

CHRISTIAAN BOONEN  
& NICOLÁS BRANDO

# Revisiting the Common Ownership of the Earth: A Democratic Critique of Global Distributive Justice Theories

**Abstract:** Many theories of global distributive justice are based on the assumption that all humans hold common ownership of the earth. As the earth is finite and our actions interconnect, we need a system of justice that regulates the potential appropriation of the common earth to ensure fairness. According to these theories, imposing limits and distributive obligations on private and public property arrangements may be the best mechanism for governing common ownership. We present a critique of the assumption that this issue can be solved within the private–public property regime, arguing that the boundaries of this regime should not be taken for granted and that the growing literature on the democratic commons movement suggests how this can be accomplished. We consider that, if the earth is defined as a common, the private–public property paradigm must be open to questioning, and democratic commoners’ activities should be considered.

**Keywords:** Common ownership; global commons; global distributive justice; property; radical democratic theory

## Introduction

Concerns over the privatisation of natural resources, a renewed attention towards both global and local forms of inequality and a growing worry over an ecological crisis have reintroduced the idea of the earth as a common. In philosophical literature, numerous suggestions have come to the surface; here, we focus on two approaches to the common ownership of the earth. On the one hand, we look at common ownership theories within the global distributive justice literature (hereafter, GDJ) and, on the other, we examine democratic theories of the commons, which allow us to expose an unquestioned assumption in many GDJ theories: that private and public property institutions (filtered through global distributive principles) are consistent with the universalist aspirations central to the idea of the common ownership of the earth. We argue that GDJ theories’ dependence on private and public property arrangements have deficiencies that demand a radical democratic turn.

Although we are aware of the variety within GDJ literature, and of the large scope of issues that this tradition addresses,<sup>1</sup> we focus our efforts on GDJ accounts that acknowledge some kind of *common ownership of the earth* and

---

<sup>1</sup> Our research is confined to the ownership of the earth *as a physical space*. For a thorough review of the literature, approaches and issues of GDJ, see Chris Armstrong, *Global Distributive Justice* (Oxford: Oxford University Press, 2012).

examine their shared assumptions regarding how private–public property arrangements can overcome global collective action problems. These theories share the belief that some kind of commonality exists in our ownership of the earth. We consider how common ownership is justified in this literature, what principles follow from this justification and how it arrives at some kind of private/public property arrangement to solve the problems arising from common ownership.

Section II introduces the common ownership of the earth in GDJ. It looks at the justification for common ownership, what problems arise from conceiving the earth as a common and the implications for potential governance mechanisms. GDJ proposes to govern common ownership by adjusting private and public property regimes and ensure a fairer distribution of the earth's benefits and burdens. Section III presents our critique of the GDJ's dependence on private and public property. First, we uncover a shared characteristic of private and public institutions of property: their *monological* nature. Then, we show that this particular feature leads to a series of democratic deficits. By radical democratic standards, monological property institutions fail to foster democratic conflict and participation and cannot fully counter domination. This implies that GDJ theories fall short of their own universalistic aspirations by exclusively relying on monological property arrangements. Finally, we show that the democratic commons movement could play a vital role in confronting monological property arrangements and thus help remedy some of the normative difficulties that emerge from these arrangements.

## **Common Ownership in GDJ**

### ***Justification***

The justification for the common ownership of the earth in GDJ stems from three broad assumptions regarding the human condition and its relation to our planet: (1) the space and goods of the earth are necessary for human survival; (2) this survival is morally relevant; and (3) as the earth exists without human interference, no human has any prior claim to any of its spaces or resources.<sup>2</sup> This puts humans in a special relation with their environment: although everyone has a natural claim to subsist, no one has a prior claim over the resources required for this subsistence. We call this the *common ownership condition*. Throughout this paper, we consider this condition to be an unavoidable fact of the human relation to the earth.

