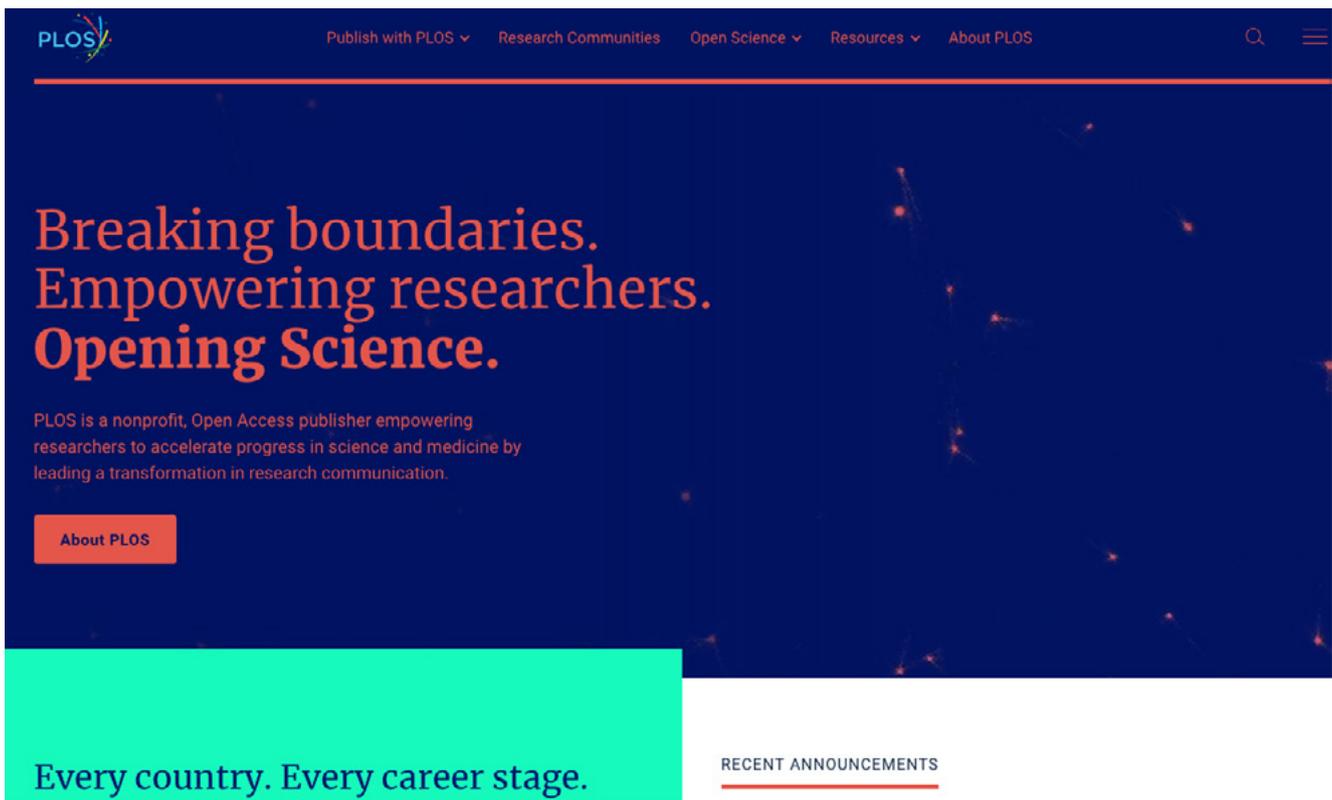
Screenshot of The Public Library of Science image credits: Vineetha Venugopal

network of Venezuelan cooperatives, everyone's work is valued equally while accommodating the differing needs of the people. Interestingly, vegetables produced by the network are priced according to the production costs including what producers need to live. Subsequently, Cecosesola prices its vegetables independent of the market price. (Bollier & Helfrich 2015)

These practices are in line with the observations De Angelios makes on the differences between commons and commodities:

"Commons are such because a community takes care of it, defines the rules of access and of relation with the external environment, and does so, because it is in this way that the commons themselves are preserved, sustained, and reproduced. In this way, the commons are not 'things' as commodities are, but social systems, comprising of communities, resources, and practices, i.e. commoning" (2014: i75)

Commons exist in diverse forms ranging from the water commons in the south of Ecuador where water

administration is done through 'community management' where everyone from children, men, women, young and old, participate in unwaged communal labour and lay pipes, move stones and bend metal to the community run ambulance services in Modena. Diverse examples of commons from all over the world include Fab labs and Arduino (collaborative technology commons), Open Course Ware, Libre Office and The Public Library of Science (knowledge commons) (Bollier & Helfrich 2015). De Angelios opines that such commons in every locality, every community must be made visible, nurtured, sustained and developed as an alternative and a means of struggle against capitalism (De Angelios 2014).

