

# The Commons Digest

formerly known as *The Common Property Resource Digest*

NO. 4 QUARTERLY PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR THE STUDY OF THE COMMONS June 2007

Welcome to the June 2007 *Commons Digest*. In this issue we highlight the importance of a historical perspective in commons research. **Tine DeMoor** leads the *Commons Forum* with her commentary outlining her view of the role of long-term historical development of commons as a source of inspiration for research and policy. **Audun Sandberg** responds to the lead essay with his agreement that historian's knowledge about the pre-conditions for commons institutions is important, and goes further to call on social scientists and historians to bridge the gap between the disciplines. **Evelyn Chia** tells us that the lack of historic perspective in commons work is often the result of the mistaken belief that the past was relatively static and insular, but that history can enlighten us on the adaptability of societies and communities. **Brad Walters** focuses on another issue in the historical perspective- that historical analysis is scientific in its own right. The *Commons Forum* closes with an essay by **Sarah Strauss**. Using a perspective informed from her work in Switzerland and Wyoming, Sarah agrees in the importance of the long-term perspective in commons and points out at the chasm between tradition and modernity is but a mirage.

Please also take a look at the Announcements where we extend an invitation to report on commons-related organisations and research through profiles in the *Digest* and web discussions on the IASC homepage. **Enjoy!**

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## Commons Forum *Commentary*

The past is not a another country: The long-term historical development of commons as a source of inspiration for research and policy.

**Tine DeMoor**

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Many negative effects of human use of resources do not become visible until after lengthy periods of time, often even centuries. One could assume it therefore to be obvious to integrate long-term historical developments into case-studies on common pool resources, in particular when we're trying to understand how the regulation of the use of common pool resources worked and what changes of that regulation could bring about. However, whenever a historical perspective is integrated in the commons studies this is mostly restricted to the 19<sup>th</sup> century. The distant past seems to be - for many commons-researchers- another country. At the same time historians, tending to be rather descriptive and often hardly interested in the theoretical implications of their research, hardly search to benefit from the models and frameworks repetitively tested by sociologists, economists, and others. This is a missed opportunity. After all, in the period we can study because of sufficient inheritance of written documents (from the 10<sup>th</sup> century onwards), the *homo sapiens* did not

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change to such an extent that we couldn't compare his behaviour over long periods of time. Seen from a world history perspective, whether this *homo sapiens* behaved as an *economicus* or *reciprocans* is more a matter of circumstances—ecological, economic, social, cultural—than of human biology or evolution. I believe that part of the limited mutual interest between historians and other social scientists is due to the rather negative and static view of the pre-1800 village common that was created in the 1960s. In this short article I will try to start correcting that image. Europe, being the area of the world with the most extensively studied history of the commons—from common arable to common woodland—will hereby play an exemplary role in this, but other regions could be at least as interesting to test the possibilities of cooperation between disciplines.

Over time, and in particular since the middle of the twentieth century, the term 'commons' has been used in many ways. Previously, in the historical documents 'commons' referred to common land, often in the form of pasture, or meadowland. Commons in the historical sense refer to land that was used and managed by several people or households during a certain period, in distinction to land that was used by only one person or household throughout the whole year. The variety of alternative namings in English (e.g., open field, common meadow, common waste) and in other languages (*markegenootschappen*, *meenten* (Dutch), *Genossenschaften* (German) to give just a few examples) has over time led to considerable confusion and has for a long time prevented scientific comparison of the emergence and functioning of commons. In the middle of the twentieth century, the common as a physical phenomenon started to be used repeatedly by scientists from other disciplines to indicate collective property. Though he was not the first to 'conceptualise' the historical commons, Hardin's 'the tragedy of the commons' can be considered as a bench mark in the evolution of the discourse on the commons.

Hardin caused considerable confusion by giving a false account of the historical functioning of the commons. The "common" Hardin described was land whereupon no property rights rested, thus making it very easy for everyone to overuse it. He asks the reader to 'Picture a pasture open to all'. And then: 'It is to be expected that each herdsman will try to keep as many cattle as possible on the commons.' However, the historical common was not at all open to all. On the contrary: all the commons had clear rules about the conditions to be-

