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The Practice of the Commons

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This paper is an effort to lay out some of the basics of a language-based, person-centered, or *agentic* model of practice for nonprofit organizations, voluntary action and philanthropy as an extension of the theoretical ideal type of the commons. (Hardin, 1965; Lohmann, 1989; Lohmann, 1992a; Lohmann, 1992b; Ostrom, 1990; Ostrom, 1994) As befits a general model posited as a Weberian ideal type, the argument here is presented at a fairly high level of generality.

One of the most persistent questions raised by work on the theory of the commons has been what might be termed the practice question: This commons notion is all well and good, social work colleagues, nonprofit managers and others would say, but what does one *do* to create or sustain a commons? How is the practice of the commons different from that of an ordinary nonprofit? What, in other words, are the general practice implications of this theory? The ultimate context of such questions, of course, must begin with the tragic trajectory asserted by Garrett Hardin, Mancur Olson and others and its implications for individual and collective voluntary action (Hardin, 1968; Olson, 1965). If practice in a commons is, more or less inevitably, to end badly – come to naught, or far worse, produce results diametrically opposed to one's intentions – then what's the point of even trying? Wouldn't a proper commitment to contemplation, further study and inaction be the wiser course?

Fortunately or unfortunately as the case may be, few people attracted to the third sector are sufficiently fatalistic to actually take such a path of inaction seriously. In particular, hundreds of years of practical experience with commons of various types confirm that at least some commons escape the tragic fate of resource over-utilization, decline and extinction. Further, the way in which they generally do so is highly instructive: Farmers using a common pasture, fishermen working a common stream and all others working with common resources are able to overcome the tragic fate of over-utilization through the rather simple means of creating an association of users and agreeing upon a set of voluntary rules to limit utilization. It is only when such associations are unable to channel and regulate individual self-interest that the tragic aspect of commons noted by Hardin comes into play. Hardin and others are simply wrong, however, in their view that the only way such agreements can be made workable is through the coercive action of state or government regulation. This error arises through considering only the dichotomous options of private or public action.

There is a third alternative of voluntary action on the basis of uncoerced cooperation of those involved (and backed up by a wide variety of “informal”

social processes including dialogue, deliberation, mediation, consent, cooperation, gossip, stigmatizing (“shunning”, etc.) and, even in more extreme cases, vigilante action.

My initial response to the question of the practice of the commons has always been: Well, isn't it obvious? But then clearly it must not be obvious, or people wouldn't keep asking. I tried previously to spell out a practice model in my 1992 ARNOVA paper, in which I cast the practice of the commons largely in terms of the particular mix of American pragmatism, with emphasis on Deweyian problem solving, democracy and Piercian community. (Lohmann, 1992c) This paper moves in a slightly different direction.

First, a brief digression on word choice: It is my general sense that in an open society anyone can practice the commons with others – not individually or alone – in somewhat the same sense that you can, with appropriate knowledge and preparation, practice religion, taxidermy or gardening. One can also practice tolerance, fair-play, and patience in much the same manner. Groups can practice the commons in somewhat the same sense that they can practice decision-making or problem-solving. In all these cases, there is a certain underlying repertory of prior knowledge and skill involved, but the real practice involves the art of just doing it. There is a real lesson for our increasingly bureaucratized third sector in all of this: *practice of the commons in this sense is less a matter of establishing and following exacting routines defined by someone's ideas of “best practices”, policies and procedures or being guided by principles or “practice method” menus and guidebooks, than it is of enthusiastically enacting joint lines of action in pursuit of the good life.*

This is a very important point that bears directly on the rest of this paper. Rules or principles may be applied in anticipation or planning leading up to any actual practice, or in reconsideration and evaluation following it, but actual practice is enacted as an experience in everyday life, part of what in the spirit of Habermas and Schutz we might call *enacting the life world*. (Habermas, 1984; Schutz, 1973)

It is in this sense that one may speak of practicing the commons or practice of the commons. I wish to explicitly discourage the expression *practice in the commons* which is something of a verbal misnomer, since the associations, assemblies and social relations that constitute the commons also form and enact the commons, and are not merely the shells or “structures” within which commons are to be found. The commons does not designate a container or structure within which a slice of life happens; rather it is that slice itself.

