



# Untangling the commons: three different forms of commonality

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## Abstract

The term “commons” is used with increasing frequency in the public debate and scientific literature in various fields (including economics and sociology). However, this term is often ambiguous and used to denote quite different things. Obviously, any concept, and therefore also the concept of “commons”, does not have an “essence”. Clear definitions do not serve to capture what something is in itself, but only to rigorously specify what use is made of a given expression. In other words, linguistic precision is not a value in itself, but becomes necessary when misunderstandings can arise – as happens in the case under discussion. This article critically revisits the notion itself of “commons”. It is based on an extensive interdisciplinary literature review. However, the intent is not to provide an overview of the state of the art but to suggest a critical reframing of the discourse. The overall aim is not solely to distinguish different uses of the term; it is also to clarify the real scope and meaning of each definition of it – such as the one proposed by Elinor Ostrom, which is too often inappropriately invoked. As the article demonstrates, Ostrom’s view on many issues perfectly aligns with the Hayekian account of the evolutionary, emerging nature of a significant number of successful institutions and forms of organization.

**Keywords** Commons · Institutionalism · Ostrom · Hayek · Evolution

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## 1 Introduction: three different forms of commonality

The term “commons” is used with increasing frequency in the public debate and scientific literature in various fields, including economics and sociology. However, this term is often ambiguous and used to denote different things (as already recognized by Swaney, 1990, Bromley, 1991, 1992 and Ellickson, 1993; see, subsequently, Watanabe, 2012, Himma, 2013 and Ferrajoli, 2013). In this regard, Vaccaro and Beltran (2019: p. 331) note: “Across several disciplines the commons is often used almost interchangeably with terms such as open access, common property, public domain, public goods, or common pool resources”. In short, they continue: “The concept of the commons is expanding well beyond its traditional domain [...]. This popularity has come at the expense of conceptual clarity” (Vaccaro & Beltran, 2019: p. 337).

Obviously, any concept, and therefore also the concept of “commons”, does not have an “essence”. Clear definitions do not serve to capture what something is *in itself* (Popper, 1945), but only to rigorously specify what use is made of a given expression. In other words, linguistic precision is not a value in itself, but becomes necessary when misunderstandings can arise – as happens in the case under discussion (Bromley, 1991, 1992; Ferrajoli, 2013; Vitale, 2013). As Bromley (1992: p. 1) writes, referring to the debate on commons: “If scholars use the same words or terms to describe fundamentally different fact situations, ideas, or phenomena, then progress in understanding is impeded rather than advanced”.

This article critically revisits the notion of “commons”. It distinguishes three different (and incompatible) meanings of the term “commons”: (i) commons as *nobody’s* resources<sup>1</sup> (Sect. 2); (ii) commons as *some people’s* resources (more precisely, of a group) (Sect. 3); (iii) commons as *everybody’s* resources (Sect. 4).<sup>2</sup> As we will see, the point is not merely to distinguish these uses but also to determine *what* is really being distinguished. Section 5 critically discusses some crucial, related aspects, and then draws conclusions.

The article is based on an extensive interdisciplinary literature review. However, the intention is not to provide an overview of the state of the art but to suggest a critical reframing of the discourse. The overall aim is not solely to distinguish different uses of the term “commons”; it is also to clarify the real scope and meaning of each of them – such as the one proposed by Elinor Ostrom, which is too often inappropriately invoked.

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<sup>1</sup> The term “resources” is used here in a generic and general sense; “goods”, “assets” or other synonyms would serve the same purpose. Note that resources understood in this way can be both tangible and intangible (on the latter, see e.g. Paniagua, 2020).

<sup>2</sup> I do not claim that this is an exhaustive list, but, simply, that these are the three main meanings worth discussing. A further use of the term “commons” not expressly considered here is to denote publicly owned (urban) spaces of which a group of people take care but without having or claiming any ownership of them.

## 2 First meaning: nobody's resources

### 2.1 Tragedy of freedom in a commons

As well known, the term “commons” was first used by Hardin (1968) in a celebrated (even if not always read in its entirety) article. In the decade after its publication, only few economists engaged with Hardin's study; but subsequently it became a sort of “totemic” reference for many disciplines, economics included (Frischmann et al., 2019).

