

Chapter 7

Traditional Commons

Managing a natural resource deemed essential for all makes a commons. Commoning allows the sharing of a limited, essential resource by managing the use of that resources by those within a community who have the right to the commoned resources. This way of doing things together relies upon community self-determination and autonomy, free from external management. It helps to understand the word commons not as a noun but as a verb.

Commoning a resource has a long history. Archaeologists find evidence of commoning from 6,000 years ago, likely first arising in response to the pressures of a growing human population upon desirable but limited resources. Traditional common land use patterns, found on every continent, have persisted over millennia despite the rise of monarchies, feudalism, and empires. Prior to the European destruction of customary rights through colonialism, enclosure, and privatization, people worldwide have commoned food resources.

Commoning persists today. Indigenous people common land and its resources to survive. More than 2.5 billion people depend on land managed through a customary system. Indigenous people, peasants and other subsistence growers, who common resources, inhabit one-quarter of the Earth's surface, lands which include 40% of all terrestrially protected and ecologically intact landscapes, and which grow more than half of the food eaten in the world.

While specific details of traditional customs and practices varied by location, external conditions, and ecologies, the underlying structure and processes of a commons appear universal. These include the exclusive governing of the commons by those who held the right to common, democratic decision-making, an oral tradition to record decisions, regular meetings of the rights holders to manage the commoned resources, the primacy of long-standing rights and practices in decision-making, and the selection of representatives to settle disputes and enforce judgments.

Property rights. People came together to share desirable yet limited natural resources: fish and game, edible plants and berries, arable land, access to water, a livable climate, forests, and other Earth life resources. This way of holding land evolved from the need of tribes or groups of people who lived in a territory to establish a claim on scarce resources and to avoid conflict with other tribes or groups of people. Natural features, such as rivers and mountains, typically marked the boundaries of a claimed territory.

Traditionally, a collective occupancy of a place within a larger claimed territory gave the community which inhabited the place the exclusive right to access the resources of that place. A community claimed its place by negotiating with neighboring tribes or a confederation of tribes. Nobody owned the land or resource as private property. Instead, they exclusively inhabited it.

Restricted eligibility: Only those who governed and managed the commoned resource had the right to access the commoned resource. Thus, it was important to define the eligibility of rights holders. Often, the families that first inhabited the place and founded the commons became the recognized and

generational rights holders. However, others who later joined the community and showed their value to it could become a rights holder upon the unanimous consent of the existing rights holders.

Living in the community of the commons did not make everyone a rights holder. The community sometimes adopted others who wanted to join the community, but that did not give them access to the commoned resources. Instead the adopted exchanged their labor for sustenance with a rights holder. The community did not allow some people to act as rights holders, such as the aged, infirm, the young, and most women.

In times when weather conditions limited a harvest or availability of a resource, bordering communities looked to their neighbors for relief. However, other tribes could not access the resource of a commoned territory without permission of those who commoned the resources. As these bordering communities also had cultures of gift economies, communities often shared their resources with communities in need as a means to obligate them to reciprocate when the giving community had needs of its own.

Sustainable resource management: Sustainable resource management allowed the community to persist by safeguarding fair use of the land's natural resources and avoiding taking too much of the resources. People recognized that their tribe's survival over generations depended upon its stewardship of the essential natural resources they depended upon to survive. The seven generation concept of indigenous people in North America urges the current generation of people to live and work for the benefit of the seventh generation into the future.

Because indigenous people recognized natural resources as a part of a larger social and ecological system, they managed the use of commoned natural resources in ways that allowed the resources to renew themselves. Traditional commons restricted the numbers of rights holders who had access to the land, limited the amount of a resource that any rights holders could extract, and regulated hunting seasons.

An exclusive and regulated common resource contrasts with an open, unmanaged commons. When everyone has the freedom to extract as much as they want of a natural resource, such as ocean fisheries, the resource collapses because of over-exploitation of the resource and from environmental degradation.

Distribution of resources: The commons evolved processes to fairly apportion shares of commoned resources among the rights holders in ways that furthered the community rather than individuals. A council of elders or selected tribal leaders had the chief function to allot resource shares on an annual basis among the rights holders. They also decided when to hold back some of the resources to avoid their depletion and to allow them to restock.

The community of rights holders placed precedence of the community over the individual to ensure the whole community benefited from the commoned resources, not just the rights holders. Everyone depended on the community for survival.

Authority: The rights holders of a commoned resource had the collective authority to manage and regulate the commoned resource and the power to enforce its regulations. All commoners knew their rights and their community. This common authority persisted even when it became embedded within larger hierarchical cultures such as feudalism, which required commoners to support the lords of the land through labor, taxation, and services.