come a legitimate user, and on the do's and don'ts if you had obtained membership. The European villagers started from the early 12<sup>th</sup> century onwards to formalise their cooperation in land usage and management by writing down regulations. These regulations were often highly sophisticated in their design, showing the awareness of the commoners in the dangers that lured in cooperation. They, for example, often used graduated sanctioning systems, not sparing those who didn't report freeriding either. In trying to prevent the commoners being seduced by the market, it was often prohibited to put cattle on the common summer pasture that had been bought on the early spring cattle market. The common was not a place to fatten up your cattle but it was an essential part of the mixed agricultural system as the manure produced by the cattle was indispensable for the arable land. This connection between the arable land and the common was vital for the pre-industrial agricultural system. As has been shown for several Western European countries the regulations of the European commons matched Lin Ostrom's famous design principles pretty well. When putting these rules into practice, the commoners showed an often remarkable ability to guard the ecological balance on their common and to adjust to changing social and economic circumstances. In plenty of occasions the number of cattle allowed on the common was restricted to the carrying capacity of the pasture, and if this number was not set in advance, the number of cattle could be regulated by using price mechanisms. Plenty of other examples of rules and practice could show that in their strive for a striking a balance between efficiency and utility the commoners autonomously designed an impressive set of rules they put adequately into practice. This allowed them to keep the 'tragedy' well at a distance.

Topics other than natural resources have emerged since the 1990s in the commons debate. Here again, inspiration can be found in a long-term perspective as in the same period of the emergence of commons we also find a sort of knowledge common emerging. Craft and merchant guilds –which Putnam considered to be pivotal in the development of democracy in Northern Italy (Putnam et al. 2003)- were set up to exchange and safeguard knowledge about trade, products and production processes. History here confirms what we find in the experimental anthropological research, that market integration can encourage cooperation, as was also recently shown by amongst others Herbert Gintis and Samuel Bowles. The emergence of commons and guilds happened in a period of increasing market integration: in some regions of

Western Europe as much as 60% of the population had been active on the labour market, already during the late middle ages. At the same time historical analysis also suggests other factors that might have played a role in the population's willingness to cooperate. There are juridical (for example the creation of the concept of *universitas*) and social factors (the particular marriage/family pattern of Western Europe) that also may have played a fundamental role in changing the face of the history of cooperation. The evolution of cooperation over a mere 1000 years in Europe suggests a multitude of new paths of analysis for sociological and anthropological studies of present day commons.

In the future, we –as commons-researchers from various disciplines- should try to close the interdisciplinary gap. Historians have for a long time primarily focussed on the dissolution of the commons, whereby external factors like industrialisation and population growth were considered as the motors of this process. In these stories, the commoners themselves usually play a passive role and are approached as a group, without much attention for the potential influence of the commoners as individuals. Among 19<sup>th</sup> century commons-historians, there was also a clear interest for the origins of the commons, but here again the individual motivations to own and use land collectively were largely ignored. And moreover, those motivations, whether individual or group-directed, were in the historical debate not linked to the causes for the dissolution of the commons. More attention should go to what lays in between origin (in Europe, mainly 11-13<sup>th</sup> century) and dissolution (in Europe, mainly 18<sup>th</sup>-19<sup>th</sup> century): the functioning of the commons, which has been one of the prime concerns of the other social scientists. Social scientists have used concepts as the prisoner's dilemma, free riding, and reciprocity to identify problematic relationships between individual aspirations and group dynamics, and have put less stress on external factors as causes for the malfunctioning or even dissolution of a common. Sociologists and economists generally put the main responsibility for the dissolution of the commons with the individual. This divergence in research traditions shouldn't be a hindrance for more interdisciplinary commons research in the future. The sociological debate on individual responsibility of the commoners can be enriched by linking it to the influence of external factors, which has been at the fore of historians describing the dissolution of the commons and vice versa. A solution to identify the links between

the different aspects as discussed by commons-researchers, could be the use of an analytical framework that focuses on the main functions of a common, and the interaction between these functions: the common as a resource, as an institution and as a property regime

The longevity of many commons (several centuries) should be recognised as a sign for institutional flexibility. Adapting to change and the passing on of values and norms over hundreds of years is not easily done -but, as seen in many commons- it can be done. Including the commons of the past would add abundant diachronical evidence of what is now primarily based on contemporary case studies. One of the difficulties of experimental research has long been the difficulty to repeat situations –over several generations- and to take into account reputational mechanisms. Notwithstanding the problematic aspects of historical research (e.g., the lack of oral sources), there is often sufficient written material left to analyse the behaviour of generations of commoners. And we can discover the pitfalls: where the self-governance of the commons was threatened, a tragedy could often not be avoided, as in contemporary examples. This information could help us understand and predict what happens on commons in villages in third-world countries that are facing levels of e.g. market integration similar to the villages in the European past. That past is not another country; they didn't do things all that much differently there. On the contrary.

