

11 Independence in the Commons

How Group Ownership Realises Basic Non-Domination

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Republicans have long recognised that property institutions profoundly impact power relationships between citizens. On the one hand, these institutions can stand at the basis of the two problems associated with the wealth-power nexus analysed in this volume. That is, property has the potential to subvert democracy on the national level (McCormick 2006), and to support domination in the social domain by making some people highly economically dependent on others (Gourevitch 2013). On the other hand, and more optimistically, property can play a key role in realising political equality and social independence for all citizens. One way to achieve this, which has been amply discussed in the republican literature, is to ensure that everyone has equal *individual* property holdings (Domènech and Raventós 2008; Pettit 2008; Lovett 2009; Casassas and De Wispelaere 2016; Kimpell 2022, in this volume). A different method, and one that has received far less attention, is to secure non-domination through institutions of non-hierarchically organised *group* ownership. This strategy is mainly researched in the context of firm governance, where collective worker ownership can replace the hierarchies of shareholder business corporations (Gourevitch 2014). What is still lacking in the literature on property and non-domination, however, is a general theory of group ownership, that explains when and why this institution can realise non-domination not just in the context of firm governance, but in other spheres as well.

This essay aims to provide two of the starting points for such a theory. First, I develop a normative framework for the analysis of ownership institutions. I shall argue that to realise basic non-domination, ownership institutions must enable people to use resources to resist arbitrary power relationships. In addition, they must give people equal control over the resources they need to be able to resist such relationships. Second, I develop a conception of group ownership that can satisfy these criteria. The resulting account can be used to analyse sharing arrangements in their own right, but it can also be used to compare sharing with non-sharing ownership institutions, to see which is best able to realise non-domination.

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The essay is structured as follows. I first outline a conception of basic non-domination and explain briefly why it is of value. People enjoy basic non-domination when they are able to withstand power asymmetries, and are in control of the decisions that structure that ability (Section 1). I then specify two criteria that ownership institutions must meet to help secure basic non-domination. The *basic capability criterion* states that such institutions must enable people to use resources to strengthen their ability to withstand power asymmetries. Furthermore, ownership institutions must place the people who rely on a resource for that reason, equally in charge of how that resource may be used. This is the *control criterion*. I show that there is no reason to suppose that only institutions of individual ownership can meet these criteria. Nor is there a reason to think that means of obtaining a livelihood – such as land and firms – are the only types of resources that are of interest here. This clears the path for a defence of group ownership in different types of resources (Section 2). Finally, I develop a conception of group ownership, called *sharing in common*. This is an arrangement in which members of a private group determine democratically how their shared object may be used. I first explain in a general sense when and how group ownership succeeds in realising basic non-domination (Section 3). This is illustrated by a discussion of actual sharing arrangements in natural resources (Section 4) and informational resources (Section 5).

1 Basic and Full Non-Domination

Before outlining my conception of *basic* non-domination, it is worth expanding very briefly on the ideal of non-domination itself, in particular the place of collective control as part of this ideal. The concepts of domination and non-domination evaluate relationships of power. On Phillip Pettit's seminal definition, you are dominated if an agent has the capacity to interfere with you on an arbitrary basis (Pettit 1997, 52; see also Kimpell 2022, in this volume, for a discussion of Pettit). Interference is arbitrary, and therefore unjustified, if it's not under the control of whoever may be subjected to it (Pettit 1997; 2012; Forst 2013).¹ Conversely, you enjoy non-domination when you are in control of the power to which you are subjected, equally with everyone who is in the same position. You then possess a degree of anti-power: robust control over how others may act towards you, making the power relationship symmetrical (Pettit 1996).

The ideal of non-domination is morally grounded in a commitment to securing people's social status (Pettit 1997, 87; Gädeke 2020, 25–30), meaning the standing they ought to occupy in a society in virtue of their personhood. Very briefly, the view is that this status is negated when people have no or no equal say over the forces that bind them. Human beings are capable of practical reason; they can set their own goals and

evaluate their own reasons for action, as well as the rules by which such actions are governed. It is wrong to treat them as if they do not have that capacity, and decide *for them* what they may and can do, or determine for them – for example, through manipulation – what they will or want to do. Republicans stress, moreover, that it's not just actual arbitrary interference that is objectionable, but also the capacity thereto. Just the fact that someone *can* interfere with your life entirely at their own discretion, and that you consequently depend on their goodwill, means that your will is treated as if it is of no consequence. Though a dominating agent may refrain from interfering with you, they do not recognise this as an obligation they have in virtue of your status (Pettit 2007).