In Hardin's conception, commons are nobody's property – that is, resources which have no definite owner. As a result, everyone takes full licence to use them. The well-known central thesis of Hardin's work is that, under such conditions, each individual is concerned with the immediate personal advantages that he/she can gain from using such items, and not with the negative repercussions of that use which affect others and are diluted over time.

Hardin considers two situations of this kind:

- (i) *overuse of resources*, and.
- (ii) *environmental pollution*.

The first situation is exemplified by the famous case of herdsmen who take their flock to graze on land owned by no one. Each will gain an immediate personal advantage from taking the largest possible number of cattle to graze on that land, with the consequence that, overall, there will be an overuse of the resource in question and its progressive impoverishment and deterioration.

The same and symmetrical problem arises – second situation – when everyone pollutes common lands and environments: again, each individual gains an immediate advantage from getting rid of certain harmful substances in the environment, but if all individuals act in this way, there will be overall heavy pollution.

While in the first case (impoverishment) each individual exceeds in *taking* something from the environment, in the second case (pollution) each individual exceeds in *introducing* something into the environment.

Both in the case of the overuse of resources and in the case of pollution, the so-called *tragedy of the commons* is therefore generated. It is interesting to remember that Hardin also uses the expression “tragedy of freedom in a commons” (which is also the title of the most famous section of his article). Hardin (1968: p. 1244) explicitly writes: “Freedom in a common brings ruin to all”, and: “Individuals locked into the logic of the commons are free only to bring on universal ruin” (Hardin, 1968: p. 1248). He notes that some would say this is a theoretical “platitude”; nevertheless, Hardin (1968: p. 1244) underscores, it is not yet universally and practically recognized.

In short, if each subject acts as a *free-rider* (that is, tries to maximise his/her gain independently from the others and from the effects on others) the collective result will be a situation of decay. As is well known, there have been numerous attempts to model this situation (e.g. Rapoport, 1988; Hasegawa, 1989; Diekert, 2012; Murase &

Baek, 2018; Carrozzo Magli et al., 2021). Generally, the tragedy of the commons is interpreted as a sort of “prisoner’s dilemma” for  $n$ -people.

## 2.2 Two crucial assumptions

According to Hardin, this problem arises especially when the population increases in number. In other words, when in the past the world population was numerically limited, the existence of commons did not create particular problems; however, when the population began to grow significantly, the commons no longer represented an adequate solution.

In saying this, Hardin makes two assumptions:

- (i) a conceptual assumption concerning morality;
- (ii) an empirical assumption on contemporary conditions.

According to the first *conceptual* assumption, the morality of an act cannot be judged in the abstract; it is a function of the particular system conditions at the time when it is performed. As Hardin (1968: p. 1245) writes: “morality is system-sensitive”; in other words, “the morality of an act is a function of the state of the system at the time it is performed” (Hardin, 1968: p. 1245). Interestingly, Hardin notes that simply looking at a photograph showing someone performing a certain act (e.g. killing an animal) is not enough to judge whether the act is right or wrong, desirable or undesirable: to make this judgement, we in fact need to understand the systemic conditions within which the act is performed.

According to the second *empirical* assumption, the conditions in which we have lived since the twentieth century – totally different from those in which humanity lived for long epochs – are those of a complex and overcrowded world.

Interestingly, a view akin to that of Hardin (1968) was developed in the same period by Demsetz (1967). In a manner similar to Hardin, he argued that an originally open access situation can fail when background conditions change.<sup>3</sup>

The problem of “commons” has been reconsidered by Hardin many times in subsequent works (e.g. Hardin, 1974, 1976 and 1993), but without any significant innovation.

## 2.3 Final remarks

Independently of the terminology preferred, when Hardin speaks of “commons” he has in mind an open-access situation. This is the sentence with which he begins his famous example of herdsmen: “Picture a pasture open to all” (Hardin, 1968: p. 1244).