Sustaining commoning – institutions and practices

In the context of resource management, Ostrom's design principles provide a roadmap to collectively and sustainably manage a common resource. However, architect and urban housing activist Stavos Stavrides (2015) argues that

Ostrom's principles are more suited to rural natural resource commons and to encapsulate new forms of commoning, we need more fluid institutions. He reasons that institutions of commoning, similar to any other institution, can lead to closed, self-reproducing worlds and enclosures. For commoning practices to avoid falling into this trap, they must remain spaces of collective struggle and continuously expand their networks of sharing and collaboration.

Dominant institutions, Stavrides (2015) observes, legitimise inequality by distinguishing between those who know and those who not, between those who can take decisions and those who must execute them. For example, conventional management practices tend to move towards technocracy where those with technical expertise are accorded higher power and mobility. In an unequal world, such restrictive practices on who gets to manage would only deepen inequality. He argues that even dominant institutions that seem to be rooted in abstract equality reduce real people with differentiated needs and dreams to neutralised subjects with abstract rights. Thus, in a public space, general rules are applied to homogenised users.

According to Stavrides, institutions of expanding commoning differ from dominant institutions that perpetuate commoning as well as from institutions that practice 'enclosed commoning'. He opines that three essential qualities characterise the institutions of expanding commoning. Firstly, institutions of this kind encourage differences to meet, to expose themselves and to create mutual awareness. They should be flexible enough so that newcomers can be included without forcing them to a pre-existing taxonomy of roles. Secondly, they should offer tools for translating differences by creating a ground to negotiate differences without reducing them to common denominators. Thirdly, institutions of expanding commoning need to have mechanisms to prevent the accumulation of power either by individuals or by groups. For example, Zapatista communities[4] check accumulation of power by rotating their leadership, thus enabling every member of the community to learn to lead and contribute to community self-governance. Another example is that of Cecosesola, a network of about sixty cooperatives and grassroots organisations in the Venezuelan state of Lara, that provides services including healthcare, community-backed loans and funeral services. At Cecosesola, all the work is rotated voluntarily among the members. There is no hierarchy and decisions are taken by deliberating together and developing a common criterion (Helfrich 2015).

Yet another important practice of commoning that

Stavrides lists is gift-giving. He opines that in a world of extreme inequalities, commoners should be willing to give more than they receive, to speak less and hear more from those who are less privileged, and to contribute to common tasks without demanding an equivalence among individual offers. Thus, this gift-giving is different from the gift-giving practices based on self or group centred calculations and hint at solidarity and togetherness rather than latent obligations. Stavrides narrates stories from occupied Tahir Square in Egypt to show how the act of offering food helped in converting the protest camp into a collectively crafted home. Such offerings, Stavrides observes, enable alternate forms of circulation and distribution and encourage ways of relating to each other different from capitalism.

There would be people who wonder whether this would be possible as natural selection among humans is generally considered to be encouraging competitive behaviour. However, David Sloan Wilson, one of the proponents of group selection theory in evolutionary biology, has a different take on this. He opines that groups, where members cooperate with each other, have a higher chance of survival compared to groups where members don't cooperate (natural selection at group level). He further observes:

"*The entire package of traits regarded as distinctively human – including our ability to cooperate in groups of unrelated individuals, our ability to transmit learned information across generations, and our capacity for language and other forms of symbolic thought – can be regarded as forms of physical and mental teamwork made possible by a major evolutionary transition*" (Wilson 2015).