People's equal social status is affirmed, however, when they are equally in control of the power relationships that govern their actions. This is what it means to be treated 'properly as a person,' as 'a voice that cannot be dismissed without independent reason' (Pettit 1997, 91). It means that interference must be justified to you, and that you – together and equally with everyone who is in a similar position – decide whether it takes place (Forst 2013). It is worth stressing, given the present interest in group ownership and collective control over resources, that the type of control that is required for non-domination on this understanding of the term, is usually *collective democratic* control, not individual control. That is to say, power is justified when the people subjected to it have an equal and effective opportunity to influence its exercise (Pettit 2012, chap. 4).

Different theorists have objected to this way of understanding non-domination, and argue that the emphasis on democracy is misguided (see, e.g., List and Valentini 2016; Arnold and Harris 2017). However, their objections are often based on a misunderstanding of the reasons that republicans ought to value democratic collective control. This misunderstanding is invited by Pettit's own defence of non-domination, for which he uses the following illustration:

Suppose you wish to restrict your alcohol consumption and hand over the key of your alcohol cupboard to me, making me promise to return the key only at twenty-four hours' notice and not in response to a request for its immediate return. When I refuse a request for immediate return of the key, I interfere with your choice, removing the option of having a drink now. I deny you the possibility of choosing according to your current will. But do I subject you to my will? Do I impose my will on you, for example, in a way that might reasonably trigger resentment? Surely not.

(Pettit 2012, 57)

Interference in this case seems justified because it conforms completely to the will of the individual subjected to it. This individual is able to ensure that the interference tracks their subjectively defined interests entirely.

As critics have noted, however, this example does not explain why power is justified when its exercise is controlled by a collective, in a democracy (List and Valentini 2016; Arnold and Harris 2017). After all, individuals who have to take a decision together can disagree with one another. Though they may have an equal opportunity to influence any decision, the end result will not accord with all of their individual views. Consequently, their subjectively defined interests are not automatically promoted through their participation in a collective control mechanism. In short: non-domination as the robust capacity to take part in a collective decision-making mechanism, cannot be defended by showing that it necessarily promotes people interests (Arnold and Harris 2017) or that it gives effect to people's individual will (List and Valentini 2016).

But that is not how non-domination ought to be defended in the first place. As I said, the ideal of non-domination is rooted in a commitment to securing people's proper status, that is, the status they ought to enjoy as beings capable of practical reason. And it is precisely this status that is affirmed when people are included in democratic decision-making mechanisms. They are then treated as a person, to whom you have to justify the power to which they are subjected (Forst 2013), rather than as a thing with which you can do what you want. To quote Pettit again:

To have the full standing of a person among persons, it is essential that you be able to command their attention and respect: if you like, their authorisation of you as a voice worth hearing and an ear worth addressing.

(Pettit 2002, 350)

To be sure, individuals may not always get their way in a democracy, but then that is not necessary to ensure that they are treated properly as a person among persons. To the contrary, it is precisely by ensuring that people have *equal* control over power that their equal status is recognised. The upshot, as I will show later, is that the control that individuals gain through individual ownership, is not always necessary to realise non-domination. Group ownership can do the job just as well, by realising democratic control over resources.

You enjoy *full non-domination* when no agent has the capacity to interfere with you arbitrarily; you are in control – together with others in a similar position – of how others may act towards you. This is a difficult ideal to attain even in the best of circumstances. It is therefore worth establishing what the priorities should be from a republican perspective. In which relationships is it most important that people enjoy non-domination? Articulating this priority will come down to articulating a concept of *basic non-domination*, understood as the minimal standard that a society ought to secure in organising its power relations (for similar conceptions of a minimal standard of non-domination, see Forst 2001;

Bohman 2005; Laborde 2010). This priority should not – in the first instance – be defined by standards external to the ideal of non-domination, but by the central concern that animates it: the concern with subjection to an arbitrary will. Basic non-domination involves having the reasonable ability to withstand subjection to an arbitrary will and being in control of the decisions that structure that ability. This may sound like a circular standard, but I aim to show now that it is not.

