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- Create Public Commons Partnerships (PCPs)

IV. Back to the Beginning
I. Clarify Concepts: State and Commons?

The State doesn't exist ... We cannot talk about the State in singular. And the reason is twofold: the concept itself is relational – just as the notion I is. There is no I if there is no You. Both are defined by and exist in relationship to each other. Thus, we cannot think of the State in an essentialist way. As Bob Jessop puts it: “The state is constituted as a division between itself and its other.” Meaning that the State only “exists” by distinguishing itself from “the market” and “religion” and “family” and “civil society” – even though no State is conceivable without these social systems. There is another relational dimension of “the State” – its external relations with other states. A state can only exist in relationship to other states. Conceiving of one State doesn't make sense either; there must be at least two.

We suggest thinking of “the State” as highly variable expression of social processes that enact state powers in many different ways. Therefore, rather than talking about “The State and the Commons,” we should talk about “State Powers and Commoning.”

... and the Nation-State is a chimera

Since the French Revolution of 1789, there have been various waves of establishing Nation-States, which are now widely seen as the most recent legitimate state form. But who makes up “the nation”? Who constitutes "the French," "the Rwandans," "the Australians"?

In a nation-state framework, we need to construe the answer to this question politically and invent “national” identities to a large extent. In anthropological terms, the idea of belonging to a “nation” is fundamentally different; it is a primarily a social and ethnic association. And yet, in many languages, we use the term “national” for two very different things: "Nation" in English can refer to "first nations" on the one hand and to "nation-state" on the other. So, too, in Spanish: "pueblo," as in "pueblos originarios" refers to the native inhabitants of different regions while "pueblo mexicano," means all people with a passport of the United Mexican States. In German we use the word "Volk" in the ethnological sense as well as in "Staatsvolk," referring to the citizens of the Nation-State.

In short: we use the same term when referring to different groups of people, thereby blurring concepts and nationalizing the idea of “we”, of “we, the people.” The social and the political are conflated. The idea Nation-State is put into an ethnic context, which is wrong: the anthropological meanings of peoplehood are more ambiguous and fluid than the very clear meanings that states wish to assert and defend. No wonder the boundaries of Nation-States, which are generally unambiguous, were usually not drawn in accordance with the boundaries of "nations" in the anthropological sense.

In any case, Hannah Arendt’s concern from 1963 (against the background of the experience with the democratically elected Nazi regime) underpins why it is urgent to ask if a concept from the 19th century – the Nation-State – is still suitable for the 21st century:
"The inability of precisely this state form to survive in the modern world was proven long ago, and the longer it is maintained, the more viciously and ruthlessly the perversions not only of the nation-state, but also of nationalism, will prevail." (Arendt 1963)

Commons enact their own normalcies

Just as “the State” is not an entity, neither is the Commons. We can rather think of commons as “spaces of commonality” (Gustavo Esteva) in which more than two persons freely engage with each other to establish sustained relationships and collaborative stewardship of shared resources. Commons entail shared space and time; self-determined interaction where people put intentions, resources, and knowledge in common. As a consequence, Commons create different social and ethical worlds. They do so first and foremost to (re)produce their lives and the lives of others beyond the market logic, but still irregularly relying on market exchange. After all, modern commons are born in a market context and need to deal with it.

The wealth-generating power of the Commons derives mainly from two sources: a) from circulating information and freely shared knowledge according to the idea that (most types of) knowledge and information want to be free. b) from fairly sharing subtractible resources that get “used up” when we share them.

Interaction in a Commons is self-determined and rules based. Some call it negotiations, others conversations – but in each case there are standing rules and norms for making decisions, monitoring processes and resolving conflicts. Commoning as a social process occurs over and over again and despite its huge variations, certain patterns tend to recur, such as “contribute & co-create,” “pool & share,” “co-sense & co-decide.” Not with all people (see below), but with all those who belong to a certain commons or who wish to create a new one.