<sup>3</sup> While discussing the emergence of property rights on land among native tribes in Canada, Demsetz (1967) argued that this system developed (in the mid-1700s) as a consequence of the increasing demand for furs by French traders (thus adding the issue of “value” to the theoretical framework). On the fundamental role of background conditions (population growth, shift from hunting to farming, etc.) in regard to emerging (property) arrangements in resources use, see subsequently Demsetz (2002: p. 665 ff.). On Demsetz’s contribution in this regard, see e.g. Morin (2018), Merrill (2002), Desmarais-Tremblay and Stojanović (2022).

In later works, Hardin (1998, 2017) shifted to the expression “unmanaged commons” to denote his initial subject of study and in order to avoid misunderstandings.

According to Hardin, the tragedy of the commons is an instance of a class of human problems that he calls *no technical solution problems*. Hardin (1968: p. 1243) specifies the matter thus: a *technical solution problem* may be defined as “one that requires a change only in the techniques of the natural sciences, demanding little or nothing in the way of change in human values or ideas of morality”. Therefore, the tragedy of the commons amid increasing growth of the population is not a technical problem. This is true in particular in a “finite” world (Hardin, 1968: p. 1243).

As regards possible solutions to the tragedy of the commons, Hardin’s discussion is not particularly systematic. He generically suggests privatization and certain forms of regulation. “Both solutions rely on collective action through government to introduce constraints on resource consumption” (Frischmann et al., 2019: p. 216; for more on this, see Hasnas, 2009).

In conclusion, the point here is not *if* and *to what extent* Hardin was original in his argument (something that has been disputed: e.g. Banner, 2018; Karpoff, 2022), but *what* exactly his point was with reference to what he calls “commons”.

Interestingly, according to some (e.g. Stavins, 2011) the problem that Hardin identified is even more widespread and important today: consider for example the degradation of ocean fisheries.<sup>4</sup>

### 3 Second meaning: some people’s resources

#### 3.1 The crucial re-discovery of group property

With a second (different) meaning, the term “commons” was subsequently used in the influential book by Ostrom (1990).<sup>5</sup>

In this case, the term “commons” denotes not so much resources owned by nobody as resources jointly appropriated by a group: that is, by a circumscribed set of individuals. The group of partners have, in fact, an exclusive right to them and can exclude all other individuals and groups from access to and use of them. In Ostrom’s most famous book, *exclusion* is pervasive in all the examples she considers (Block, 2011; Araral, 2014).

It is no coincidence that Ostrom indicates the existence of clear and well-defined *boundaries* of the resources in question as one of the fundamental prerequisites for commons to function effectively. Ostrom (1990: p. 91) writes:

<sup>4</sup> As Stavins (2011: pp. 87–88) notes: “Because no one holds title to fish stocks in the open ocean, for example, everyone races to catch as much as possible. Each fisherman receives the full benefit of aggressive fishing – a larger catch – but none pays the full cost, an imperiled fishery for everyone. [...] These consequences of open access – predicted by theory – have been validated repeatedly with empirical data.”.

<sup>5</sup> A recent bibliometric analysis of the impressive impact of Ostrom’s works has been conducted by Van Laerhoven et al. (2020).

“Defining the boundaries of the CPR [common-pool resource] and specifying those authorised to use it can be thought of as a first step in organising for collective action. So long as the boundaries of the resources and/or the specification of individuals who can use the resource remain uncertain, no one knows what is being managed or for whom”.

She continues: “Without defining the boundaries of the CPR and closing it to ‘outsiders’, local appropriators face the risk that any benefits they produce by their efforts will be reaped by others who have not contributed to those efforts” (Ostrom, 1990: p. 91). In short: without clear boundaries, those who are partners in the commons may not be adequately rewarded for their commitment to management and maintenance (Ostrom, 1990: p. 91). This point has been stressed in many other works by Ostrom and her co-authors (Anderies et al., 2004; Ostrom, 1993, 1995, 1999, 2000, 2010, 2012; Basurto & Ostrom, 2009; Wilson et al., 2013).

In this regard, Rose (2020: p. 562) notes that, in the Ostromian sense, commons is a version of a “bounded and exclusive property, even if the boundaries encompass an entire community rather than a single individual”. Similarly, when commenting on Ostrom’s boundary requirement for commons, Schlager (2002: p. 813) writes: “Exclusion is critical if appropriators are to commit to following a set of institutional arrangements over time, and investing in modifying them as circumstances warrant [...]. The evidence is overwhelming on this point”.<sup>6</sup> In short, Ostrom’s model applies to *closed systems* (Brower, 2016).