For Further Reading :

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# Commons Forum Response

## Bridging the Gap between Disciplines

Audun Sandberg

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

Tine is very right in pointing out that much of the lack of mutual interest in resource governance issues between historians and other social scientists is the rather negative and static view of the pre-1800 village common that was created in the 1960's. And she uses this image to explain how Hardin could make such erroneous assumptions about the historical common and why consequently his analysis could turn out so wrong – and have such grave consequences in terms of privatisation on a world scale through the latter part of the 20<sup>th</sup> century. What Tine does not point to, however, is the fact that this static view was in many ways created much earlier, more than 100 years earlier when the “enclosure movement” and the enclosure debate raged in the industrializing Europe, with famous combatants like Fustel de Coulange and Henry Sumner Maine. It was also at this time that much

of the social sciences were formed under the pressure of solving the three great questions of the time: “Die Sozialfrage”, “die Arbeiterfrage” and “die Agrarfrage” Still all 1<sup>st</sup> year students in Sociology are taught the difference between “Gemeinschaft” and “Gesellschaft” as the best way of dichotomizing the “traditional” and the “modern”. Thus the past became even more stereotyped as the static, unchangeable agrarian society where everybody did all tasks themselves and where everyone thought the same way in some sort of mechanical solidarity. Whether deliberately or not, this contrasting with the vibrant, dynamic and specialized modern *gesellschaft*, also stigmatized the empirical models of the “ideal type”, the commons, the *allmend* and the *genossenschaft* as old-fashioned and best suited for the garbage heap of history. While in fact, as Robert Netting has shown us, the *erdgenossenschaft* was a very efficient economic and ecological governance machine, which programmed all economic activity in the alpine communities and secured what today is called “sustainable development”.

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

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

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

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## Commons Forum *Response*

**The distant past and other ‘pasts’ as fodder for understanding state-society relations and extra-local influences on society**

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The neglect of the distant past – i.e. pre-1800 Europe or the equivalent of pre-1800 (pre-industrial revolution and expansion of a market economy) Europe elsewhere in the study of commons is perhaps due to mistaken perceptions

of the past as relatively static and insular as compared to the upheavals of the 19<sup>th</sup> century. Wars, collapse and alternatively amalgamations of kingdoms, disease – were all substantial upheavals in themselves. The question is to what extent did such phenomena affect the ability of a community to create sustainable rules of governance over a common-pool resource. The answer would be quite obvious, I would suppose - to a significant degree. They were in fact as disruptive of rules of the commons as the expansion of the market, the advent of mercantilism, and the Industrial Revolution in England and subsequently in the rest of Europe in the late 18<sup>th</sup> to 19<sup>th</sup> century. In addition, these upheavals often affected the nature of social interactions within people in a community and people between the community and the rest of the kingdom or country, as the case may be. And it is precisely the form and nature of such social interactions, the level of trust, the level of social capital, if you will, and perceptions of a common interest that affects the creation of institutions that govern common-pool resources. As such, I would agree with Tine that we should expand our scope of analysis to beyond the recent past to the more distant past. The question is – how do we do it, without subscribing to a sort of path dependency that leaves no room for theoretical integration.

My first answer would be – to seek how such events affected social interaction of such communities. The tendency to overlook this aspect of analysis is perhaps the misconception that such ‘communities’ were relatively homogeneous and hence interactions between members of a community were also relatively homogeneous. More importantly, the implication of such an assumption also leads to seeing the ‘community’ as a static entity that does not change or adapt to exogenous shocks. Institutional change does indeed happen over a period of time, in response to structural conditions, but they also require human agency to mould those conditions. It is not always the case that humans are subject to conditions of which they have no power over and are reduced to creating rules that are ultimately still contained within the structural conditions of the game. Institutional theory tells us that it is possible to change the rules of the game, indeed, people do that all the time. However, it is also possible to change the nature and objective of the game itself, and by extension the rules of the game. Think outside the box. Shift the focus of the game – that requires agency, and an appeal to more fundamental feelings of human association as well as ideological and moral exhortations beyond the mere homo economicus or even bounded-rationality model. And it is often human

agency that is very much ignored in our focus on institutional arrangements.

I would surmise that the focus on the 1800s onwards is due to the events/phenomena that I listed above – namely the emergence of free-market capitalism and the Industrial Revolution which fundamentally changed social relationships and the way that exchanges of goods and commodities were done. These two phenomena affected the nature of social interactions in very significant ways. Firstly, the mechanisation of production processes rendered the factory/industrial production paramount in people’s lives rather than the agricultural (or other) communities in which people lived in, during which production was aimed at more or less the local consumers or for self-consumption. Secondly, mechanisation enabled the accumulation of surplus premised upon a higher level of extraction of natural resources. The higher demand on natural resources required a change in the way which local communities managed their resources and adapted to the community as well as industrial pressures.