However, it must be noted that not all acts of cooperation are commoning practices. Commoning practices are in essence practices that explore alternate ways of owning, producing, managing and organising. Commoners should also be wary of activities that in the long term could support and sustain exploitation and oppression. For example, mere focus on cooperation and sharing and glorifying these can divert attention from the capitalistic exploitation and oppression that perpetuate scarcity. Therefore, it is important to also focus on re-commoning the capital in itself, since the creation of capital is based on common labour. As Linebaugh cautions,

"*Capitalists and the World Bank would like us to employ commoning as a means to socialise poverty and hence to privatise wealth. The commoning of the past, our forebears' previous labor, survives as a legacy in the form of capital and this too must be reclaimed as part of our constitution*" (2008:279).

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[4]Communities engaged in the indigenous peasant movement in Mexico for autonomy against the oppression by larger landowners and government

Chengara land struggle by indiashines is licensed under CC BY-SA 3.0

Commons and civil movements

Historically, the formation of enclosures was also accompanied by the rise of the civil movements to either reclaim the commons or to create new commons. For example, hedge breaking was one of the ways in which commoners in England protested against the enclosures that privatised the common lands they traditionally used. Groups of men and women burned hedges that enclosed lands and grazed their cattle, collected firewood or gathered berries in such lands - forms of use prevalent before the land was enclosed. Such civic actions are recorded from 16th century England (McDonagh & Griffin 2016).

Closer to home and the present is Kerala's Chengara land struggle - an example of an attempt at commoning the rural space. The land reforms in Kerala left out Dalits and Adivasis who were agricultural labourers. While Dalits and Adivasis were granted up to three cents of land in various colonies, it was adequate only for building houses. Subsequently, they were left without access to agricultural land and were ghettoised in colonies. In this context, the Chengara land struggle was a direct claim by the landless on land (Sreerekha 2012). Claimants and their supporters accused a big rubber plantation near Chengara, owned by Harrisons Malayalam Private Limited, of having expired its lease, not paying lease rent and also encroaching on government land. Sadhu Jana Vimochana Samyuktha Vedi (SJVSV)[5] , led 300 families (at one point, it grew to 7500 families) in 2007 to occupy Chengara estate, a rubber plantation under Harrisons Malayalam. They continued to occupy the estate despite

violence from workers associated with the plantation and the police. In 2009, the protesters were forced to come to a somewhat unsatisfactory agreement with the government and some of the occupants were given land in other areas. In recent years, the occupants have replaced rubber with multiple crops and 90% of them engage in agricultural activities (Sreerekha 2012).

While discussing new forms of enclosures, sociologist Maria Mies also lists some of the movements against them. While these movements may not explicitly involve commoning practices, they are undoubtedly movements against de-commoning. Mies (2014) narrates the example of the opposition that arose in India against the attempt to patent the uses of the Neem tree (*Azadirachta indica*). In the Indian subcontinent, components of the neem tree including twigs and leaves were traditionally used for a myriad of purposes - as medicine, fertiliser, fungicide and pesticide to name a few. After India became a signatory to The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), an American company, W. R. Grace, tried to obtain a patent for the use of neem for producing all kinds of pesticidal and medicinal commodities. Mies refers to this as an attempt at enclosing the tree and the knowledge about its uses which were freely available for use for everyone. In this instance, multiple Indian and European groups were able to successfully advocate for cancelling the patent.

Urban commoning movements

Against the backdrop of increased privatisation, gentrification and commodification, urban commoners attempt to create spaces that put people before profit. As Andrey Pusey (2010) states, they take many forms; collectively owned, rented, squatted and temporary. They are based on sharing and cooperation. These self organised centres provide spaces for food, entertainment and shelter on a non-profit basis and operate through consensus democracy and network with similar autonomous spaces whenever possible.

Ana Džoki and Marc Neelen describe Rochdale equitable pioneering society as one of the first examples of urban commoning. After the industrial revolution, in the 18th century, when people moved to cities in search of work, purchasing affordable groceries became a problem. Shop owners charged extravagantly and workers were dependent on 'company chits' that were accepted only in company run provision stores. This led to the creation of a food store

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[5]This is an organisation consisting of landless Dalits, adivasis and others belonging to various castes and religions

run cooperatively by 28 mill workers - Rochdale Equitable Pioneers Society - as an alternative to the company provision store. They developed the 'Rochdale principles', the first principle being that membership must be open to all persons able to use their services and willing to shoulder responsibilities without gender, social, racial, political or religious discrimination (Džokic & Neelen 2015).