Regulations: Regulations provided a way of regulating the taking of Earth and life resources to assure both sustainability and fair distribution of that resource among those entitled to exploit it. Traditional commons needed clear rules and practices to share desirable resources, to allow for the sustainability of the natural resources, and to keep harmonious relationships within the community of rights holders. Avoiding conflict depended on a well-established understanding of rights and regulations and clearly defined processes of decision-making and enforcement of regulations.

Rights holders had carefully defined opportunities to produce food in their own ways as long as it did not compromise the sustainability of the resource nor diminish the rights of others. In this way commoners could innovate and learn from each other.

Regulations changed or became more detailed as practice uncovered the need to further clarify them to avoid conflict and protect sustainability. This process allowed the commons to adapt to changes in the supply of natural resources, social values, and external conditions. The act of commoning continuously makes and remakes the commons through shared expectations, labor, and capacities. That said, commons had a deep resistance to change as revising customary rights required the assent of all the rights-holders.

Prior to European conquest and colonization, an oral tradition transmitted the customary rights and practices of a commons from one generation to the next, which provided the means for rights holders, individually and collectively, to have a common understanding of the rights and practices. All commoners knew their rights.

Enforcement: Despite detailed rules and regulations, and people being people, a commons often had disagreements and conflicts between individual rights holders. For example, a commoner could not infringe upon the holdings of another commoner without permission. The community considered such an encroachment a serious concern, which required mediation and punishment, if necessary.

A commons selected trusted community members, often elders, to conduct a mediation process to sort out the difficulties between rights holders and to enforce their judgment. They listened to the complaint and to the defense and then made and enforced their judgment based on customary regulations. Enforcement of regulations maintained common rights over the claims of individuals. In this way the commons maintained discipline, defined its parameters, and organized its priorities.

Regulations also defined the penalties for transgressing the rights of another commoner. Penalties depended upon the severity of the infraction and could range from a simple apology to replacing what was taken out of one's own harvest. Someone who constantly transgressed customary regulations and practices could lose their right to participate in the commons.

If someone had a complaint not covered by established regulations, that could trigger the process to revise or add to the regulations at a meeting of the full body of rights holders. Changing or adding to regulations and practices required unanimous consent among the rights holders.

Democratic decision making: The rights holders managed the shared resource in mutually beneficial ways. The process of collectively managing the commoned resources of a place evolved over time through a collective adjustment of interest. The commoners had regular meetings of rights holders, at which they heard concerns affecting them all. The commoners made their unanimous decisions informed by long-standing customs and practices.

Culture of a commons: A traditional commons offered the commoners and their community many benefits beyond a reliable access to valued resources. It provided commoners a personal identity and a meaningful way to interact with others. Kinship and community networks grounded individuals in rewarding social relationships. When conditions favored the availability of bountiful food, commoners enjoyed distributing the harvest surplus within a gift economy, which obligated those who received the gifts to reciprocate, perhaps in the form of labor when needed.

Culture underlying a commons: The underlying culture of people commoning a resource shines through a commons. Indigenous people have a different relationship to the land than Westerners. They see the landscape as alive with a will and agency to make its own decisions, a capacity shared by other living beings such as the land, wind, the rain, the animals they hunt, and the plants they gather and grow. People have the responsibility to reciprocate for the gifts they receive through ceremony and protecting the resources from harm. Having good relationships with the spirits of the land and other beings inform their views about the place they inhabit. The acts of commoning respect the wants and needs of their more than human neighbors in the place shared by the commons.

The act of commoning does not on its own transform the underlying cultural values of people. A patriarchal culture will have a patriarchal commons. A commons developed by people entrenched in a culture of individualism, private property, and the willingness to harm for self-benefit will reflect those cultural values. Yet, commoning calls to us as a way to transform our relationships with each other, other beings, and the Earth, to go beyond individualism, privatization, and greed. People in the past and around the world naturally gravitated toward commoning as a way to live sustainably within the Earth Interbeing, an attraction and a necessity we feel today.

Resources

S. Kirwan and L. Dawney, *More-than-human commons: from commons to communing*, from *Space, Power, and the Commons: the struggle for alternative futures*, J. Brigstock, ed. Routledge (2015).

Susan Oosthuizen, *Archaeology, common rights, and the origins of Anglo Saxon identity*, from *Early Medieval Europe*, 2011 19(2), Blackwell Publisher Ltd.

Cary Miller, *Ogimaag: Anishinabe Leadership: 1760-1845*. University of Nebraska Press, (2010).

Derek Wall, *The commons in history: culture, conflict, and ecology* MIT Press 2014.

Contact: Louise Gorenflo – lgorenflo@gmail.com