Commons belong to different people and people belong to multiple commons

Successful commons tend to have clear boundaries, as Elinor Ostrom et al describe in their design principles. Yet, it is hard to think of “a commons” in its boundaries as fixed and inviolate for many reasons. First, the gifts of the Earth and the cornucopia of knowledge are connected to different and overlapping socio-ecological systems, which are always in motion and constantly change. Second, as Vandana Shiva points out: “each commons is also somebody else's commons”, meaning that while a certain resource system belongs to a certain community, some of its elements also “belong” to others (both from the human and non-human world) beyond that community. Think of a forest which relies on a water cycle, which in turn heavily depends on land use in a far bigger region. And thirdly, most people belong to several commons at the same time. In each they might experience a similar sense of belonging. By contrast, states generally require individuals to have an exclusive citizen-loyalty to one state. The dividing line between citizen and non-citizen tends to be crystal-clear. Similarly, Western property law generally recognizes exclusive ownership rights with clear boundaries, not the fluid or collective ownership schemes that often prevail in commons.

In short, because classic commons exist within a different relational universe than the market or state, they can function effectively with semi-permeable boundaries. This enables them and their participant-commoners to interact with each other and potentially create larger Federated Commons (see below).
A commoner is to the commons as a citizen is to the state

One of the specific ways to think of state power is to understand it as a system of institutions (Staatsapparat). This apparatus - aka bureaucracy - exercises power within a limited territory over a group of hugely diverse people. They are different in sex, gender, race, age and so on, but all linked to each other through the credential granted to them by the state: citizen. For the state apparatus to function properly it is important, that people think and act like citizen.

In the sphere of the commons, people come to assume their individual identities in a different way. If commons are allowed to thrive, the internal identity and emotional life as a commoner might do so as well. This encourages acts of commoning, which in turn bring commoners into being without suppressing individuality or reifying the idea of “the individual.”

The notion of “a commoner” is not an identity that lies somewhere in between “the citizen” (in German: Staatsbürger) and “the individual”. To be a commoner is to understand the individual in another sense altogether. It is a way of expressing a social reality: that the I of an individual is always connected to others. The unresolved question is how to modify state powers to recognize and support commons-friendly modes of individuation (see III), that is: to bolster the commoner in us.

II. Tensions between State Power and Commoning

State powers arise from separation, the power of the commons arises from connection

State powers need at least two elements to exist: a geographic territory that it controls and a group of people to be governed. It defines the territory and „its“ people by drawing a line between what is included and what is excluded. In the case of state-borders, the moment of “drawing the line” usually entails open or structural violence: to seize control of land, remove existing inhabitants, impose new means of coercion, etc.

One of the consequences is that State powers, which are meant to protect and defend people's rights and freedom, only do so if people's identities as commoners are erased and people are reconstituted as citizens. In other words, people's relationships and allegiance are reoriented toward the state, and away from social mutualism or other forms of individuation. The exclusionary state-logic derives from this power to draw such boundaries and to superimpose state-centric categories, for example via setting the criteria that entitle people to become citizens of a particular nation or not.

There is exclusion in the commons too, but its logic is based upon different criteria. To preserve itself as a commons, it is likely to invoke custom and tradition or historical stewardship; the sacredness of certain shared land or objects; or the carrying capacity of a resource system, for being connected to it.

Pointing to these different ways of defining who is in and out, is not meant to say that one is inherently bad and the other inherently good: it is a way of raising awareness of the ethical and political differences in the organizing principles that define commons governance and identities.

State is deeply committed to market logic

The State is structurally dependent on the weal and woe of the market, meaning that state powers systematically rely on resources they don’t control. And it is a self-made dependency, as our social world is not a given but deliberately designed. In fact, modern state institutions are designed to work symbiotically
with the dominant economic system and the dominant economic system both agrees to modest accommodations with state institutions while making demands for their support.

Consequently, the less the State owns, the more it is fueled by taxes that derive from (and depend on the ups and downs) the money economy; hence the State's interest in economic growth. We therefore live in “market-based tax states”! States themselves are huge market players and, through elaborate negotiations with leading industries, they are market makers. As long as the State supports an economy that is hostile or disruptive to the commons (some claim that State policies explicitly try to harm them), no radical reimagining of the State will be possible, let alone a “commonizing” of State powers. State powers must become truly independent from market forces.

State-centric thinking makes Commons Governance invisible

Given the ubiquitous power of the state, we tend to think about governance and polity as being the exclusive domain of the State, or more precisely, of the Nation-State. If certain phenomena of life are not recognized by laws, bureaucracies and official statements, then they seem functionally useless. It is as if we imagine something that “doesn't exist” - i.e. “the State” - as “the natural social and political form of the modern world” (Andreas Wimmer/Nina G. Schiller. In contrast, vernacular experience, however familiar and widespread, is seen as unimportant and inconsequential.

