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## History and the commons: a necessary conversation

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### I. Introduction

Two years ago the international workshop *Common People, Common Rules. Institutions and self-governance in historical perspective* was held in Pamplona, Spain, during the 30th and 31st of October 2014. Organized by a team of historians from the universities of Utrecht (the Netherlands), Lancaster (England) and Pamplona (Spain), and hosted and supported by the Public University of Navarre, the workshop was conceived as the continuation of a series of scientific meetings that over the previous years had attempted to bring historical research and commons studies closer together. A second driver of the workshop was sharing with other colleagues the work we had done during previous years as part of the *Common Rules Project* – a research project coordinated by Utrecht University and

aimed at collecting, classifying and analysing regulations of historical commons across Europe (see De Moor et al. 2016 for more details).<sup>1</sup>

As the readers of this journal are well aware, the collective management and exploitation of resources has become an important topic in both scientific and policy-making circles alike. The limitations exhibited over the last few decades by certain ‘institutional panaceas’ to allocate resources in an efficient and equitable manner, as well as to prevent over-exploitation of natural resources, have pushed scientists to look for alternative institutional arrangements (Ostrom 2010). The reassessment of what had long remained conventional wisdom regarding self-governance and collective management has been one of the main outcomes of this endeavour (see Gordon 1954 or Hardin 1968 for traditional analyses on the commons). The amount of research on common-pool institutions (CPIs) and similar institutions for collective action (ICAs) that this has encouraged in the natural and the social sciences has not stopped growing.

In line with the three previous workshops, the call for contributions for the Pamplona meeting intentionally departed from much of the approach that has been prevalent among commons scholars in the last twenty-five years. In this sense, the main motivation behind the workshop was to further encourage the *historical* analysis of CPIs and ICAs, that is, the incorporation of the historians’ tools and approaches (attention to long-run developments and broader contextual factors, heavy use of empirical evidence and primary sources) into the multidisciplinary study of the commons.

As we argue in more detail in the following section, we firmly believe that the interaction between historical research and commons studies can bring important benefits to both disciplines. On the one hand, commons scholars have put a great deal of effort in recent years into developing a solid theoretical framework from which to approach the study of these institutional arrangements. The Institutional Analysis and Development (IAD) Framework and more recent work on Socio-Ecological Systems (SES) are suggestive of the degree of analytical depth that collaboration between natural and social scientists can bring about (Ostrom 2005, 2009). Given the frequent complaints about historians’ conceptual messiness and their reluctance to make the assumptions behind their reasoning fully explicit, an understanding of these frameworks by historians could greatly strengthen their own research on the commons. On the other hand, stress by historians on long-term developments and their command of primary evidence is likely to benefit a discipline which has robustness and resilience over time as core concerns. Specifically, we think that a long-term, historical perspective is indispensable if we want to properly understand how institutional change occurs in a CPI or ICA setting. Institutional changes necessarily involve developments over long periods of time, and historians are by definition the scientists specialized in such long-term analyses.

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<sup>1</sup> For details on the organization and program of the workshop, see [www.collective-action.info/Common-People-Common-Rules](http://www.collective-action.info/Common-People-Common-Rules).

Besides this broader theoretical and methodological motivation, our more specific aim when convening the workshop was also to dig one level deeper in the analysis of historical commons. Although historical research on commons is admittedly still scarce, a number of works in recent years has contributed to expanding our knowledge on the design and functioning of long-standing common-property regimes across Europe (for a comprehensive overview see De Moor et al. 2002; Rodgers et al. 2011; De Moor 2015). We now have a general idea of the similarities and differences between these arrangements and what their main institutional features were. However, knowledge on how the specific rules ordering commoners' behaviour were devised and changed over time and on what the main drivers of rule innovation and institutional change were in the commons is still virtually nonexistent. Given the central importance of rule analysis in the later work by Ostrom and her collaborators (Ostrom 2005, 2014), we decided to put this topic at the centre of the workshop.

In response to this invitation, a number of colleagues showed their interest in sharing with us their ongoing research on historical commons and institutions for collective action. Papers analysing the evolution commons in late medieval, early modern and contemporary Spain (Navarre, Galicia), Belgium (the Campine area), Austria (Tyrol) and Italy (Veneto, Lombardy, the Papal States) represented the majority of works submitted. But, reflecting our wider interest in other ICAs, we also had the opportunity of enjoying studies on friendly societies in 19th-century Catalonia and brewers' guilds in early modern Amsterdam. This special issue brings together part of these works with the goal of suggesting the potential that a more historical approach can bring to the study of common-pool institutions and institutions for collective action.