Commons Theory Summarized

Before we speak further of the practice of the commons, it is necessary to briefly summarize commons theory as it relates to the third sector. The core

of the theory is the ideal type of a commons as a generalized model of third sector entities, together with the concept of common goods as a third type of goal, end, outcome or product; one that is distinguishable from both public and private goods. A commons in its original English common-law usage is a plot of land not “enclosed” or privately held and available for use by all who are in proximity to it. For our purposes, this physical space can be seen as analogous to the social space that opens up to all when groups of people associate together under certain conditions. These conditions are roughly those associated in classic social theory with *koinonia politike* as a political community without the overarching collective implications of the state as a dominant protective association, and are often labeled with the much-overworked term community. In this sense, commons theory refers to activities, entities, organizations or other social objects characterized by five basic conditions: uncoerced participation; shared goals; shared resource pools; a pervasive sense of mutuality, or “us-ness”; and indigenous norms of justice or fair play.

The origins of my efforts to apply this approach to the third sector were in dissatisfaction with the negative accents of “failure theory” of nonprofit law and economics and the approach of defining third sector activity by what it is not: not market and not political state, “not-for-profit” as the saying goes, and nongovernmental. (Lohmann, 1989) Commons theory in this sense is an attempt to say what third sector action is and also normatively what it ought to be. In the original statements of the theory (Lohmann, 1989; 1992), I identified five conditions that define a commons. I am now inclined to see the first three of these (see the following paragraph) as definitional and to hypothesize that in a commons the last two will emerge over time as the group develops.

In order to clarify further the extent and scope of these five elements that are said to define a commons, and to focus them more directly on the third sector it is useful to re-label them slightly and suggest that common action involves (1) voluntary *association* among three or more people who are not forced to relate, not enticed by the prospect of personal profit or gain, and are not intimates of one another in a sexual, emotional or familial daily-routine sense. (2) Such association is facilitated by an *endowment* of resources, whether financially valued assets, collections of valued objects or repertoires of joint actions or some combination. (3) Common associations thus endowed will generally choose to pursue *missions* composed of joint or shared purposes, whether or not such purposes are constructed instrumentally as goals, ends, outcomes or products. (4) Although they are certainly not the only forms of human association to do so, such mission-oriented and endowed associations are nonetheless producers of *social capital* in various bridging and bonding forms of mutuality, trust, confidences and the build up of relational networks. (5) Finally, in order for the meaningful communication that is the basis of the association, endowment and mission of the commons

to continue, and for social capital to be produced, the commons must evolve a *moral order* built upon shared values and norms.

In sum, a commons is defined by un-coerced participation (association), shared resources (endowment), shared purposes (mission), mutuality (social capital) and shared values and norms (moral order). It is a mistake to see commons in this sense as instruments of production, for not only do they “produce” common goods in the form of social capital and moral order. Also, the “means of production” – association, endowment, and mission – are in themselves ends or products.

It would be a major overstatement to claim that all nonprofit activity involves commons or the pursuit of commons goods. In particular, one can note among the present ‘third’ (non-market, nongovernmental) sectors of the world a broad array of nonprofit firms characterized by distinct products, quasi-market pricing behavior and incentive-driven organizational activity, and bureaus, whose principal modus of practice is rule- or policy-based, as well as blendings of these firms and bureaus, and blendings of all three of these types with the ideal type of the commons. All of this is to be expected since market, state and commons are all ideal types.

***Koinonia Politike* As Practice**

In a certain sense, these five dimensions of the commons proscribe what have always struck me as six fairly obvious principles of practice of the commons. If you would practice the commons:

1. *Seek out and join with* others with whom you wish to engage in voluntary association, or as we used to say before the label was co-opted by one such association, common cause.
2. *Identify* the mission or purpose you share with them. (Or, if you prefer, identify a purpose worth sharing and go seeking people to share it in association with.)
3. *Pool* your resources with those with whom you are engaged in common mission. (Resources in commons theory generally refer to treasuries of priced resources, collections of “priceless” (literally not priced) objects and repertoires of rituals, routines, and practices. It is a mistake to view “power” as a resource of commons; rather power is the measure of the strength of any resources. E.g. the influence one may exert over others in commons through various interpersonal practices may be variously powerful. The same may be said of the information generated by accounting routines.
4. Ideally, everyone involved will work hard to develop *trust* and build networks of relationships among those with whom you hold common cause. Much of the contemporary literature on

social capital describes in considerable detail the ways in which this process unfolds in commons.