A person's reasonable ability to withstand arbitrary subjection consists of a number of capabilities and functionings.² If you lack the capabilities to satisfy basic human needs, you may come under the power of someone who can let you satisfy those needs (Lovett 2009). The capabilities to seek adequate nourishment, healthcare, and shelter are like that. If I am hungry and unable to do something about it myself, I may submit – seemingly voluntarily – to someone's will, just to get some food. In addition, there are capabilities and functionings that one needs to be able to recognise and address arbitrary power relationships. These include the capability to access non-biased information and the functioning of being literate, for example. Without them, you would be vulnerable to manipulation and possibly unable to check the power that is exercised over you, whether by politicians or private parties (see also Laborde 2010, 53). Of course, people have often been able to resist power asymmetries even when they lack the types of capabilities and functionings just mentioned. My focus, however, is not on the very possibility of resisting power – which does indeed exist even under desperate conditions – but on what people might *reasonably* require to be able to do that.

It matters how these basic capabilities, as I shall refer to them, are secured. For basic non-domination, it's not enough that a person has access to a basic capability by leave of someone else, since this would just make them dependent on an arbitrary will. Instead, people should be in charge of those decisions that affect and structure the provision of their basic capabilities. Citizens should not only be able to access healthcare, for example, but should also be in charge of the rules and regulations concerning whether care is provided at all, what sort of care that is, and so on. They must be in control of such decisions together and on an equal basis with everyone else whose capability to access healthcare is similarly at stake. When all basic capabilities and functions are so protected, a person enjoys basic non-domination. They are then equally in control of the preconditions of their own empowerment.

This account of basic non-domination is admittedly sketchy. That is to some extent a necessary feature of the idea. What exactly counts as a reasonable ability to withstand subjection – and which capabilities and functionings make up that ability – is not something that can be entirely determined in theory. This is both because republicans believe citizens should formulate the standards that govern their society themselves, and because what counts as a requirement for not being vulnerable to

subjection will vary depending on contextual factors (Pettit 1997, 158). However, for my present purpose it suffices to lay out the very general idea of basic non-domination, rather than specify what it looks like exactly. This is because the capabilities that I shall focus on in this essay are uncontroversially basic in the sense I have outlined here, and concern people's livelihood and access to adequate information. Before I get to the discussion of group ownership, however, I will first say more about the link between non-domination and ownership in general.

2 Ownership, Independence, and Basic Non-Domination

Ownership gives agents the right to decide how an object may be used, within limits set by the law (Waldron 1988, 39; Katz 2008). As a part of that prerogative, owners enjoy liberties to derive income from and use their property, and the right to determine when and under which conditions non-owners may do the same.

As such, ownership plays an important role in securing socioeconomic independence (Domènech and Raventós 2008; Jackson 2012). Alex Gourevitch (2014) shows how throughout history, different republican authors have recognised that if people own the means by which they can secure their own livelihood, then they don't have to rely on anyone's capricious will for their most basic needs. Socialist republicans in the nineteenth century recognised this ideal of social independence as valuable in itself (Leipold 2022). It meant that they would not have to submit to a master, but were in control of their own work, the profits they kept and the amount of leisure time afforded to them (Gourevitch 2014). More traditionally, republican authors valued socioeconomic independence for its effects on political independence (Jackson 2012; Casassas and De Wispelaere 2016). People who could secure their own livelihood could speak for themselves, while dependents might parrot the views of their benefactors.

These historical views raise the question of whether ownership can only contribute to non-domination by securing control over one's livelihood. My view is that the historically recognised link between the capability for self-preservation, ownership in the means of production and socioeconomic independence is only *one* instance in which capabilities, resources, ownership, and the non-domination of owners are linked. A more general statement of the link between these factors looks as follows: ownership realises non-domination insofar as it places people in control of resources they rely on to do or be something. This relation obtains for instance when, as James Harrington advocated (1992), an individual owns (the property institution) a plot of land (the resource) that they rely on to make a living (the capability), making them independent with respect to that capability. But it also obtains when the residents of a neighbourhood own (the property institution) their local

swimming pool (the resource), and are therefore in control of whether they can swim close to their home (the capability). In both cases, a degree of non-domination is realised, but the arrangement in the first case is more important because it helps to realise *basic* non-domination. It places people in control of the resources they require to withstand arbitrary power. There is a strong argument, I posit, in favour of ownership institutions that contribute to this minimal social standard.