“Boundaries” in this case usually refer to spatial boundaries of geographically located entities (Giordano, 2003; Araral, 2013; Moss, 2014; Gattullo, 2015) but sometimes also to more immaterial boundaries of certain intangible assets.

### 3.2 Four fundamental clarifications

In order to avoid a certain recurrent rhetoric and risks of misunderstanding, four further clarifications are indispensable. They concern:

- (i) the idea itself of community;
- (ii) the typology of property forms;
- (iii) the role of the public subject in hampering or favouring the commons in the Ostromian sense;
- (iv) the importance and meaning of evolutionary explanations in this case.

<sup>6</sup> See on this also Araral (2014: p. 21): “Most of Ostrom’s principles for institutional design – clear boundaries of the resource and resource users, effective and accountable monitoring, sanctioning [...] – actually makes exclusion to the common pool resource more effective”. And he adds: “Not surprisingly, successfully managed, long-lived and robust commons are associated with these design principles. Likewise and not surprisingly, common pool resources cited by Ostrom [...] – which lacked these institutional design principles and therefore makes exclusion difficult – has led to outcomes predicted by the standard model of tragedy of the commons”. Consider moreover Stahl (2017: pp. 499–500): “Ostrom’s research reinforces from a sociological perspective one of the central theoretical points made by economists: that a right to exclude [...] is essential to overcome the tragedy of the commons. The shared social norms that Ostrom considers necessary to enable governance of the commons [...] can only exist where communities strictly exclude outsiders”. See finally Clarke (2006).

First of all, commons in this sense do not necessarily imply – as is often mistakenly assumed – the existence of a “community” held together by close, warm ties (Dagan & Heller, 2001: p. 565). The group of partners can be connected by simple constraints of opportunity – relating, for example, to the most effective joint use of a certain resource – and not necessarily by stronger community and identity bonds. Clearly, the second condition is not excluded (Moroni, 2014), but it is not required by the organisational model under discussion. Moreover, and differently to what many seem to believe,<sup>7</sup> it is not even necessary that there be relations of solidarity and altruistic commitment among the members of the group; in fact, it may only be a question of simple bonds of “reciprocity” (that is, forms of mutual benefit). Finally, it is evident that the groups in question do not necessarily have in mind the safeguarding of ecosystems per se, but often, more simply, the joint benefits they derive from managing certain resources more wisely.

Second, Ostrom’s commons are not (as usually interpreted: e.g. Wade, 1987; Berkes et al., 1989; Feeny et al., 1990; Geisler & Daneker, 2000) a different kind of property or a third alternative to public and private property. This seems true only if we consider private property as a kind of property always owned by a *single* individual for his or her *sole* use. However, this is a misconception<sup>8</sup>: private property can take very different forms, including several kinds of collective (private) property. As Block and Jankovic (2016: p. 293) write:

“The legal and economic essence of private property is not ‘single individual ownership’; the critical element, rather, [...] [is] excludability – the ability to prevent non-owners from the use and exploitation of the resource in question [...]. What places the arrangement under the rubric of private property is not the number of actors involved, but the character of the legal relationship that they have among themselves and towards outsiders”.

As well known (Karpoff, 2022), the thesis that ownership implies the right to exclude others is a crucial point for so-called “property right theorists” (Alchian & Demsetz, 1973).

In sum, the issue is not to contrast *private property* with *common property* but to distinguish, within private property, the case of *individual property* from that of *collective (or group) property* (Ciriacy-Wantrup & Bishop, 1975; Bromley, 1992; Moroni, 2018, 2019). In short, “common property is private property for the group”,

<sup>7</sup> See for instance Gualda (2022: p. 34): “Ostrom documents international examples of the advantages of ‘governing the commons’ [...]. An essential element in this approach, which connects to some dimensions of altruism, is the argument that the commons can be governed sustainably and equitably in a community. The idea of equity or the proposal that ‘common goods’ are adapted to local needs represents a connection with the idea of altruism as it goes beyond self-interest trying to solve community problems and personal necessities”.