This is more than shortsightedness. It amounts to what is called “methodological nationalism” and reflects the tendency to talk and think about state powers as sovereign unto themselves, without any need to relate to the pluriversal and self-governed worlds we experience day in, day out. Commons-based governance is at work wherever people focus on a commons goal, whenever they share a vision and whenever they self-organize to get something done, invented or produced - whether that cooperation is modest and local or ambitious and glocal. In this sense, commons are omnipresent -- often without, and sometimes in spite of and occasionally in conflict with, state powers. They are there, even if unrecognized. They can be seen in healthcare, education, sports and leisure, the maker scene, the digital world, co-using and co-housing, forest and water stewardship, coastal fisheries, community supported agriculture, open hardware and free software, citizen-(sic!) science and citizen journalism, among many other fields of activity (See the anthologies The Wealth of the Commons and Patterns of Commoning).And yet, the (Nation-)State generally tends to cover over commons arrangements and make them invisible.

This is why putting on a pair of “commons glasses” is useful: it brings into focus a plethora of solutions poorly recognized by Market and State, if at all. Commons widen our opportunities to act and enhance our freedoms (in German: Erweiterung von Handlungsmöglichkeiten). If this doesn't happen, a commons is not good enough.

Who cares for what state powers ignore?

Given these conceptual and institutional aspects of the nation-state, how could we possibly expect that state powers would defend the commons? Wouldn't it be naive to expect the State to protect what it has been deliberately ignoring?

Is the idea of the state managing the commons a contradiction in terms – a self-delusion? It is widely accepted that the Nation-States owns the oil discovered on its territory – an idea that lays the legal

1 Should be called “commoner's science”
foundation for natural resource governance policies. But what if we considered that oil, along with other mineral resources “under the surface”, a gift to global humankind and not to a particular Nation-State? And what if this insight were the starting point for rethinking governance? We would probably not live in a world where the lion’s share of minerals in nation-state territories are given by (concessions?) to mining companies.

Worse, the state’s claim to own resources tramples on commoners’ use rights and, by spurring global market competition to extract fossil fuels, contributes to the climate crises. In short, state powers themselves are wholly committed to market-fundamentalist principles. Commoners argue that, as the one directly affected by resources use and exploitation, they should wield the power to care for and govern those common-pool resources.

III. Reimagine state powers from a commons perspective

In such a context, is it illusionary to strive for more than being a counterpower inside the State, to at least stop state powers from preventing commoning? Could state powers and commoning be made synergistic – somehow? Or should we focus on enhancing state institutions by building our own collaborative alternatives?

Can we even imagine emancipatory, commons enabling state-powers? Or “commonized public services”? And if we can imagine these possibilities, are they desirable at all? If so, it clearly implies a need to rethink governance – its forms and principles - altogether. It challenges us to think of the commons and commoning as an important, powerful form of transpersonal coordination.

Some commoners are engaged with the question, How to reinvent state law to legalize and support commoning? (This topic is too big to deal with here). Yet these same commoners also recognize that if they are truly going to transform society, there is no way to bypass state powers, which invariably act as the central consolidators and “channelers” of micro- and macro powers.

Four Approaches to the State in the Commons Debate

In the public debate, commoners propose at least four different approaches to dealing with state power:

The pragmatic perspective:
The assumption is that the market, the State and the commons constitute three spatially separated but partially overlapping spheres, each with different inner logics that can more or less coexist.

The revolutionary perspective: The idea is to abolish the State or somehow force it to die.
The management perspective:
Here, the hope is to the State, imagining that it will act as a more conscientious steward and finance some common or public goods.
The paradigm-shift perspective:
The idea is to transform, rethink and redesign the basic foundations of state powers.

These approaches obviously intersect, they sometimes contradict and sometimes complement each other. In any case, the challenge to reimagine state powers from a commons perspective remains unresolved. Here are a some possible perspectives worth exploring. They include a few working examples. It goes
without saying, that lots of deeper thinking needs to occur re state power & commoning.

Deepen democracy beyond participation

Participatory legislation, budgeting, and decision making are necessary but not sufficient for transcending the “speaking-on-behalf-of-others” feature of representative democracy. Doing so requires four things at least: First, maximal openness and transparency. Second, a fierce commitment to the principle of subsidiarity. Third, the active use of online and offline deliberation fora and platforms. And fourth: a shared and explicit commitment to common(s) goals and to the respective community itself. This also means, that channeling debates and opinion making through political parties, which purport to be more responsible than direct deliberation, is a relic of the 20th century. It is no surprise, that much of the social protest roiling Europe and the U.S. shares a revulsion toward elections dominated by traditional political parties.