## 2. The history of the commons: why bother?

As anticipated, there are very good reasons to further encourage a conversation between historians and other natural and social scientists working on the commons. It was clear from the Pamplona workshop that greater interaction between us would certainly turn into a mutually beneficial exchange. As historians, we believe that what we have to offer goes well beyond empirical and methodological concerns to, importantly, also touch upon a theoretical dimension. Novel data and attention to the context and long-term horizons, but also a genuine interest in institutional change, represent the main assets that our profession can offer to the commons discipline.

Adopting a historical approach necessarily leads to looking at the long term, and looking at the long term unavoidably adds motion to hitherto more static analyses. Much of the literature on the commons produced in the last twenty-five years can be understood as an enquiry into the factors that explain the performance of common-property regimes. Notwithstanding the many different explanatory factors susceptible to be analysed, as well as competing definitions of success (Conley and Moote 2003; Agrawal and Chhatre 2006; Pagdee et al.

2006), the basic outline of this literature is evident: commons' performance (however measured) becomes the variable to explain, with a number of internal and external factors being treated as exogenous explanatory variables. Not only Ostrom's seminal analysis (with the design principles being the exogenous factors accounting for the success of common-property regimes measured in terms of robustness) but also later developments (such as the IAD framework) fall within this trend (Ostrom 1999, 2005). As historians by definition interested in (institutional) change, our approach is certainly different: we often take institutions, their internal design, and their rules as the main dependent variables and try to account for change in them by looking at a number of factors. Contrasting with more static studies, work on how commons have evolved over time has been generally scarce (for valuable exceptions see Ensminger 1996 and Haller 2010) – a situation which is certainly suggestive of how difficult is to conceptualize institutional change more generally (North 1990; Alston et al. 1996; Greif 2006; Kingston and Caballero 2009). In terms of the IAD framework, we could say that our main interest lies at the link running from action-situations and outcomes to rules, rather than the other way around (Ostrom 2005). Whereas in the past most literature has departed from rules and institutions (as well as from the bio-physical conditions and the community attributes) in order to explain the type of interactions between participants within a given action-situation, we are more interested in the feedback loops that push communities to adjust their rules in front of past performance. In other words, we “endogenize” institutions rather than simply taking them as exogenous forces.

From a more methodological perspective, we believe that the benefits can be also substantial. The more narrative approach employed in *Governing the Commons*, mostly building on qualitative evidence and the extensive description of a relatively small number of communities, was probably the most accurate tool given both the novelty of the research question addressed as well as Ostrom's original background (Ostrom 1990; see also Netting 1981 for a classic study). Soon enough she and her collaborators expanded the range of tools at their disposal. The use of game theory increased substantially (Ostrom et al. 1994). Lab and field experiments allowed them to systematically test the role of certain exogenous variables (Janssen et al. 2015), also agent-based modelling and similar computer simulations were eventually incorporated into the toolbox (Janssen and Ostrom 2006). The benefits of all these different methodologies in expanding our understanding of the design and functioning of robust CPIs is beyond doubt (Potetee et al. 2010; Janssen et al. 2011). However, in line with the theoretical concerns sketched, we think that their use is more limited if the main aim is to understand the process of rule innovation and institutional change. Even if our single concern were only to unveil the determinants of robust common-property regimes, robustness remains in itself a relative concept: for how long (or briefly) should a system be observed before concluding that it is or is not robust enough? For how long should it survive and in what state should it do so, in order to label it as robust? In order to shed light on these specific issues, we believe that the

comparative advantage of historians is considerable. Taking into consideration longer time horizons and paying attention to the broader context in which communities were located (and particularly to issues of power, beliefs and culture) are two of the basic features of the historian toolbox that can help us in this task.

Beyond these theoretical and methodological concerns, novel data is probably the most evident asset that historians can offer to the rest of the commons scholars – bookworms digging in dusty shelves and ill-illuminated archives as we are still depicted in much of the popular imagination. There are few doubts that as historians we are particularly well-trained to retrieve new information from primary sources and incorporate it into others' analyses. One of the basic contributions of the *Common Rules Project* itself lies precisely in the great deal of commons' regulations it provides (see De Moor et al. 2016 in this issue). As is evident, however, historical sources do not come totally free of problems. Their written form (in contrast with informal customs, traditions and beliefs), the disparate survival of archival records, as well as the often legitimizing and rhetorical nature of many documents, are some of the most important challenges associated with their use. But despite all these problems, a careful use of historical sources can still greatly expand the evidence available for the study of the research questions we are interested in – particularly when it comes to institutional change.