However, the status of the community vis-à-vis the extralocal, and the nature of extraction of natural resources are also factors that are affected by nation-building – a process that is not unique to the period after the 1800s. The rise and fall of kingdoms, and the question of how rulers mobilised natural resources and people for war against other nations, or kingdoms, as the case may be, are the proverbial questions of nation-building that accompany each stage of political transformation. As with my research of China in the early stages of nation-building after the establishment of the People’s Republic of China in 1949, the state sought to control far-flung places that were previously considered the ‘periphery’ and in order to fold these places into the state-led developmental fold, they tried to transform society and rural communities in ways that were unprecedented in China. The measures they employed sought to break the hold of traditional authority in these places, and supplant the Party-State as the eminent authority of all aspects of political and economic life, including the way people managed natural resources. Natural resources no longer belonged to the communities, they belonged to the state. Communities were relegated to custodians of the environment, and had to follow state initiatives that were often very much against the traditional concepts of forests, land, and water. The disasters of the Great Leap Forward, for example, that precipitated rampant exploitation of forests and timber must have ruled against local ideas about timber use. How did people and

# Commons Forum *Response*

## **Making History Matter**

**Brad Walters**

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The study of collective action and common property resource management could be deeply enriched by research that adopts a more explicit, analytically historical perspective. However, “the past is another country” presents the study of historical commons as if this remains a distinct disciplinary pursuit from that of contemporary socio-economic approaches. In so doing, it tends to re-enforce a counter-productive and arguably false dualism between the historically “descriptive” and the contemporary social “scientific.” It further argues that the value of historical studies be measured in terms of their contribution to the development of general commons theory. In short, historical information is seen as a kind of untapped pool of empirical information that can be put to the test of contemporary theory.

But some of us would argue that historical analysis is scientific in its own right, at least wherein it involves the intentional search for and rigorous evaluation of causal relationships between changes or events over time. Taking this view, the development and refinement of general commons theory in the social sciences is secondary to the goal of pursuing and establishing robust causal-historical explanations about things that are of interest to us. In short, let us use theory to serve our needs for better understanding, rather than place our investigations at the service of testing or proving some predetermined theory or model.

My own experience is that, where historical information is sought to better understand present day patterns of collective action and commons management, findings are ambiguous, and tend to challenge, if not sharply contradict existing theory and assumptions. Secure land tenure encouraged tree planting in some communities, yet insecure tenure was a primary motive for tree planting in others. The same people who practiced sound resource management at one point in time destroyed those same resources at a later date. Heavy-handed state management of a critical ecological area failed in the 1980s, but then recovered to succeed in the 1990s. And so on. It was not difficult in each of these cases to explain the

local communities justify or come to terms with such exploitation? What is the role of local communities, the role of leaders (widely defined) in shaping the discourse of exploitation and hence successfully challenging externally-imposed rules on their communities? Although these are questions that are frequently-asked these days in the development literature, they are seldom asked of periods often deemed too distant and remote to warrant comparison. As is with the case with globalisation and how that is often recreated and reshaped at local levels, the same logic applies to periods that experienced extralocal influences on conceptions of the common good, the usage of natural resources, concepts of leadership, the role of the individual and the community within which the ‘common good’ is to be defined. What I am suggesting therefore (as perhaps some of the many experts have already started doing) is an examination of central-local and region-local interactions that affect not just the ability of local ‘communities’ to create and enforce their own rules of governance, but also how the discourse of the ‘common good’ that has shaped these rules. As with the Great Leap Forward, and seemingly irrational policies of the Chinese Party-State that runs against ingrained knowledge of certain natural resources, studies suggest that there was substantial resistance to state-hegemonic discourse of the common good and usage of natural resources. However, in people’s adaptability, we also find a certain complicity to state-rhetoric that can range from reasons of political self-interest to something as fundamental as survival.

As such, my agreement with the author’s call to study the distant past stems not from an intrinsic interest in Europe pre-1800s, but rather from the belief that there are certain societal transformations that not just the 1800s onwards are privileged to. From this premise, the past and history provides a rich source of information on which to dwell on the adaptability of societies and communities, the ingenuity of the human race in adjusting to changing conditions, and the role of ideas, ideology and values in shaping what is the common good. The common good, then, I suppose would define then what is considered as the optimal outcome. Ignoring how the common good came to be shaped or defined, and the role of human agency (either in response to endogenous or exogenous changes) in this process of definition would neglect a whole lot of sociopolitical dynamics within and without these local ‘communities’. These sociopolitical dynamics translate into the strength and form of social capital, and contribute or detract from the effective governance of any resource.