The *common ownership condition* imposes restrictions on the earth's

---

<sup>2</sup> Mathias Risse, *On Global Justice* (Princeton, NJ: Princeton University Press, 2012), pp. 113–114. For Risse's full account of common ownership, see Chs. 5–10.

potential use and occupation. We all have an *equal moral entitlement* to the earth, and, in case of rivalry in its consumption and occupation, it is necessary to have an authority that defines the rules and boundaries of the occupation and the use of the commons. This implies that all humans stand on *equal* grounds in relation to the earth and its benefits.<sup>3</sup> Humans are inevitably entrapped on a finite and rivalrous planet on which everyone depends for subsistence. As interaction and contact among humans is unavoidable, and because the earth's occupation and use are inevitably rivalrous, we have a duty to establish a system of justice that ensures both compliance with common ownership conditions and the protection of everyone's entitlement to survive.<sup>4</sup>

Mathias Risse offers the most thorough justification for egalitarianism in common ownership. According to him, all humanity stands on an equal political status regarding common land and resources, thus leading to two principles:

First, each person, independent of her actions, has a natural right to use original resources and spaces to satisfy her basic needs, and second, in conflicts with any further entitlements with respect to these resources, this natural right has priority.<sup>5</sup>

With his account of natural rights, Risse intends to ensure that each individual has the opportunity to access the goods and spaces required for human subsistence. This account defends each individual's equal status with regard to the common earth and protects the equal opportunity required to access what each needs to survive. According to Risse, each individual either has a direct right to use and occupy the commons required for subsistence or to live under alternative property regimes that ensure that everyone has the opportunity to satisfy basic needs.<sup>6</sup>

The inevitable rivalry of our planet and everyone's entitlement to satisfy their basic needs will lead to an unsustainable ecological crisis if a system of rules and boundaries that can regulate individual entitlements over the common is not established. Thomas Hobbes noted this centuries ago in his depiction of the state of war we would live in if we did not have rules over the un-owned earth. This concern is still alive in present theories: neither the philosophical and social nor the scientific literatures consider that an open-access regime for common

---

3 Two different roads lead to this conclusion: the idea of *natural rights*, stemming from the Lockean/Grotian traditions which ground both libertarian and non-relational liberal egalitarian theories and the Kantian /Humean traditions that justify equality through *interaction*.

4 Armstrong (2012), pp. 25-30.

5 Risse (2012), Ch. 6, p. 115.

6 Risse (2012), pp. 110-115.

goods would be sustainable without proper regulations and governance.<sup>7</sup> Thus, GDJ theories argue that boundaries between one individual's natural right of subsistence, the external non-appropriated world, and another individual's same right must be established. An inevitable need exists for some type of property arrangement that fixes the boundaries between each individual's entitlement to use and occupy the commons. Any arrangement must serve 'the society's socioeconomic purposes in a reasonable way while remaining consistent with original ownership rights.'<sup>8</sup> Thus, commonality and subsistence can find balance in a condition of rivalry and interconnectedness through the institution of *property*.<sup>9</sup>

### ***Appropriation and Distribution***

To ensure that rivalry does not conflict with the sustainability of the commons and that the equal entitlement of all humans to the common earth is respected, a property arrangement that balances rivalry and equality is needed. However, nothing has been stated about the *type* of property required to deal with this issue. Apart from the open-access regime, which we argued above, cannot sustain the original commons, three alternative property arrangements are considered: private, public and common ownership. GDJ theories have considered both *private* and *public* forms of property as ways to 'solve' the common ownership condition. We briefly note some instances where GDJ concedes to common property arrangement within the proposals, and a detailed analysis of this alternative is considered in the final section.