Consent over consensus decision making

Such revulsion can partly be addressed by assemblies and netiquette-based public debates on truly independent platforms. Decision making there as well as in reconciliation-processes of divergent views in national polities, should be based on procedures that measure dissent instead of consent, as sociocracy suggests and practices. The same way millions of people can cast their vote today for one of the last remaining proposals on the table, they can have a voice based on another principle of expressing an opinion. Some call it Systemic Consensus Principle. One of the big differences is, that among all – not only the last remaining - proposals presented, the one which reaps the least resistance will win. This helps to supplant the majority principle in voting procedures, which is systematically producing losers. Many modern digital decision making platforms – like Systemic Konsensiering are based on this idea. So, the shift is minimal: consent over consensus decision making, it is fast, can be virtual and in terms of scalability it is hard to argue with. It is easy to involve giant groups.

Reimagine Community

Rethinking the State from a commons perspective means putting a community form of organization at the center of social organization - versus forms based on state power and support, investment or money contributions, or individual leadership. We should start by rethinking the very notion of community. A 21st century understanding of community must include and honour P2P networks, and promote any form of transnational neighboring. Communities, people on networks, neighborhoods and regions would coordinate and cooperate polycentrically.

Of course, even “21st century communities” often think in terms of market logic and organize themselves as associates or shareholders in market enterprises, but certainly not with the same agenda-and law setting power as Nation-States do.

Tax the use of shared resources

People should have an equal share in Earth’s bounty; after all, resources belong to people equally -- by birthright and not by passport. In fact, its “benefit share” cannot be determined according to the nation-states interests, nor can a benefit sharing system stop at nation state-borders. This is nothing new. But what about tax fairness?
More than a century ago, there has been suggested the sensitive taxing of our shared resources – especially the value of unimproved land –, instead of taxing labor, creativity, transactions and “human-made value”. The Land Value Tax goes back to Henry George. It is not only resource-fair, but simple and it has proven to work in several countries. A more radical case was The German protectorate of Jiaozhou Bay in China at the beginning of the 20th century, where Georgist policy was fully implemented. Its sole (!) source of government revenue was a six percent land value tax levied in its territory. The German government had previously had economic problems with its African colonies caused by land speculation and wanted to prevent this to happen again, which was entirely achieved.

Can the core idea of the Land Value Tax be applied to other shared resources and can it be implemented and governed beyond traditional jurisdictional boundaries? A interesting path to follow!

Public Commons Partnership (PCP) instead of Public-Private Partnership (PPP)

Privatization of public services has been around since decades, ostensibly to generate revenues for the state. However, direct privatization has generated social unrest. The implementation of Public Private Partnerships (PPPs) is one of the methods of choice to appease resistance to explicit privatization. Yet, implicitly it is fostering the same underlying idea: that the best partner for state powers are private enterprises. As a result, everybody knows about Public Private Partnerships, while the idea and realities of Public Commons Partnerships are virtually unknown. This is not because they don’t exist. People just don’t think about them!

If the state can charter corporations to fulfill purposes that the state cannot, ostensibly for the public interest, then why can’t the state similarly charter commons, with delegations of authority and even resource-support? Why does market activity only qualify, and not commoning? Because market activity generates revenues, which the state depends upon, while commoning serves our social, household and personal needs in nonmarket ways.

PCPs, Public Commons Partnerships, can not only expand the sphere of the Commons, they also encourage commoning for all sorts situations: when people are being born and buried, when they are educated and trained, when they need to find solutions for shelter, health-care and provisioning with more than the essentials. Nothing that has been converted into a Private Public Partnership couldn’t be thrive as Public Commons Partnership.

In a way, the seed forms of PCPs are everywhere, as a kind of “state sponsored voluntarism”. They are wherever state powers partner with and partially fund free associations – fire-brigades, sports and culture clubs, health-care networks and many others. Part of our public life would collapse without them. With PCPs, however, these association would not depend on the left-overs of the public budgets, nor having to apply for funding again and again, but become part of a more long-term contractual relationship with the state, as institutional backing of giving authority and responsibility to the people.

Why not systematically build upon and explore – theoretically and in practice – the potential of Public Commons Partnerships?