<sup>8</sup> See e.g. Giordano (2003: p. 367): “In the largely capitalist United States, the term ‘private property’ only occasionally implies ownership by a single individual. In U.S. tax code, for example, the individual can constitute the basic unit for assessment, but households and corporations – which can, in principle, be constituted of any number of individuals – are also legal candidates”.

since all others are “excluded from use” (Glück, 2002: p. 132).<sup>9</sup> Note that there is nothing new or surprising about the idea of *collective/group property* understood in this way.

In conclusion, as Block and Jankovic (2016: pp. 290–291) write when commenting on Ostrom’s work:

“Her research is significant and illuminating but its character was radically misunderstood by [...] her many and diverse admirers. She did not discover any ‘new’ form of governance beyond private property and government control. Rather, she discussed some interesting variations in contractual regulation and enforcement of private property rights”.<sup>10</sup>

On issues of this kind, see already Alchian (1965: p. 821):

“The ability of individuals to enter into mutually agreeable sharing of the rights they possess is evident from the tremendous variety of such arrangements, e.g., corporations, partnerships, non-profit corporations, [...], trusts, agencies [...]”.

Thirdly, in the twentieth century it was often public power that made the existence and maintenance of commons in this sense difficult. After the unification of Italy, for example, laws were enacted to discourage such ancient forms of collective resource control in that country. Subsequently, Italian law no. 1766 of 1927 enclosed the phenomenon within rigid categories and introduced complicated procedures for recognition – which became legally necessary (Carestiatto, 2010). Hostility to certain forms of collective property occurred in various other countries (e.g. US: Rose, 2000). According to some, fighting the various intermediate bodies and reducing private ownership to single ownership of individual assets served the purposes of many twentieth-century centralising states: creating the “void” between state sovereignty and fragmented private property actually increased central power and the widespread impression of its indispensability (Lottieri, 2010).

<sup>9</sup> Along the same lines, Slaev (2022: p. 2) observes: “As group ownership is common only to the members of a group/community, all non-members are excluded. Hence, group property should also be considered a form of private (exclusive) ownership”. Commenting on Ostrom’s examples of commons, also Rose (2003: p. 106) notes: “Such limited common property regimes may be commons on the inside, but they are property on the outside, that is, vis-a-vis non-members”. See also Rose (1999: p. 48): “Notice that a CPR [common pool resource] is itself a type of property institution, that is, a common *property* regime that puts an entire stock of a resource under unitary and exclusive management. Although the members of a commonly used hunting ground or fishery may treat the resource as a ‘commons’ among themselves, with respect to the rest of the world that resource is property” (compare with Rose, 2000: pp. 480–481).

<sup>10</sup> Perhaps in an attempt to avoid this implication, Ostrom sought to distinguish between (i) commons/common-pool resources (“natural and human constructed resources in which [...] exclusion of beneficiaries through physical and institutional means is especially costly, and [...] exploitation by one user reduces resource availability for others”: Ostrom et al., 1999: p. 278) and (ii) the organisational regime concerning them (e.g. the property regime). However, this is intrinsically criticisable and therefore does not help to avoid the previous conclusions. On the one hand, no quality or property is intrinsic to resources in themselves independently from, for instance, available technology (excludability and its cost is a clear example here). On the other, it is precisely the form of management of certain resources that made Ostrom’s approach famous and characterizes it. As Choe and Yun (2017: p. 117) note: “By regarding excludability and subtractability as physical or technical attributes, the concept of CPRs defined by Ostrom has a number of limitations. Excludability and subtractability are attributes constructed by society, not a physical or technical attribute. Ostrom overlooked this aspect”.

Fourth and finally, if certain forms of asset arrangements are not opposed – and/or enclosed within rigid pre-established straitjacketing forms – it is inevitable and natural that shared rules of the most varied and often innovative kind will form from the bottom up. Such rules will be moulded on local contexts and will result from free experimentation (Brunetta & Moroni, 2012). The spontaneously emerging nature of consensual forms of management of assets held in common surprised many commentators only because the twentieth-century state-centred mentality made them forget that certain rules of interaction and coexistence can – and had long done so in history, for example in Europe – spontaneously emerge and be voluntarily accepted (Beito et al., 2002; Body-Gendrot et al., 2008; Andersson & Moroni, 2014).