Generalising from this, we can say that ownership institutions realise basic non-domination if they satisfy two criteria. First, they must promote the use and production of resources in such a way that owners can rely on these resources for their basic capabilities and functionings. I call this the *basic capability* criterion. Second, ownership institutions must place the people who rely on resources for their basic capabilities equally in control of how those resources may be used. That is, people who rely on resources in this way must have an equal opportunity to influence decisions about how the resource may be used. This *control* criterion, as I shall call it, explains who the constituents of an ownership regime should be and, in the case of multiple constituents, how they ought to organise power within their ownership regime. Combined, the criteria ensure not only that people gain the capabilities and functionings needed to withstand power asymmetries, but also that people are in control of the decisions that might affect these basic capabilities. The criteria thereby give specific content to the idea of socioeconomic independence that has been so central in republican thought. As I see it, having a minimally acceptable degree of resource-based independence requires people to be in control of those resources, where a lack of control would leave them unable to withstand subjection to arbitrary power.

An example of a group ownership arrangement that fits the two criteria is a shared fishery, where the people who rely on the resource for their daily income are in charge of the rules relating to fishing spots, times, gear, and other relevant use rules, and are thus able to manage the fishery sustainably and efficiently. Under these circumstances, their livelihood is neither subject to the arbitrary will of a superior, nor is it threatened by overexploitation or underuse of the resource. Their livelihood is secure and they are the ones who secure it, and this is (part of what) secures their status as an equal among all persons in their society.

In articulating the idea of minimal resource-based independence in this way, I attempt to modify traditional republican approaches to this topic in two ways. First, my framework broadens the range of capabilities and resources comprehended in resource-based independence. The historical focus in the republican literature on socioeconomic independence is on the capacity for self-preservation, and on how control over means of production can secure that. Thus, there is a venerable tradition of arguments in favour of land ownership, allowing wealthy land owners and the independent peasantry to satisfy their basic needs (Jackson 2012).

These arguments subsisted during and after the Industrial Revolution, when, in response to the domination labourers suffered under capitalism, republican agrarian reformers advocated a return to the independence of small free-holders (Gourevitch 2014, 94). Socialist republicans in that era, by contrast, argued in favour of collective ownership over the means of production, but here too the critique was directed at a property system that did not allow everyone to obtain their livelihood, and therefore means of *subsistence*, independently (Leipold 2022; on socialism, see also Shoikedbrod 2022, in this volume).

By contrast, the two criteria I have set out above allow for a concern with capabilities beyond those required for subsistence, and therefore also beyond the resources needed for that. They also include, for example, the capability to obtain non-biased information with which people can orient themselves in the world in a basic way, and the information resources that people require access to for that capability. It matters for people's basic non-domination who owns such information resources, and who therefore decides on their content, conditions for access, and so on. Subsistence capabilities are, after all, only part of what it takes to reasonably be able to withstand alien subjection. Other capabilities contribute to this aim as well, and they may require ownership over different sorts of resources than have often been the focus in the republican literature.

Second, my framework is open on the question of who should be owners: individuals, private groups or states. Prior to socialist understandings of republicanism, republicans generally defended *individual* ownership of means of production, mainly land (Gourevitch 2014). This tradition is largely continued today, as many contemporary authors defend a basic income for individual citizens to secure their socioeconomic independence (Domènech and Raventós 2008; Pettit 2008; Lovett 2009; Taylor 2013; Casassas and De Wispelaere 2016). With the recovery of socialist republican perspectives, however, and a renewed interest in justice in production in political philosophy, we see more and more defences of collective worker control over the means of production (see on this, e.g., Hsieh 2005; González-Ricoy 2014; Anderson 2015; Gourevitch 2016; Breen 2017; Muldoon 2019; O'Shea 2019; see also Christiano 2022 in this volume). The present essay aims to add to that literature, and explain with respect to an array of resources how group ownership can help to realise basic non-domination.

Indeed, there are no reasons internal to republican thought that wed it only to individual ownership. Two misconceptions might convince one otherwise, however. First, it might be thought that the republican opposition to dependence implies a commitment to complete self-sufficiency (see, e.g., Friedman 2008). Harrington may evoke just such an idea by claiming that 'the man that cannot live upon his own must be a servant; but that can live upon his own may be a free man' (1992,

269). To achieve such self-reliance, individuals have to own the resources they rely on individually, and not depend on the cooperation of any fellow-owners. However, self-sufficiency is neither a realistic goal, nor one that is required for non-domination. People must constantly rely on others to help them, to refrain from harming them, or generally to engage in a complex web of interactions that makes all sorts of activities possible. They nevertheless enjoy non-domination if their interactions are governed by rules over which they have an equal say. They are then independent in the sense of not depending on another agent's arbitrary will, not in the sense of depending only on themselves. And it is only this type of independence that is required to affirm people's equal status as practical reasoners.