Square movements are another type of urban commoning where public spaces are converted into commons. Stavros Stavrides argues that common spaces are different from public spaces. Public spaces are controlled by the authorities who create them and establish rules for their usage. He observes that common spaces are produced by people to establish a common world that will house, support and express the community they participate in. For example, at Egypt's Tahir Square which was the heart of protests against the authoritarian Mubarak regime, a large number of protesters removed the physical barriers erected by authorities, claimed the Square and built a community around it. Rafik Patel (2017) observes that an open and new community was set up in the Tahir square that was filled with necessities for living through the revolution "*a media station, a campsite, a kindergarten, a pharmacy, clinics, a water station, food stalls, an ablution area, a stage area, flag-selling stalls, a recycling area, a memorial space, a prayer space, and an art space*".

The Rajapalaya lake in urban Bangalore illustrates another interesting aspect of the commoning of urban public spaces (Sunderesan 2011). The lake was once a part of village commons used for drinking and irrigation. With growing urbanisation of Bangalore, it came into disuse and was transformed into a site for the dumping of city waste. Governance powers over this area were soon transferred from the village institutions to multiple government authorities with overlapping jurisdictions. Over time, the middle class residents in the surrounding area took note of the degradation of the lake including the encroachments, blocked drainage system and the illegal dumping, after their neighbourhoods got flooded. The group, some of them strangers to each other previously, came together and engaged in advocacy for restoring the lake. They also reached out to the economically weak community living on the other side of the lake, with the understanding that the lake was common property. Sundaresan observes that making of the commons, in this case, involved making of a 'community of concern' that included far away residents and even officials within the government system who recognised the value of the lake as a local open space and its importance to the regional ecology of Bangalore. He argues that the making or unmaking of commons thus involves making or unmaking such communities of concern. Based on the concept 'Right to City,' Sundaresan observes that right to the city involves right to the sphere of governance including planning and reimagining it.

Everyday commoning as a transformative practice

For most commoners, commoning is an everyday practice. One example is presented here to illustrate everyday commoning from the work of scholars Bresnihan and Bryne in Dublin, Ireland. Urban space in Dublin had been seeing intense privatisation and gentrification. This enclosure of urban space also extended to its cultural life. The city was forced to proliferate and commodify its 'pub' culture, making it a tourist attraction, in the process excluding many Dublin residents. This led to the opening of many 'independent spaces' in Dublin. For example, *Exchange Dublin* is an independent space situated in a tourist hotspot full of pubs. However, here alcohol is prohibited and the space is open to people of all ages. Thus, it provides a social space for the under 18 youth, who are normally excluded from pubs. This space is run by young volunteers and is open to hosting social and cultural events. Decision-making is done via fortnightly assemblies based on consensus democracy. *Exchange Dublin* is used for multiple purposes like photography exhibition, music, dance class, film screening, etc. While donations are accepted, most events are free. It describes itself as a non-political space and people also hang out there to simply socialize (Bresnihan and Byrne, 2015).

Owning in common - To get rent money, the users/participants of Dublin independent spaces rely on fund-raising events, contributions, renting at small rates to various artists, events, etc. They often rent low-cost dilapidated buildings and repair them themselves. Monthly rent is also raised through contributions. There is a sense of ownership among all those who participate and make use of the space.

Producing in common - These spaces also facilitate non-monetary exchange and circulation. For example, repair work is generally carried out by those involved by providing time, energy and skills. Contrary to the mainstream single use of spaces, these spaces are also used for multiple uses like living, eating, screening a film, conducting workshops etc to save rent. Authors observe that this socialisation of production, sharing of skills and resources transform the space, situations and participants.

Organising in common - In most of these spaces, governance is generally left open rather than determined by hierarchies of knowledge or experience. However, certain ground rules and policies guide the governance.