This is a point many times underscored by Ostrom herself.<sup>11</sup> As she writes:

“An extraordinary number of field studies have found that local groups of resource users have created a wide diversity of institutional arrangements for coping with common-pool resources when they have not been prevented from doing so by central authorities [...]. These empirical studies document successful self-organised resource governance systems in diverse sectors in all parts of the world” (Ostrom, 2006: p. 101).

She adds: “In contrast to forms of organisation that are the result of central direction, most self-organised groups [...] are better viewed as complex adaptive systems” (Ostrom, 2006: p. 114).

Note that Ostrom’s view on these issues perfectly aligns with the Hayekian account of the evolutionary, emerging nature of a significant number of successful institutions and forms of organization (Hayek, 1967, 1978, 1982, 1988). On the complementarity between the Hayekian and Ostromian approaches – something which is surely not a surprise for all those who avoid any *a priori* ideologisation of the discourse – see for instance Aligica and Tarko (2014), Boettke and Coyne (2005), Vanberg (2014), Boettke and Candela (2015), Boettke et al. (2015), Frank and Shockley (2016), Cai et al. (2020), Lewis (2021).

As Cai et al. (2020: pp. 178–179) write:

“Ostrom [...] also viewed commons arrangements as a spontaneous order in the sense the institutional arrangements to govern common property emerged oftentimes long ago, and in most instances, nobody knows who created them. Thus, while Hayek and Ostrom differed in their substantive focus [...], they shared an appreciation for spontaneous order”.

### 3.3 Final remarks

To sum up, Ostrom did not show that Hardin’s central argument was in itself wrong; rather, she showed that, among the possible solutions to the problem he highlighted,

<sup>11</sup> On this aspect of Ostrom’s approach, see in particular Pennington (2008, 2012, 2013); see in general also Richerson et al. (2002), Nayak and Berkes (2022).

a more important role than had previously been recognized in literature could be played by forms of group/collective ownership. Furthermore, Ostrom convincingly demonstrated – perfectly in line with the Hayekian legacy – that this kind of solution can also emerge spontaneously; that is, without a top-down (public) intervention. As Van Aaken (2018: pp. 71–72), notes, repeated research findings evidence that individuals engage in collective action to organize and manage common-pool resources “without an external authority enforcer”.

## 4 Third meaning: everybody’s resources

### 4.1 Global goods

In a third, more recent version, the term “commons” is used to indicate resources to which *everyone should have access* (Rodotà, 2012a, b, c, 2013; Mattei, 2016; Mattei & Mancall, 2019).

As Rodotà (2012c: p. 70) writes, *commons/common-goods* are characterised by “widespread ownership, in that they belong to all”; therefore, “nobody should have an exclusive right to them”. They do not entail a *different kind of ownership* but the *opposite of ownership*. Consequently, they fall outside any market logic.

Rodotà (2013) maintains that it is not the “nature” or “essence” of a good that makes it possible to include it in this category; it is instead its indispensability for satisfying (in a way to be ascertained historically) certain rights considered to be (culturally and axiologically) fundamental, and primarily the *right to life*. Although Rodotà (2013) maintains that the right to life cannot be reduced to survival alone, he highlights that this aspect nevertheless constitutes its core. Since the right to life is the right (to life) of “everyone”, it applies to both present and future generations.

According to Rodotà (2012b), access to goods essential for the right to life must be guaranteed by Constitutions; in this regard, he speaks of *constitutionalism of needs*.

The same point is stressed by Mattei (2016: p. 75), another influential exponent of this approach: “The commons are [...] resources that belong to the people as a matter of life necessity. Everybody has a right of an equal share of the commons and must be empowered by law to claim equal and direct access to it”.

In the same vein, Fattori (2013: pp. 383–384) writes:

“Some commons are absolutely fundamental to one’s very survival (including, at a minimum, water, food, air, and energy) or essential to guarantee the free development of the person (such as culture and knowledge in its various forms). Everyone must be able to access these commons, and no one can claim exclusive rights over them, precisely because they are goods meant to satisfy basic individual and collective needs, both of the present and of future generations”.