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contradictions, but accepted theories and models of collective action and commons management were often not needed to do so (Walters et al., 1999; Walters, 2004).

In short, careful attention to history tends to humble, not empower general theory. But in so doing, it puts theory in its proper place; namely, in the service of (but not the direction of) researchers who seek to explain why collective action and commons management emerge, persist and decline at particular points in times and in particular places.

Detailed written records of the kind called for in “the past is not another country” are scarce for most of the developing world. Here, oral history remains the most ready source of information about the past and the tools of ethnography the most valuable for retrieving it. While knowledge of the distant past may be unobtainable, critical insights can be gained from oral histories of memorable past events and their causal influence on present-day patterns of behavior, social organization and resource management (Walters *et al.* 1999). Theory and models about collective action can assist in our piecing-together some of the puzzles, but researchers should be willing to set these aside and embrace the unexpected and idiosyncratic as these emerge during the course of study.

For Further Reading:

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Walters, B.B. 2004. Local management of mangrove forests in the Philippines: Successful conservation or efficient resource exploitation? *Human Ecology* 32:177-195.

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*Will you be there?*

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# Commons Forum *Response*

## **Living on (under?) the Edge: The Commons between Environmental Risk and Economic Development**

**Sarah Strauss**

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Sitting in the City Council meeting for hours, waiting patiently as the democratic process played out, I tried to think of what I would say when my turn to speak came around. The concern that had brought me to the meeting was how to get the city of Laramie to take significant steps to reduce its carbon footprint and thus tread more lightly on the planet, reducing the damage done to the global commons. But before that topic could be discussed, we needed to clear the agenda of an earlier question regarding the protection of our local aquifer from the potential negative impacts of another new housing project.

Since this all took place as I was in the middle of writing my response to “The Past is Not Another Country,” our management of the local commons weighed heavily on my mind. The situation that was unfolding in my Wyoming town this week recalled strongly the kinds of issues that I have learned about through my historical and ethnographic research concerning the village of Leukerbad in the Swiss Alps. As Tine suggests, “The evolution of cooperation over a mere 1000 years in Europe suggests a multitude of new paths of analysis for sociological and anthropological studies of present day commons.” Because we are fortunate enough to have access to a roughly 500-year-old historical record for Leukerbad (in comparison to the less than 150-year record for Laramie), it is possible to compare past experiences in managing the commons to avoid collective risks with contemporary situations that pit private gain against public welfare. I could not agree more with the suggestion that historians and social scientists (not to mention natural scientists!) need to spend more time in conversation, uncovering and learning from the experiences of the “longue durée.”

Leukerbad is located at the end of a side valley that extends northward from the main valley of the Rhone River, in the Swiss canton of Valais/Wallis. In the past, Leukerbadners have recognized their extreme vulnerability to avalanche destruction. The recorded history of the

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village over the past five hundred years has demonstrated that attention to this particular type of natural hazard was crucial for survival. Representations of such concern appear in a number of ways; the earliest that I have found are in the White Book, the primary village historical document, which contains written records of legal and administrative decisions regarding the village from 1501 til 1909. This leather-bound book, the current iteration of which was transcribed from earlier documents starting in 1697, had been all but forgotten by most local community members when it was first shown to me in 2001. While all communities in the Valais maintained such records at one time, the majority of them have been lost to fire or other natural disasters over the years, or simply forgotten. Few remain intact, and the ability to take digital photographs of this document, page by page, and to have the funds to translate it from its original combination of Latin and early modern German into contemporary high German, has allowed a marvelous resource to be preserved to the benefit of the entire Leukerbad community.

Attention to avalanche danger in the White Book is represented in two primary ways: in terms of environmental regulation through maintenance of the common resource of the Bannwald, or protective forest zone, and of recognition of the threat to human safety that habitation in avalanche-prone areas always entails.

The seventeenth chapter of the White Book, a legal remedy originally written in 1573, discusses two dairy farmers from the Mayen and Supersaxo alps who were forbidden from taking any wood from the Bannwald of that region for a period of twenty years, in order to curb the overuse of forest resources and the resulting weakening of the village's defenses against avalanche damage in this region. The document notes that

“through this excessive tree cutting, the mentioned dairy farm Du Mayen at many, indeed at most locations, slid, slides and is damaged and heavily ruined and its trees are devastated. This has been obvious for a long time and is clearly visible today while visiting the site. [Furthermore, this lumber cutting] [happened] beyond the hitherto customary law; and other [reasons for dispute were brought forward] that are left out here for the reason of brevity. To prevent future damage, it was extremely necessary to find a remedy [and], finally, to [restore] peace, love/friendship and benefit of both parties through the negotiations between righteous men” (The White Book).