### 3. Overview of articles

The articles included in this issue look at different geographical areas in different time periods. In line with the motivation behind the Pamplona workshop, a number of features bring them all together and justify their inclusion here. First of all, they all look at institutions for collective action. As indicated, the call for contributions intentionally broadened the scope of the workshop beyond a narrow attention to commons to eventually include organizations such as cooperatives, guilds or friendly societies. Admittedly, commons still remain the main focus of the issue – three out of the four articles in it deal with this specific type of ICA. Largo's analysis of historical friendly societies from the perspective of Agrawal's enabling conditions (Agrawal 2008) is nevertheless demonstrative of the opportunities that looking beyond commons can offer (Largo-Jiménez 2016). Second, the methodological approach adopted by these studies in their analysis of ICAs is fundamentally historical. As argued above, by a historical approach we basically mean three things: the analysis of developments taking place over the long run (in opposition to short-term events), attention to a complex set of contextual factors (in opposition to more stylized depictions of reality), and the use of historical sources. Some differences undoubtedly remain, but to a greater or lesser extent, all the papers share these basic features. Although Goetter and Neudert certainly depart from the strong historical flavour of the other three papers, their study of institutional change in the pastoral communities of southwest Madagascar does come right to the centre of the motivation of the workshop

and this special issue (Goetter and Neudert 2016). In close relation with this, the third and last feature linking together all the articles relates to their attention to often neglected topics in the commons literature – most notably institutional change. The multi-faceted relationship between local communities and state authorities (as in Bonan's paper), the specific process of rule innovation in common-property regimes (as in De Moor et al.) and, more generally, the transition between different governance regimes (as in Goetter and Neudert) are great examples of this.

The article by De Moor et al. on the *Common Rules Project* further elaborates on much of what has been written up to this point (De Moor et al. 2016). Their paper introduces this project and, more specifically, the new methodology the historians involved in it have developed in recent years in order to analyse and compare historical regulations of commons. This endeavour must necessarily be read within the context of the efforts made in the last years by these same historians, together with others, to unveil the internal organization and functioning of historical commons across Europe (Van Zanden 1999; De Moor et al. 2002; Lana-Berasain 2008; De Moor 2009; Rodgers et al. 2011; Van Weeren and De Moor 2014; De Moor 2015; Winchester 2015). Pushing this line of research one step forward, in this paper they now lay the foundations for a systematic analysis of the process of rule innovation in common-property regimes over the long term. The historians in the *Common Rules Project* have collected, classified and analysed the regulations produced over time by a number of commons in England, the Netherlands and Spain in order to understand how the process of rule innovation occurred in reality. The medieval and early modern evidence gathered in local and national archives from these three countries (mainly regulations themselves but also additional sources such as letters of privileges, tax assessments, etc.) shows the potential of historical documents as a mostly unexploited source capable of providing relevant insights. The development of a rule codification scheme to classify the historical regulations and make comparisons across regions is in itself a very relevant achievement. Despite the central importance traditionally attached to rules in order to explain the performance of ICAs, no serious classification efforts have been undertaken until recently. The 'grammar of institutions' and the ADICO syntax represent the most important attempts in this respect (Ostrom 2005). Given the strong theoretical flavour of this scheme, the historians in the *Common Rules Project* have developed a new codification scheme which takes into greater consideration the peculiarities of the historical sources used.

The paper by Giacomo Bonan investigates another dimension often neglected in studies on commons – the relationship between local communities and the state bureaucracy with respect to the management and exploitation of common-pool resources (Bonan 2016). To do that, the author provides evidence from a historical case study: the common exploitation of forests by local communities in the Alpine valley of Fiemme, in Trentino, Italy, before and after the process of centralization witnessed by the region during the early 19th century. As the

author echoes, in recent years historians have provided competing hypotheses about what the specific role played by the state was in the emergence and survival of commons and other corporate collective action. The importance of a ‘tolerant state’ as a pre-condition for the widespread formalization of bottom-up collective arrangements has been stressed by some authors (De Moor 2008; Van Zanden 2009; Laborda-Pemán and De Moor 2013), with others highlighting instead the relative independence of both levels (Curtis 2013; Serrano-Álvarez 2014). In the valley of Fiemme the collective exploitation of pastures and forests was a central element of the rural economy for centuries – with the *Magnifica Communità of Fiemme* exemplifying the high degree of institutional development reached by these local communities (Bonan 2016). The Napoleonic invasion and the subsequent process of state centralization experienced by the region brought fundamental changes to these communities: new laws were passed and a newly established municipal organization assumed many of the powers of the local communities. Interestingly, Bonan argues that the increasing intervention of the state bureaucracy in the mountain communities did not necessarily mean the disappearance of the system of collective management and exploitation that had been in place for centuries. Instead, it accentuated the heterogeneity of interests and power often found already in these communities and forced a redefinition of their internal design and functioning from within. Rather than the mere external imposition of a new institutional order, the change brought by state centralization should be viewed then as the outcome of a bargaining process between the bureaucracy and the communities, and among the community members themselves. Within this new context, the communities analysed often managed to use the state policies to their advantage, and kept displaying their ‘complex environmental vocation’ (Gambi 1972) – that is, their ability to embed the reproduction of the natural resources into the new patterns of economic exploitation.