## 4.2 Various examples

According to the propounders of this position, example of “commons” in this third sense are for instance: water (Bailey & Mattei, 2013; Mattei, 2013; Mazzoni & Cicognani, 2013; Carrozza & Fantini, 2016; Gatto, 2022; Muehlebach, 2023), food (Vivero-Pol, 2017a, b; Vivero-Pol et al., 2018; Carceller-Sauras & Theesfeld, 2021); health (Grumbach, 2023); vaccines (Boschiero, 2021); knowledge (Rodotà, 2012c); and, even, climate stability (Louvin, 2020; Caggiano & Landau, 2022).

With reference to food, Vivero-Pol (2017b: p. 198) for example writes:

“The consideration of food as a commons is: A normative concept and a moral compass for a fairer food transition [...]. A social construct, politically speaking [...]. A fundamental right, legally speaking, associated to the most fundamental right of all, the right to life. This link confers primacy to the right to food over the right to private property [...].”

## 4.3 Final remarks

These are therefore goods that escape the logic of exclusive use. In other words, commons in this sense do not admit discrimination in access to them.

Note the clear difference with respect to the “commons” of which Ostrom speaks, the success of which depends, as underlined, on clear *boundaries* that *exclude* those who are not partners.

## 5 Discussion and conclusion: do we have to dispense with the expression “commons” altogether?

In conclusion, some terms are more fortunate than others: they are rhetorically attractive, appear at the right time, etc. However, once the “emerging” phase has passed, they must be clearly and unambiguously defined and delimited. To recast the discourse in more rigorous terms, one could even do *without the term “commons” altogether*.

In each of the three senses considered, other expressions – less ambiguous – could easily come to one’s aid; for example:

- (i) “open access resources” (i.e. *res nullius*) in the first case (Bromley, 1991);
- (ii) “collective (or group) properties” (Ellickson, 1993; Moroni, 2014) or “private partnerships” (Block & Jankovic, 2016) in the second;
- (iii) “fundamental goods” (Ferrajoli, 2013) or “global public goods” (Kaul et al., 1999; Albin, 2003; Deneulin & Townsend, 2007; Bodansky, 2012) in the third.

Doing this in the specific cases under discussion inexorably fragments what today often appears to be a compact front of standard bearers of the “commons”, and

obliges us once again to critically discuss some traditional problems: in each of the three abovementioned cases, often of a different nature (Vitale, 2013).

However, this is crucial both to favour further, more focused developments of research and to avoid conflating different issues and arguments, as frequently happens for instance in the case of the second and the third meanings. Brando et al. (2019: p. 555) write, with reference to commons (in our second sense) and global public goods (commons in our third sense): “These two ‘buzzwords’ are now too often confused or even conflated, without acknowledging their divergent normative bias”.<sup>12</sup> A crucial point here is that Ostrom’s famous arguments in favour of *her* idea of “commons” do not apply to the “commons” in the third sense.

In general, to be noted is that the first two meanings of the term “commons” here discussed have nothing to do with the concept of “common good” in the singular: that is, with the idea that we should collectively pursue some form of “public interest” (Moroni, 2017, 2019). The third meaning, on the other hand, tends to bring together the “common good” and (access to/availability of) “commons” (Rodotà, 2012c).

Note, moreover, that while the commons in the Ostromian sense call for more bottom-up self-governance, commons in the third sense (i.e. global public goods) “seem to reinstitute the vertical logic of the state at the global level” (Brando et al., 2019: p. 556).

All of this further confirms that the three concepts considered are very different and, sometimes, push in a direction quite different from the one usually accepted.

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<sup>12</sup> For further elaborations on the difference between Ostrom’s idea of the commons and the commons in the third sense, see the chapter by Sauvêtre (2018). As he writes: “This chapter sought to establish a comparative sociological analysis of the developmentalist policy of the Ostromian commons politics and the mobilization for *lo común* in the context of the Bolivian Water War. The outcome of this socio-historical analysis is that the commons and the common are two completely different realities” (Sauvêtre, 2018: p. 95).

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