Second, one might think that individual ownership can better protect individuals from in-group domination. It could be argued, for example, that it's better to give a basic income to an individual woman, than to give it to the household she belongs to. This is because in the latter case, there is a risk that her access to the income depends on the goodwill of her more powerful male family members. More generally, it seems that group property comes with the risk of creating dependencies within that group, a risk that can be avoided by placing individuals in control of the resources they need. Note, however, that I have not argued that all forms of group ownership are acceptable from a republican point of view. To the contrary, the control criterion states that such ownership regimes must be internally democratic. Power must be held equally by all the group members. It may be difficult to make sure that groups are organised in this way, but it is certainly not a conceptual impossibility. What is more, I shall show in [Sections 4](#) and [5](#) that there are circumstances in which group ownership is even *preferable* to individual ownership, because it can better satisfy the basic capability criterion.

In sum, republicans should not just prize individual ownership in the means of production. Any ownership institution that satisfies the basic capability and the control criterion, helps to realise basic non-domination. This includes, as I shall now demonstrate, group ownership institutions.

3 Sharing in Common

I will now outline a conception of group ownership that can satisfy the two criteria for non-domination. I will refer to this conception as *sharing in common*. It denotes an arrangement in which a private group of persons decides democratically how an object may be used, both internally by all the member-owners, and externally by non-owners. Use is a capacious term here, meant to cover changing an object, maintaining it, deriving an income from it, and so on. Any individual rights with respect to that object are, then, authorised, defined and subject to change by the

group's democratic decisions. The same goes for individual obligations; these are also democratically determined and may concern, for example, the maintenance tasks that member-owners have to perform. This collective control over individual rights and obligations makes group ownership as sharing in common irreducible to individual property rights.

Sharing in common differs from several other types of sharing. It is different, first, from an *open access regime* as the concept has been defined in the literature on natural resources (Eggertsson 2003). Such regimes typically have no regulation of use. Everyone is allowed to use the resource at their own discretion. In that minimal sense they do share it, but there is no structure for binding collective decision-making in place. The high seas may qualify as an example. Group ownership as sharing in common is also different from *voluntarist sharing*. This type of sharing is based on the willingness of an owner to allow non-owners to make use of their property. This can occur on a highly informal level, as when I lend you my book, or in more structured environments typical of collaborative consumption. Here individuals share their cars, couches, and other property with strangers, but in a way that is governed by norms that apply to and are sometimes also created by the entire community of sharers (Benkler 2004). However, these communally defined norms have no fundamental bearing on individual rights to use the pooled property. The individual owners who make their property available to others can at any time withdraw with no change to their property rights. This makes voluntarist sharing different from sharing in common, where the group determines what individual use rights are. Finally, sharing in common is different from *hierarchical* sharing arrangements, where, although multiple people can make use of an object, they are not equal in their power to decide how the resource may be used.

Group ownership understood as sharing in common is an ideal type, that is approached by many actually existing sharing arrangements. In what follows I shall briefly discuss two such arrangements, namely common property regimes (CPRs) in natural resources and knowledge commons. I will explain for both arrangements whether they can (1) promote ways of using and producing resources, that will allow people to rely on these resources for their basic capabilities (the basic capability criterion) and (2) place the people who rely on a resource for that reason, in control of what may be done with that resource (the control criterion). The discussion is to some extent hypothetical, sketching the possibilities that these types of sharing may offer, if they could resemble the idea of sharing in common more.

In focusing on these cases, I aim to move the discussion on shared control of resources away from the arena in which it is usually addressed in the republican literature, namely the literature on workplace democracy. It is certainly worthwhile to discuss whether worker-governed corporations can help to realise basic capabilities and the right type of control,

but the danger of focusing too much on this question is that the more general discussion on group ownership is inhibited. As long as researchers only investigate the value (or lack thereof) of collective control over one type of resource or in one area of life, it will remain unclear whether such control could be of value in other areas as well.