Analysis of the White Book has also been facilitated by the existence of a volume of aerial photographs of the region, labelled with place names in the old dialect—a project conceived of and executed by village elders to prevent the

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total loss of this important information. Leukerbadners have always lived in a landscape characterized by a high degree of avalanche risk, and despite the rather extreme nature of this uncertain life, they have worked continually to deflect the risks in favour of continued development of their water-based economy.

As Leukerbad's reputation as a Kurort, or spa, grew, the number of guesthouses on the eastern side of the Dala also increased. In this location, which had come to be the village center, the major thermal source, the St. Laurence spring, flowed out of the ground at 50°C and nearly 1000 l/minute. But in each century following the founding of the church in 1501, major avalanches destroyed this highly vulnerable section of town. The worst avalanche catastrophe in terms of human life was that of 1719, in which 52 people lost their lives and all the guesthouses with the exception of the enormous Hotel Maison Blanche were destroyed. The avalanche came just up to the church building, but though slightly damaged, it was for the most part spared. Since then, on the day of St. Antonius—patron saint of avalanche victims—a special mass is said to remember these tragedies. When I attended this ceremony in 2001, the names of the victims, along with marital status, age, maiden name for women, family relationships, and other bits of info available (eg that one person was known as Johannes the Blind) were read aloud, with the effect of making the magnitude of the tragedy for a village of 500 quite clear—10% of the population died in one day.

Additional avalanches in 1720, 1756, and 1767 culminated with the flattening of one of the major bathhouses by another avalanche in 1793. During the 18<sup>th</sup> century, efforts were made to build small avalanche deflection walls, but it was not until 1829/30 that construction of an 800 foot long and 17 foot high wall began to secure the village center from its repeated cycles of destruction and rebuilding. The latest effort in this regard was completed only two years ago, with sophisticated structures on the top of the western cliffs.

As more effective controls were designed, however, complacency set in. In 1999, a very heavy snow year, a building at the southern edge of town was severely damaged by an avalanche that was the result of a deliberately set explosive charge. The building that was damaged had been built after 1980, in an area known to native Leukerbadners as a dangerous place, a place where no one would walk in winter, nor keep livestock. In fact, a community development plan created by an architectural design class from the Swiss Federal Institute of Technology in the 1960s shows that they recommended the same thing as the old timers—

that no development take place in this region because of its vulnerability to damage from avalanches.

By the 1980s, however, one could argue that Leukerbad had become as much of a late modern Risk Society, in Ulrich Beck's sense, as any other place in the West; the villagers' concern with cooperative distribution of "goods" in the largely communal, subsistence-based society had presumably been replaced with a more individualistic perspective accompanied by greater concern for distribution of "bads"—that is, risks. The local council calculated the degree of risk for building large structures in what should have been an avalanche protection zone against prospect for increased profit through low cost housing development for the surging army of guestworkers who were providing the foundation for an economic boom in the tourism industry—both in terms of the spas and the ski area—that lasted through the early 1990s; the decision at that time came out on the side of development that would profit individual property owners and employers in the region more than it would protect the wider community.

Yet, we moderns are rarely as completely rational in our maximization of profit as we have been portrayed. Following our lead essay, I do see, both in Leukerbad and in Laramie, more recent demonstrations that the "sociological debate on individual responsibility of the commoners can be enriched by linking it to the influence of external factors." As we have moved into the 21<sup>st</sup> century, more choices have been made in support of the range of commons that benefit our communities—whether material, like water or forest resources, or knowledge-based, or even probabilistic risks to health or hearth. We, the people of Laramie and Leukerbad, have continued to show that the imagined chasm between tradition and modernity blurs into a mirage that reflects back upon the two.

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## Project Profile

### Contested Common Land: environmental governance, law and sustainable land management c.1600-2006

*A three-year project funded as part of the Landscape and Environment Programme of the Arts and Humanities Research Council (<http://www.landscape.ac.uk/index.htm>)*

#### Principal Investigator

Professor Chris Rodgers, Newcastle Law School, Newcastle University

#### Co-Investigators

Dr Angus Winchester, History Department, Lancaster University

Dr. Patrick Olivier, Institute for Informatics, Newcastle University.