5. *Build* a shared, voluntary moral order out of the understandings, agreed-upon rules and procedures that arise from these interactions. (A wide range of practice literature deals with this process. E.g., the famous “storming, forming, norming” sequence of group process. By concentrating on the supposedly “big issues” and generalizable findings, much of contemporary nonprofit research (particularly surveys) fails to attend closely to such emergent moral orders, which are in their very nature, local, particularistic, and hold relatively little interest to outsiders not subject to them.)
6. Reapply any and all of the above as needed.

Bureaucracy is not Common Practice

Like many of you, I am a practitioner of and a product of the existing third sector. I have spend the past four decades in and around the nonprofit sector as a planner, organizer, director, staff member, board member, president, treasurer, volunteer, consultant, trainer, author and donor to the existing system of nonprofit, nongovernmental organization. Based on that experience, I have formed a number of impressions of the strengths and weaknesses of contemporary third sector practice in commons and the other forms fo nonprofit organization. One of these is that a good deal of the contemporary third sector in the United States and elsewhere falls far short of the potentials implied by the model of the commons.

The very first implication of the practice of the commons noted just above is the manner in which it stands as an implicit critique of much of existing third-sector practice: The commons model of spontaneous order, voluntary participation and sharing of means and ends stands in direct contradiction to the ubiquitous presence of “rational” or “formal” organizations characterized by conventional, hierarchical chain-of-command, or command and control bureaucracy or incentive based “delivery” of formal service products or outputs. It is precisely in this sense that the commons as an ideal type is contrasted with the business firm and the government bureau. By some perverse logic or simple failures of imagination, the term “nonprofit organization” has increasingly come to denote the hierarchical, command and control formal structure of the nonprofit firm and the hierarchical bureau is increasingly seen as the normative organizational form for the third sector.

The overall practice implication of this is quite clear, however much we may wish to dispel, deny or suppress it: To the extent that the command and control hierarchy of the corporate firm and the government bureau becomes the dominant norm of the third sector, any organizational case for a distinct,

separate, or independent third sector simply dissolves. The long line of defenders of independent, voluntary action and civil society stretching back to Tocqueville and beyond did not have in mind nonprofit firms and rule-and-policy based command and control hierarchies as essential training grounds for democracy! They also conspicuously failed to delineate outcome measures or best practice based upon efficiency and effectiveness as the *sine qua non* of grassroots or any other voluntary association as a suitable basis for civil society.

It is critically important, therefore, that we need to be asking if bureaucratic organization is so pervasive in the contemporary third sector because it is *the best* rational and most meaningful organizational solution of the problem of voluntary social order among pluralities of persons pursuing common purposes outside the home, the firm and the government bureau? Is there, indeed, some perverse law of the universe dictating that the best practice of government bureau policies and procedures is also the best practice of nonprofit and voluntary organizations? Or are their other, more sinister dynamics at work here?

In my view, the explanation for the contemporary bureaucratization of third sector practice boils down to two primary factors: One is the widespread, and largely oppressive presence of governmental standardization, combined with similar pressures from foundations and shortsighted donors. Mindful of the “magic lantern” theater that symbolized the “velvet revolution” against bureaucratic Socialism in the late 1980’s (Ash, 1990), one often wants to say to nonprofit bureaucrats, “lighten up!” There is no rule or policy that will, of itself, solve the profound human problems with which the sector at its best is concerned. The other and more vexing dimension involves very real failures of human imagination. Far too many people in the sector allegedly noted for its programmatic imagination and creativity are unable or unwilling to move beyond convention and precedent. Both of these factors constitute strong forces for what has become an important form of third sector inauthenticity in our time – using third sector forms and norms, even while subverting the resulting enterprises for other governmental and corporate purposes.