In contrast with the relative success exhibited by the cases analysed by Bonan and De Moor et al., the articles by Goetter and Neudert (2016) and Largo-Jiménez (2016) explore the inability of certain collective institutions to satisfactorily respond to the challenges they face over time. In their analysis of privatisation of pasture lands in Madagascar, Goetter and Neudert flesh out much of the ‘tragedy of the commons’ as originally (and often wrongly) depicted by Hardin in his seminal 1968 paper: the inevitable transformation of an open-access situation into a new governance regime where private property rights prevail at the expense of alternative community-based arrangements. Despite their attention to more contemporary developments and their different methodological tradition, their analysis of a situation of genuine institutional change clearly justifies the inclusion of their article in this special issue. Traditionally, the pastoralist Tanalana peoples of southwest Madagascar have exploited the resources supporting their farming activities in an open-access way – with their zebu cattle freely accessing the lands where the fodder trees of *samata* grow. As a result of growing perceptions of scarcity, a gradual process of informal privatisation of the common pastures has been set in motion by the users themselves – a situation very well known to anyone



interested in contemporary resource management in traditional African societies (Behnke 1985; Ensminger 1996; Lesorogol 2008). The added value of the article by Goetter and Neudert lies in their in-depth analysis of the mechanisms involved in the process of institutional change: beyond the somehow commonplace of pointing to the drivers behind the process (for an exception see Mwangi 2007), they get their hands on the links between scarcity and the widespread privatisation of the *samata* trees. Building on the theoretical framework originally developed by Ensminger (1996), they point to the role of bargaining power and ideology as important explanations of the inability of the Tanalana communities to channel institutional change more in the direction of a common-property regime. According to the authors, the indifference to confrontation exhibited by the ‘strong men’ appropriating the *samata* trees as well as traditional socio-cultural values about individual freedom – further encouraged in more contemporary times – explain much of the low motivation of the Tanalana to enforce collective arrangements via active monitoring and sanctioning of anti-social behaviour.

Suggesting the benefits of approaching other types of ICAs from the theoretical work originally developed around common-property regimes, the last article by Largo-Jiménez (2016) looks at the evolution of friendly societies in early 20th-century Barcelona from the perspective of Agrawal’s enabling conditions (Agrawal 2008). The importance of these self-governed organizations for social welfare and socialization in an industrializing region with an underdeveloped state bureaucracy has been stressed in the literature (Pons and Vilar 2011). However, what began as a development characterized by small and highly participative societies eventually evolved into the rise of larger and more bureaucratized organizations. The evidence that Largo-Jiménez provides about the evolution of societies’ size and the relative importance of benefits over time point in that direction. Contrasting with traditional explanations in the historiography paying more attention to exogenous factors (such as the availability of other institutional arrangements, the evolution of prices, or limited availability of human capital), Largo-Jiménez turns to the internal design in order to explain why original friendly societies were unable to resist socio-economic changes and were eventually expelled from the institutional landscape. The ‘enabling conditions’ originally developed by Agrawal (2008) to explain the sustainability of collective action represent the theoretical framework upon which the author builds to provide an answer. His analysis shows that the fulfilment of these ‘enabling conditions’, as well as satisfactory internal design, were probably not enough to guarantee the survival of this form of corporate collective action. Small sizes, well-defined boundaries, shared rules and strong social capital endowments would eventually reveal as insufficient to deal with the dramatic increase in medical costs and growing competition.

All in all, we believe that the four articles included in this special issue are not only valuable contributions to the study on the commons in themselves: very importantly, they also provide a glimpse on the thrilling possibilities offered by encouraging a conversation between historians and other commons’ scholars. Really happy as we are about providing the readers of the *International Journal*



of the Commons with this special issue, we are even more optimistic about the future – when it comes to history and the commons, we are certain that the best is yet to come.

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