Start Date: 1 February 2007, Duration: 36 months

The Common land of England and Wales is an important common resource with multiple (and often conflicting) land uses. It provides some of our most ecologically sensitive environments and landscapes; it is an important

agricultural resource (especially in the uplands); and a recreational resource that provides public access to the countryside for walking and other recreational uses. This collaborative project brings together historians from Lancaster University with expertise in manorial court archival research, and environmental lawyers in Newcastle Law School, to examine the environmental governance of common land from an interdisciplinary, historical and contemporary perspective. Virtual reality imaging software is being developed by the Institute for Informatics at Newcastle University.

The project has two interdisciplinary foci; (i) an examination of the management of common land since the 17th century using historical methods of enquiry. This will examine the legal mechanisms for regulating land use and the principles applied to the governance of common land e.g. through the former manorial court system. And (ii) an examination of modern governance mechanisms and the emergence of sustainable land management as a discrete objective for the future of our Commons.

Modern farming methods, intense recreational use and other land use pressures have resulted in the degradation of much common land. This has important policy implications for the delivery of nature conservation, recreational access and other land use priorities for our commons. The Commons Act 2006 will introduce a new legal framework for the governance of common land, aimed at improving the environmental governance of common land and improving the protection of both the biodiversity and landscape values of our commons. The Commons Act 2006 is based on a self-regulatory model. It introduces measures enabling commoners to establish statutory commons councils with legal powers to pass binding regulations to regulate agricultural activities, the management of vegetation and the exercise of common rights on each common. They will also have power to enter into binding agreements on behalf of their members with governmental agencies to promote sustainable management. The research project will place the sustainable management of Commons in historical perspective by using four case studies to illustrate the changing patterns of land use, differing management principles and regulatory mechanisms applied to common land from c.1600 to the modern day. These will be drawn from Commons in Cumbria, North Yorkshire, Norfolk and Powys. The research will marry archival evidence with qualitative data generated by semi-structured interviews with stakeholders in the four case study areas. Commoners, land managers, voluntary groups and the public

agencies responsible for the governance of common land in each case study area, will be involved in the project through the process of qualitative data collection and through participation in seminars for stakeholders to be held in each case study area in the concluding phase of the research project. The project will conclude with an assessment of the impact of different models of self-regulation on the biodiversity and landscape values of the commons in each of the four case study areas, and for the effective implementation of the wider objectives of the Commons Act 2006. Virtual Reality imaging software will be used to illustrate the impacts on the biodiversity and landscape of each case study of different land management options for delivering sustainable management. The stakeholder meetings will, therefore, not only provide a forum for the dissemination of the research to key stakeholders and policy makers: they will also inform decision making by stakeholders seeking to improve the management of the commons in the case study areas, within the new self regulatory framework of the Commons Act 2006.

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# Project Profile

## ENIGMA OF COMMONS: SURVIVING AND MANAGEMENT OF COMMON POOL RESOURCES IN EUROPEAN RURAL COMMUNITIES

Research carried out over the last few decades has confirmed the historical and current importance of communal goods and rights. This is not merely the remnant of an archaic past.

The fact of the survival of these institutions over long periods of time, from Mediaeval times up to the 19<sup>th</sup> Century, and the wide variety of communal typologies (in regard to definitions of users, access rules, limitations and prohibitions, ...) express the efficiency of the community system in adapting to different social and ecological environments. This record of permanence in success leads one to think that communal models of resource management must have offered advantages to users for the production and reproduction of food items, raw materials and other goods and services.

In order to study this issue, we in Spain have initiated the research project "Enigma of Commons: Surviving and Management of Common Pool Resources in European Rural Communities" (MEC-HUM2006-01277), with the support of the Ministry of Education and Science through the call to tenders for the I+D+i projects. Management responsibility for the project has been given to the Public University of Navarre, which provides the bulk of the researchers (J.M.Lana, J.M. Aizpurua, J.De la Torre, A. Arizkun, G.Sanz-Lafuente, J.Benito, P.Galilea, L.Llorente, A.Zamora, J.Madariaga, E.Majuelo), but researchers from other universities are also participating, such as I.Iriarte-Goñi, J.R.Moreno and G.Gómez-Urdañez (Zaragoza), A.M.Linares (Extremadura), A.Ortega (Granada), J.A.Serrano (Barcelona), Tine de Moor (Utrecht) and Erling Berge (Trondheim).