The Irony of Bureaucratization

Bureaucratic domination in the third sector at this point in history is extremely ironic: It has arisen as a sort of counter-revolution in the wake of at least a century of an abundance of social science pointing up the very real existence of what have been variously called such things as *democratic social organization*, *participatory management*, *social* (as opposed to rational or formal) *organization*, *community organization*, *informal organization*, *non-hierarchical order*, *open systems*, and even *spontaneous* or *emergent order* and *self-constituting systems*. The greatest import of this entire tradition is that

rigid command and control hierarchies and highly prescriptive policy are not essential to getting results. There are other, and often better, ways; ways which rely on social interaction, group process, and a wide variety of informal social control mechanisms that the literature of sociology, anthropology and social psychology and other fields have documented in abundance. At the same time, sporadic calls for “alternative organization” models notwithstanding, the practice of the third sector doesn’t seem able to isolate from this vast literature any particularly persuasive models adequate to justify trustworthy practice grounded in this knowledge.

As a result in the vast majority of cases contemporary practice in the third sector is a kind of resigned, or world-weary “bureaucratic realism” (which is to say, no realism at all). Bureaucracy in this sense is a double-binding world of practice in which obvious oxymorons like ‘paid volunteers’ make perfect sense.

Every one of us who practices in even a small corner of the bureaucratic third sector deals regularly with the bureaucratic realism of the third sector. In fact, most of us have become thoroughly inured to the absurdities bureaucracy so often presents. The results are at times laughably absurd and at other times literally tragic. Until the federal government called a halt to it, my state like many others had a practice of defining child abuse as a crime under its criminal statutes and simultaneously as a disease in order to cover child abuse service contracts under Medicaid. Presently, the emphasis on bureaucratic “accountability” is transforming untold numbers of nonprofit organizations whose record collection is supposedly secondary to their service delivery missions into record-keeping engines able to provide a modicum of service as a side light.

We know from Joseph Heller, Key Kesey, and myriad other twentieth century authors that such practices are precisely the sort of thing bureaucratic organization results in when it confronts the complexities and subtleties of the life world. We know from authors such as Alexander Solzhenitsyn, Aldus Huxley, George Orwell, and Franz Kafka that they have numerous other, more sinister dimensions as well. Far too often, it can be said of contemporary nonprofit practitioners: We have become the people they warned us about! Virtually anyone who has spent any time around nonprofit service firms could construct their own extensive critique of bureaucratic practice in the third sector, detailing the absurdities and irrationality of supposedly rational organization. Bureaucracy has many observers and few defenders. So what are we to do?

Colonization of the Third Sector

It is not an exaggeration to say that the third sector has become a principal front in what, borrowing from Habermas, we can call the vanishing public sphere and the *colonization of the life world*. (Habermas, 1984)

Through many media including professionalized services, social policy, legal sanctions, ADLs, hospices, day care and publicly purchased services, publicly funded nonprofit services have brought the state directly into managing the daily lives of millions of people, categorizing and testing them, recognizing and disqualifying them, labeling and stigmatizing them in the name of bureaucratized compassion. I am not among those who find these objectives themselves objectionable. My concern is primarily with how we – whether welfare staters, liberals or compassionate conservatives – insist that the bureaucratic intrusions of policy, procedures, rules, command and control into the everyday lives of other people offer the only possible *principia media* for pursuing such noble objectives.

Even though I am a party to and intimately involved in the bureaucratic third sector, as a board member, licensed social worker, community organizer, administrator, teacher, mentor, researcher, volunteer, donor and perhaps in other ways, my work on the concept of the commons has been directed and informed by the recognition that there must be more to it than that. A third sector conceived only as the context for bureaucratic service delivery at arms length from government is a conception scarcely worth having.

Conclusion

Creating plausible alternatives to the continued colonization of the lifeworlds of the third sector should be a major focus of the practice of the commons in the future. The continued gradual spread of corporate and public bureaucratization as we have seen it over the past several decades may do much to prop up the legitimacy of government, or soften the hard edges of capitalism. However, the continuing extension of rule-based hierarchies based in the command and control tactics of policy and procedure into the third sector – the traditional domain of public speech, religion, protest and independent common action – represents nothing positive with respect to the advancement of democracy and human freedom. For the latter, we must look to the practice of the commons – joining with others in shared purposes, pooling our resources, building social capital and defining shared moral orders.

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