Bresnihan and Byrne argue that such spaces enable participation and production of spaces and social life that were obstructed by high rents and over regulation. Thus owning, producing and organising in common run counter to the enclosures - the privatisation and monopolisation of urban space - in Dublin. They describe such initiatives as attempts to de-alienate the city where participants are able to move beyond their frustration with the city and create spaces where they can reinvent the ownership, production and control of the urban. Authors opine that social relations of mutuality, trust, care and dependency arise when people are forced to sustain outside of commercial interest and state funding. **Thus, commoning is not just a project against commodification and enclosures, but an experience where the participants' habits, perceptions and social relations are transformed.**

It is these changed perceptions of self, knowledge, moral responsibility and ways of relating to each other that give rise to new political communities. In a similar vein, David Bollier opines that more profound influence of commoning is cultural as it regenerates people's social connections with each other and with 'nature'. It gives them opportunities for expanding personal agency (ability to make choices and act) beyond the roles of a consumer or voter into new roles that entail both responsibility and entitlement. By being part of co-operatives, local food provisioning or alternate currencies, they are taking matters into their own hands and creating, owning and organising social wealth. Bollier also points out that commons honour care work as an essential category of value creation - thus valuing women's labour that goes largely unacknowledged by capitalism. Thus, commoners try to build quasi-independent socially satisfying alternatives outside capital and state.

Challenges and innovations in commoning thinking

Increased state and market interference

In certain circumstances, the state and market can facilitate inclusion. For instance, state legislation against the practice of untouchability in India facilitated access to Dalit community to public spaces that were dominated by the upper caste community. Similarly, the Forest Right Act[7] (2006) legislation provided a legal framework for protecting the community rights of scheduled tribes and other forest

dwellers over forest in India. Economic liberalisation provided many women with opportunities for wage labour and to enter hitherto prohibited public spaces as well. However, these state and market processes can also have a detrimental effect on the community's ability to sustainably govern resources. Traditional, local and indigenous institutions lose their relevance when the state imposes its own rules of resource governance. In the Himalaya, traditional grazing practices of the nomadic communities were jeopardised when the local government enclosed these lands and started charging a grazing fee. In India, for the most part, the post-independent state followed the common property appropriation practices of the colonial state that led to an alienation of the local ecological knowledge and governance mechanisms of the local communities (Sridhar & Oommen 2014).

Incorporation into a wider market economy brings in changes in the values, beliefs and institutional practices of governance. The decline in local commons arrangements due to increased governmental control and development pressures have transformed commons into open access regimes. When the power of the community organisations declines, they find it difficult to enforce norms. However, sometimes traditional organisations find ways to stay relevant by incorporating elements of new institutions. In coastal Ganjam in Odisha, researchers observed that in most fishing hamlets, the ward member (local self-government representative) is a part of the village committee, the traditional governing body of the hamlet[8]. Either by co-opting the ward member or by nominating a candidate from their own group, the village committee attempts to stay relevant.

Securing the commons legally

General Public License (GPL) and Creative Common Licensing are some of the popular legal tools for securing the knowledge and cultural commons. For example, the Creative Common Attribution Share Alike license (CC BY SA) allows free sharing, modifying and using of the material but mandates works derived from the material should also follow the same licensing, thus ensuring that the material stays as commons. As far as bio cultural commons are concerned, the Indigenous Bio cultural Heritage Area (IBCHA) initiated by the Quechua people of Cusco, Peru is a good example of securing the commons legally. This locality is home to 2300 potato varieties conserved by the community. However, multi national corporations have increasingly tried to prey on this wealth of biodiversity. IBCHA was created to preserve and promote native potato varieties and protect the fragile ecosystem by recognising the role of indigenous practices in conserving them. The

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[7]The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was enacted in 2006 to recognise and vest the forest rights and occupation of the scheduled tribes and other forest dwelling communities.
[8]Personal observations

communities also established a potato park to conserve the traditional culture, knowledge and livelihoods. While they are open to sharing genetic knowledge with scientists, the community is opposed to patenting of any genetic knowledge. The IBCHA agreement is legally compatible with existing systems of national and international law as well (Bollier 2015).

Access to credit, revenue and scaling up

Bollier (2016) lists access to credit and revenue as a challenge for the commoners. Commercial banks and lending organisations find it difficult to lend money to commons as they are not profit oriented. However, co-operative financing, newly emerging crowd sourcing and alternative currencies are capable of supporting common movements. For example, BerkShares, a local currency in circulation in the Berkshire region of Massachusetts, U.S., supports community values of local economy and sustainability and it is accepted by over 400 local businesses.