Our hypothesis is that over time, and despite its configuration as a space for conflict among social groups and classes, this type of institution has shown an ability to adapt to changing contexts and under certain conditions has contributed to driving balanced development in both environmental and social terms. This being so, we might

be in the presence of an institution able to generate social cohesiveness through the redistribution of opportunities and the shared restating of community operating rules and norms, thus contributing to the identification of individual subjects with the communities in which they act.

Consequently, the concrete objectives of the project address the analysis of communal institutions from a comparative historical perspective, as from the selection of a number of in-depth case studies, contrasting them with the information provided by specialist literature. The following aspects will be addressed:

1. The establishing of a classification of goods and resources that are susceptible to communal appropriation and management: woods, grasslands, pastures, farmland, watercourses for irrigation or energy production, buildings, devices, mills, stores, parks and recreational space, landscapes, etc. The question is asked: Are there some resources that are more appropriate for community management?
2. The establishing of a classification of communal regimes, through user identification, permitted use, banned behaviors, exclusion rules and community access points,... by means of a systematic study of local documentation (byelaws, sentences, accounts books and municipal minutes) between the 15<sup>th</sup> and 20<sup>th</sup> Centuries.
3. The establishing of a classification of communal institutions (town councils, neighborhood committees, districts, commonwealths, cattle breeder guilds and irrigation associations) and their relationships with other external agents (feudal lords, the Church, the religious orders, cities, Crown or State).
4. The designing of a simple economic model in which several products or services are simultaneously provided by the land; a) identifying the essential features distinguishing communal property from private and public property; b) analyzing in the model the relationship between the degree of complementariness or of compatibility between the goods and services derived from the land and the forms of property and use of the same; and c) presenting the communal system as a collection of behaviors that may be interpreted as strategies of equilibrium.
5. A comparative analysis of decision-making mechanisms within the framework of the rural community and their efficiency to guarantee the sustainability of resources and social cohesion, from a historical and theoretical perspective.
6. Identification of the real benefits obtained by individual subjects from the communal institution, as well as its contribution to the living standards of the rural population. Through comparing the long-term history of municipal accounts in those areas that conserved or lost their communal facilities. From a theoretical perspective, the idea is to study the strong and weak points of the thesis associating increased economic value of a resource with the definition of exclusive property rights.

These objectives necessitate a considerable empiric research effort in compiling and exploiting archive sources. The documentation offering the best results includes local laws, administrative licenses and files, lawsuits and judges' sentences, government reports and findings, organization and repopulation plans, State administration and city hall consortia, agrarian reform files, population surveys and tax assessments and real estate surveys, plus municipal budgets and accounts.

With this project it is expected to obtain better knowledge of the commons regime: its effective functioning in differential contexts; the identity of its users and its effect on their standards of living; its rule systems and the modification processes of the same; its role in food and raw materials production systems; its implications for environmental preservation and the social cohesion of rural communities; the exogenous or endogenous tensions that condition its development, as well as the nature of its transformations.

Likewise, it is hoped to isolate the variables possibly explaining the poor functioning of institutions in the cases of depletion or deterioration of resources, or contrarily the success obtained in maintaining sustainable use modes that are compatible with economic development and rising standards of living.

It is also sought to advance in the knowledge of different public policies of tutelage and management of common goods and their effects on the social and ecological context.

This will enable us to propose new modes of management of communal resources in the future that are more in accordance with the post-industrial society of the 21<sup>st</sup> Century.

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## ANNOUNCEMENTS

Send Letters and Announcements to Alyne Delaney, Editor, Commons Digest, The Institute for Fisheries Management, North Sea Center, PO Box 104, DK-9850, Hirtshals, Denmark. ad@ifm.dk Tel: 45 98 94 28 55 Fax:: 45 98 94 42 68

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### IASC Announcements

#### *Practitioner's Profiles*

The *Digest* will soon begin running a column profiling commons-related networks, organisations, and/or individuals. Please submit submissions, questions, and thoughts to the editor at ad@ifm.dk.

#### *Commons Collaboration*

The *Digest* will also run a column, Project Profiles, highlighting projects which emphasize collaboration in commons research. If you would like your project profiled, or if you seek collaborating partners, please contact the editor: ad@ifm.dk

#### *The IASC 's On-line Discussion Board*

Members are reminded our newly updated webpage has a discussion board—perfect for connecting to the IASC commons community, whether for discussing Commons issues, finding project partners, or forming panels and finding roommates for the 2008 biennial meeting.

The 2008 Biennial IASC conference in Cheltenham, England is only one year away so now is the time to start planning!



*Coming Soon!*

The 12th Biennial IASC Conference  
Announcement

Check out the **IASC Webpage**  
as well as  
***The Commons Digest***  
for further details.

Hope to see you there!

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