4 Common Property Regimes in Natural Resources

The first illustration of how sharing in common works in practice comes from CPRs in natural resources. These are property arrangements in which a bounded group of interdependent users of a resource manage that resource themselves by collectively setting up use-rules and monitoring compliance with those rules. The term was coined by Elinor Ostrom in her ground-breaking studies on governance institutions for shared natural and agricultural resources, including fisheries, crop land, pastures, forests, irrigation systems and water basins (Ostrom 1990; 2000). What is shared in these cases is the resource system, not the units appropriated from that system. To illustrate, shepherds may share a pasture together, but once they have – according to collectively determined procedures – obtained fodder from that land, this fodder is usually owned individually (Ostrom 1990, 30).

CPRs resemble sharing in common because individual rights and obligations on resource use, maintenance, and so on are determined collectively by the group. Where they differ is that democratic governance is not part of the definition of a CPR. Though users govern the rules for their resource themselves, they don't always all have an equal say in the creation of these rules. This is not to claim that CPRs *cannot* be democratically organised; some of them certainly are. Rather, the point is that they don't have to be so organised to count as a CPR. The focus in this essay is therefore on the subset of democratic CPRs.

Can CPRs satisfy the basic capability criterion? Different theories predict that CPRs are either incapable of this or that they can only do so in a way that is much less efficient than individual property ('efficiency' refers here to a high conversion rate of resources to basic capabilities). These predictions are based on two main assumptions. First, there is the assumption that the use, production, and maintenance of shared resources is subject to adverse incentives, which will lead to overuse and underinvestment. This was Gareth Hardin's thesis in his famous 'The Tragedy of the Commons' (1968). He argued that when resources are shared, there is no way for individuals to isolate the effects of their decisions. If they restrain themselves in using the resource or contribute to its upkeep, then the created benefits are open for every user to enjoy and will therefore quickly dissipate. Nor is there a way of isolating the harmful effects of overuse or a lack of maintenance to the individual who commits them. Under these circumstances, Hardin assumed, individuals

have no incentive to restrict themselves from overusing the resource or to provide the necessary upkeep, a problem which is compounded by their awareness that fellow resource users don't have these incentives either. Hence, the 'rational' thing to do is to maximise one's short-term gains from the resource before its certain destruction. Sharing a resource thus makes it impossible to use it for one's basic capabilities. Why Hardin assumed that this outcome was unavoidable is unclear. Even if one agrees with his view of human motivation, the question remains why resource users cannot come to a mutual agreement about what sort of use they want to allow, and monitor compliance with these rules.

This brings us to the second assumption that underlies the prediction that CPRs fail to satisfy the basic capability criterion. This is the idea that people who share a resource will either be unable to form agreements on use together, or will only be able to do so at high cost. Harold Demsetz (1967) famously defended this thesis, albeit – like Hardin – through theoretical speculation rather than empirical analysis. Demsetz argued that groups sharing a resource will not create use-rules, because the costs of multiple people coming to an agreement outweigh the benefits that can be obtained through it. Monitoring costs also increase with the presence of multiple users. Hence, Demsetz argued that the evolution of property rights always moved in the direction of individual rather than shared property. Individual owners can decide for themselves how they will use their property; they do not have to agree with co-owners on such decisions and therefore face little decision-making costs, let alone monitoring costs. Hardin, too, defended a division of natural resources into individual parcels, though he also saw a role for strong government regulation of resource use (1968). Individual owners can reap the benefits from their forbearance in using their property, as well as from their investments, so that they face no adverse incentives that lead to resource destruction.

If these predictions were correct, then group ownership would either leave people without their basic capabilities, or would only allow a few persons to attain them. However, empirical evidence on CPRs shows that the predictions are misguided. The many examples of long-lasting CPRs that Ostrom (1990) studied show that it is possible for people who heavily depend on a resource for their livelihood to share a natural resource in a durable way, while also obtaining benefits from it. Thus, fishers were able to rely on a sustainably managed fishery, farmers on a dependable irrigation system, communities on the timber they could obtain from their forests in a durable way, and so on. In the language of my framework, CPRs *can* help people to gain some of their basic capabilities. The CPR members in the case studies could all gain and be assured of the future attainment of the capability to be nourished, sheltered, and other capabilities that require a dependable income. The resource users could and did come together to make collective decisions

about what use they allowed, and they devised cost-effective ways of monitoring use (Ostrom 1990).