In urban contexts we could build on such experiments as the Bologna Regulation for the Care and Regeneration of Urban Commons, which is attempting (emulated in several italian cities) to remake local government and transform standard bureaucratic process by inviting ordinary citizens and neighborhoods to come up with their own urban commons ideas, and then work with the government to make them real. The process went through hundreds of “pacts of cooperation” with self-nominated citizen groups, each of which works with the city in three areas: “living together, growing together and making together.”
Examples include a neighborhood becoming a designated steward of certain public spaces or gardens; residents removing graffiti with the city’s help; parents who are managing a local kindergarten; and neighbors creating “social streets” that encourage socializing.

It is not about “state sponsored voluntarism”, nor about inventing a “Big Society” for the sake of a lean State: it’s about rethinking and reshaping governance.

How could an extension of such experiments look like? Let’s have a look at one out of the many potential examples: The growing international Vipassana Network provides high level training and health-care service through teaching a specific technique of meditation. The “service” includes complex logistics for week-long stays in Vipassana Centres on a completely voluntary basis. It is provided for thousands and thousands of people year in, year out. Demand is growing. A Commons-State Partnership could mean: providing the basic infrastructure services and the land needed for Vipassana Centres to be built on a reliable basis and strictly without interfering into the self-management of the community. It could also entail making visible and raising awareness about the thousands of millions of savings for public or private healthcare due to this community service.

Public Commons Partnerships are different from the idea of the Commonization of public services, they are thought to work complementary not, superseeding one another.

Shift power from (Nation-)States to Bio-Regional Territories

Any theorization of the state is about dividing lines. To transcend these lines – the existing borders of Nation-States as political territories could be shaped according to existing bio-regional criteria. In a recent publication, the Swiss network Neustart Schweiz, (Coming Home, September 2016) laid out a concept to rethink governance in planetary dimensions from bottom-up: from neighborhoods (with no more than 500 inhabitants) via cities to regions (between 100,000 and 1 million inhabitants) up to 600 territories worldwide (with around 10 million people each), instead of 200 countries, i.e. Nation-States. The way the develop the vision is worth exploring!

IV. Back to the Beginning

General theories of the State or the commons don’t exist. That is why, so far, we’ve built on the existing imaginaries of state powers and Commons/Commonging. For example, if one thinks about the commons mainly in terms of community-based authority, decision making and governance, then local government clearly is one of the (possible) institutions of commonging. And indeed, at the local level, there might be plenty of spaces for state powers to be shared and smaller societal entities to be empowered. In such cases, there is no real need to have a consensus on commonging. All energies simply focus on generating ideas about how to engage with the state instead of allowing “the state” to manage resources in a “business-like” way.

However, the real endeavour is, to challenge the existing imaginaries. We need to step back and reimagine governance at its deepest levels: its principles, social basis, and (potential) forms. We should consider the nature and purpose of governance and its implications for the wider society within bio-cultural and regional contexts. Such a reimagination includes the question of the role political parties will play (or not) as mediators of political interests within a society. It also requires assessing the feasibility and appeal of new associational forms, including those being demonstrated by online platforms.

Let’s reframe governance and develop a whole new social vocabulary to recognize the viable alternatives and to articulate the demonstrated power of commonging!
### Tensions between the State and the Commons

**Overview, version 0.1**

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<th>commons</th>
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<td>fixed borders of Nation-States → for non-citizen impermeable territorial*</td>
<td>Semi-permeable borders of commons terrestrial*</td>
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<tr>
<td>institutional</td>
<td>State-apparatus; bureaucracies (executive and legislative authorities, judiciary)</td>
<td>Self determined rules and norms multiple community and network based governance systems and organizational forms</td>
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<tr>
<td>social</td>
<td>people (Volk) as citizens of one Nation-State</td>
<td>commoners of multiple commons and of one ore more Nation-States</td>
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<td>conceptual idea</td>
<td>a created national identity</td>
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<tr>
<td>production of &quot;goods&quot; and services</td>
<td>public goods private goods through privatization/concession</td>
<td>Commons → the commonly managed and used forest public goods → its contribution to fresh air goods for private use → the wood or forest fruits people can pick for their individual needs</td>
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<td>protection of &quot;goods&quot;</td>
<td>all types of goods through dominant property regime</td>
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<tr>
<td>Legitimation of power</td>
<td>Through elections of representatives of political parties</td>
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* Timothy Luke: terrestrial vs territorial