Another challenge that Bollier highlights is that of scaling up - the question of federating the small commons into larger collaborative ecosystems. He suggests enlisting governments, cities or local governments as partners in the process for financial and legal support. This idea is in line with the 'partner state' idea propagated by Michel Bauwens, founder of P2P Foundation, the non-profit and global network that engages in advocacy and research of commons-oriented peer-to-peer practices.

The concept of 'partner state' was introduced by Orsi and developed by Restakis and Bauwens. Restakis (2017) envisages that the partner state would provide administrational support to the policies decided by the institutions of civil society on the basis of cooperative, direct democracy. In this imagination, the commons-oriented society is visualised as consisting of a civil society (contributing commons), an ethical economy (solidarity economy) and a partner state.

The partner state here will have the welfare functions of the state but with de-bureaucratised service delivery with greater participation, public-common partnership and taxation on negative social and environmental externalities. The ethical economy would consist of micro factories, fair trade, localised production and public funded research that will be made publicly available. The cooperative entities will also be part of civil alliances with each other (Bauwens & Kosatkis 2014). This imagination also visualises small and medium private enterprises co-existing with cooperative or collectively owned enterprises as long as they abide by fair labour and sustainable environmental norms and do not attempt to control the markets.

The question of remaining to be institutions of expanding commoning while scaling up is another concern that commoners have to contend with. However, as Stavrides opines, scaling up need not lead to hierarchies but rather to collaborations at different levels. However, this will be possible only if power dispersion remains a guiding principle and it is consciously practiced and facilitated (Stavrides 2015:16)

Respecting the local commons and indigenous traditions and practices

Preston Hardison (2006), natural resources and treaty rights policy analyst[9] , argues that while well intentioned, the global commons movement often fails to acknowledge the multiple local commons and the rights and aspirations of the indigenous people. He cautions against treating cultural commons as a monolithic unitary concept for describing a set of shared resources collectively owned by everyone. Western intellectual property norms often clash with the indigenous understanding of knowledge sharing. Hardison emphasises that indigenous knowledge may look like public domain within the community but often has restrictions on who can use it, where and when.

Hardison points out that conventional intellectual property rights law understand misuse and misappropriation in a different sense and do not understand these cultural realities. As an example, he raises the scenario of employing Creative Commons (CC) licence for traditional knowledge as the non-commercial use and transformation allowed under CC licence can lead to misuse or misappropriation from an indigenous perspective. As Hardison argues, we should critically look at the appropriations of local commons by the global commons.

Creations of new inclusions and exclusions

All commoning efforts involve a renegotiation of the political relationships through which everyday community affairs, production and exchange are organised and governed. However, feminist political ecologists point out that these new social relations transformed or formed through commoning are also contingent and ambivalent outcomes of exercise of power. Subsequently, they argue that as such these practices can create new inclusions and exclusions.

Andrea J. Nightingale (2019) illustrates this by using the example of collective action to turn vacant lots into urban gardens. She highlights the struggles involved in the process including struggles between city managers and users of the lots (homeless people or gangs), overlapping claims of ownership as well as the practices to replace weeds with garden plants. She observes that while this may give rise to

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a new political community connected by gardening, it also disrupts other political communities like that of homeless people.

She gives the example of Nepali women's *andolan* (movement) against the degradation of the community forest in Mugu to further emphasise this. This campaign was prompted in part by the recent training they obtained on the cultivation of herbal plants in the forest. Their daily engagements with the forest for collecting firewood, food etc. also shaped their relationship with the forest and each other. However, lower caste Kami women were not included in the training or herb cultivation. Thus, while the women's andolan brought together a large group of women, planted seedlings, raised money, marketed herbs and engaged in commoning, it also led to the creation of new exclusions for Kami women.

To address the question of exclusion, Nightingale focuses on the ability of commoning to transform the subjectivities (their values, awareness, sense of self) of the participants. However, subjectivities are transient. As an example, she points out that a love of the forest does not always prevent people from engaging in environmentally destructive practices. Similarly, how do you sustain your feelings of 'being in common' once you are out of commoning spaces? To sustain them, there is a need for everyday commoning; to stay with the trouble and transform relations with humans and non-humans positively while keeping in mind the exclusions that commoning practices can create. Subsequently, Nightingale argues that scholars and activists have to focus on doing commoning, becoming in common, rather than seeking to solidify property rights, or codify relations of sharing and collective practices.

Acknowledgements:

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