In fact, CPRs are not only viable, but sometimes *more efficient* institutions for securing basic capabilities, compared to individual property regimes. Under certain circumstances, sharing can lead to a higher conversion rate of resources to basic capabilities than can be achieved under individual ownership. In particular, R.M. Netting (1976) argued that group ownership of natural resources is more efficient than division into individual property when the value of per-unit production of a resource, the frequency and dependability of the yield, and/or the possibility of improvement of a resource are low. Sharing resources then functions as an insurance mechanism. Rather than relying on one small plot of land with a not very dependable yield, for example, farmers can work together and work a bigger plot of land. In this way, they spread the risk of relying on it (Netting 1976; Ellickson 1993; Smith 2002; De Moor 2015). They can then depend on at least a part of that land yielding sufficient produce. Group ownership is also a more efficient strategy than individual property when the area required for effective use, or the size of the group needed to make capital investments is large. Under these circumstances, sharing natural resources enables users to benefit from economies of scale (Netting 1976; Ellickson 1993), both through sharing capital and through sharing the benefits of their labour.

To be sure, some of these efficiency benefits can also be realised in a hierarchically organised firm. Capital and labour are then also pooled. The problem from my republican point of view, however, is that hierarchical organisations don't satisfy the *control criterion* for basic non-domination. Members of such organisations are not equally in control of the resources they rely on. CPRs, however, can satisfy this criterion.

What is more, research suggests that the success of CPR members to gain basic capabilities is not hindered when they use democratic collective decision-making procedures. In fact, Ostrom argued that the success of long-enduring CPRs is partly due to the fact that these regimes include most resource users in collective decision-making processes (Ostrom 1990, 90). This finding is corroborated by other case studies and reviews of the literature (Ribot 2008; Cox, Arnold, and Tomás 2010; De Moor 2015). Researchers have suggested different reasons for why it's beneficial that people govern the resources they rely on themselves. To begin with, users have a great degree of expertise on a resource, which they make use of when devising their usage and maintenance rules (Ostrom 1990, 20). Moreover, by including everyone in their decision-making processes, CPR members are able to make use of each other's different specialised knowledge (Agarwal 2001), which can lead to better use rules. In addition, users also perceive rules they make themselves as more legitimate than rules imposed by an external party, making compliance with these rules more likely (Dietz, Ostrom, and Stern 2003).

5 Knowledge Commons

Knowledge commons are another example of arrangements that approach the idea of sharing in common. The concept of knowledge commons refers to the institutionalised sharing and co-production of information resources in bounded or unbounded groups, according to social or formal norms (Frischmann, Madison, and Strandburg 2014a). I use the term information resources loosely, to refer to things like news articles, encyclopaedias, software, scientific discoveries, technological innovations, theories, ideas, and datasets. These commons can either be open for everyone or only accessible to a bounded group of users. As an example of an open type of common, one can think of Linux: an open-source operating system that everyone may use, obtain source code from, and contribute to for free. Another example is the digital encyclopaedia Wikipedia. Patent pools, in which researchers and innovators share their findings with a select group of others, are an example of closed knowledge commons. Here I focus only on the open types.

Work on the knowledge commons has so far mainly focused on shared access to information, paying less attention to the rules under which individuals jointly use and produce information (see, e.g., the contributions in Frischmann, Madison, and Strandburg 2014b). Though it is recognised that norms are in place and are necessary, it is not yet clear whether knowledge commons have a unified way of creating those norms, and whether they practice democratic decision-making or not. It is unclear, in other words, whether and to what extent knowledge commons satisfy the control criterion for basic non-domination. However, the governance mechanism characteristic of Wikipedia shows that there certainly is room for some kind of equal collective decision-making. Articles on Wikipedia may be edited by everyone, giving users of the encyclopaedia first-order control over content. More significantly, users/editors may also propose, discuss, and adopt the second-order norms that guide content production as well as the general aim of Wikipedia. These proposals are not voted on, but are adopted by consensus. Everyone can state their reasons for why a certain proposal ought to be adopted or not and suggest amendments.³ Wikipedia and similar projects can therefore be said to approach the idea of sharing in common, at least on paper.⁴

While there is a rich and rigorous literature on CPRs in natural resources, research on knowledge commons is still at a relatively early stage of development, and includes many pioneering papers about the promise of the Internet, which are only recently being supplemented by rigorous case studies (Frischmann, Madison, and Strandburg 2014a). What is well established, however, is that evidence on knowledge commons challenges an influential view in theories on knowledge production (Madison, Frischmann, and Strandburg 2010; Hess 2012). This view holds that knowledge, as a public good, is subject to provision dilemmas.

It is difficult to exclude people from knowledge, and the use of knowledge does not detract from its quality (Hess and Ostrom 2007). Because of these features, the standard argument continues, it's unattractive for private persons to produce knowledge. They would have to invest in something that they could not reap the profits from. Hence, the only two solutions to this problem are – according to this dominant view – to either ensure through intellectual property law that private producers can exclude users from their products and thus reap the benefit of what they create, or to have governments produce knowledge themselves or pay for its production. The first solution is clearly opposed to sharing, while the second allows for something like a public domain of information only when it is publicly funded. Neither recognises a conception of private persons producing and sharing information among themselves. If correct, then the standard view would imply that people cannot rely on shared information resources for their basic capabilities.

However, it turns out that the standard narrative is too pessimistic in evaluating people's incentives to produce knowledge. Projects like Linux and Wikipedia show that people have many reasons to contribute to the production and dissemination of information. They find it interesting, seek a creative outlet or want to contribute to a larger project (Benkler and Nissenbaum 2006). Volunteers have the opportunity to contribute because the work is divided into small tasks that do not take too much time and are therefore not too costly (*ibid.*). Together, they can achieve something that no individual could do on their own. Yet it is doubtful that volunteers would put in the same effort for information resources that are not made freely accessible.

There are reasons to be optimistic, then, about the potential of knowledge commons to satisfy the basic capability criterion. Examples such as Wikipedia show that it is possible to create and maintain a shared information resource that people can rely on for their basic capabilities. I am not arguing that knowledge commons already do satisfy this requirement (which I am not in a position to judge). Rather, we need to recognise their potential, especially if they are also democratically governed. As noted above, having access to information is crucial for a person's ability to secure themselves against subjection to an arbitrary will. But how do you ensure that information is not biased, not infiltrated by private interests, or even politically coloured? How do you ensure that the information you need to orient yourself freely in the world is also created with that purpose in mind? Democratic open knowledge commons, in which producers and users are the same persons, would try to achieve this by placing control over information production squarely with the people who rely on it. It would be through their eternal vigilance, so to speak, that the quality of information would be assured. In other words, democratic open knowledge commons place people in control of the preconditions of their own empowerment. By sharing knowledge

resources in common, an important component of basic non-domination is realised.

6 Conclusion

This essay aimed to explain when and how group ownership can help realise basic non-domination. For this, ownership institutions must promote the use and production of resources in such a way that people can rely on them to attain their basic capabilities. This in turn is required to be reasonably able to withstand subjection to an arbitrary will. But that is not enough; to realise basic non-domination, ownership institutions must also place people in control of decisions concerning the resources they rely on. Group ownership, understood as sharing in common, can satisfy both criteria. Thus, it places people in charge of their own empowerment. Group ownership therefore has an important role to play in policy as well as theory, where it deserves more attention than it has received until now.

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Notes

- 1 This is not the only understanding of arbitrary power that has been defended in the republican literature. For discussions of alternative understandings, see, e.g., Richardson (2003, chap. 3); Lovett (2010, chap. 4; and Arnold and Harris (2017).
- 2 On the concepts of capabilities and functionings, see, e.g., Robeyns (2016).
- 3 See: https://en.wikipedia.org/wiki/Wikipedia:How_to_contribute_to_Wikipedia_guidance; https://en.wikipedia.org/wiki/Wikipedia:Centralized_discussion; <https://en.wikipedia.org/wiki/Wikipedia:Consensus>.
- 4 One might agree with that assessment, without also wanting to claim that Wikipedia is based on any form of *ownership*. Yochai Benkler (2014), for example, explicitly pits knowledge commons against the concept of property. Two things are worth noting in response. First, Benkler sees exclusion from and asymmetric control over resources as the central features of property. Yet that is only one conception of property, and one that has been subjected to important criticisms (see, e.g., Katz 2008). On the perspective I adopt, property refers simply to a system of rights and obligations with respect to objects, and ownership refers to control over how things may be used (Katz 2020). This understanding is much more amenable to including knowledge commons as property institutions. Secondly, even if knowledge commons cannot be conceptualised as a traditional form of ownership, they can still be said to approach the idea of sharing in common, that is, a sharing arrangement in which the collective decisions

of the participants determine the rules under which a good is shared. My point about the link between sharing in common and non-domination would therefore still stand.

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