Among the GDJ theorists, the most relevant justifications for *private* appropriation of the common earth come from the (left-) libertarian tradition.<sup>10</sup> As a matter of definition, left-libertarians agree to some kind of *egalitarian* ownership of the earth and its resources which stems from everyone's equal no-prior-entitlement to the external world.<sup>11</sup> Left-libertarians intend to justify each individual's use and occupation of the common while respecting every other individual's equal (non-)entitlement. They argue that *private* appropriation of the common is an inevitable consequence of each individual's labour and right of self-ownership: an individual's work on the common implies an *appropriation* of the common, thus turning it into private property.<sup>12</sup> However,

7 Risse (2012), pp. 115-119; Michael Otsuka, 'Self-Ownership and Equality: A Lockean Reconciliation', *Philosophy and Public Affairs* 27 (1998), 65-92. In social scientific literature, Garrett Hardin, 'The Tragedy of the Unmanaged Commons', *Trends in Ecology & Evolution* 9/5 (1994), 199; Elinor Ostrom, *Governing the Commons. The evolution of institutions for collective action* (Cambridge: Cambridge University Press, 1990), Ch. 3.

8 Risse (2012), p. 104.

9 Jeremy Waldron, *The Right to Private Property* (Oxford: Clarendon Press, 1988).

10 Peter Vallentyne and Hillel Steiner (eds.), *Left-Libertarianism and its Critics* (Houndmills: Palgrave, 2000).

11 Peter Vallentyne, 'Introduction: Left-Libertarianism — a Primer' in Vallentyne and Steiner (Eds.) (2000), 1-20.

12 Vallentyne (2000), p. 10.

because of everyone's equal entitlement to the common earth, this act of appropriation cannot be left unrestrained; a set of rules and constraints on private appropriation must ensure that no one encroaches on another's equal entitlement to the common.

This is known as the Lockean proviso: appropriation is justified as long as enough is left for everyone else to acquire an equally advantageous share of the common.<sup>13</sup> The proviso ensures *everyone's* equal entitlement to appropriate by limiting *each* individual's appropriation. Although private property is justified due to everyone's right to themselves and their labour, this right to appropriate is neither permanent nor absolute; it depends on the availability of a resource and the assurance that all those excluded from a privately appropriated good or space have access to an equally advantageous share *or are compensated for their exclusion*.<sup>14</sup> The most feasible way of ensuring *every* individual's use and occupation of the common earth is by limiting *each* individual's use and occupation of it. The central role turns from the private owner to the authority capable of binding and regulating potential appropriation, thus protecting everyone's equal entitlement.<sup>15</sup> The collective control over property rights is defined by justifying *every* individual's right to the common earth as being superior to *each* individual's equal entitlement.

The latter statement paves the way for *public* property arrangements as a solution to the common ownership condition. Although public property is generally linked to *state* ownership, GDJ works are inclined to expand it so that it refers to centrally controlled properties whose benefits are distributed to a community through unilateral actions. For GDJ, public forms of property may be fundamental to ensure the protection of both equality and commonality. If individuals are all equally entitled to have access to the goods required for subsistence, then the protection and provision of these goods by a central authority may be a way to meet everyone's entitlements.<sup>16</sup> By limiting private appropriation through the establishment of a public ownership regime over fundamental resources and territories, an authority can ensure that all individuals have access to all common goods through the centralised provision and distribution of public goods.<sup>17</sup>

GDJ theorists defend the Lockean proviso and public forms of property as means to tackle *global* issues. For example, in contemporary left-libertarian theories, the Lockean proviso encompasses the whole earth as a common

13 For the various contemporary libertarian versions of the Lockean proviso see Vallentyne and Steiner (2000), Part I.

14 Michael Otsuka, *Libertarianism without Inequality* (Oxford: Oxford University Press, 2003), pp. 11-40.

15 Waldron (1988).

16 Thomas Pogge, 'Allowing the Poor to Share the World', *Journal of Moral Philosophy* 8 (2011), 335-352.

17 Risse (2012), pp. 25-28.

and considers all humans as being equally entitled to it and its benefits.<sup>18</sup> Cosmopolitan theories of liberal inclination use the same line of reasoning to criticise states' absolute authority over their territories: for the Lockean proviso to be just, it must apply on a global scale rather than on the morally arbitrary boundaries of states.<sup>19</sup> Thus, just as individuals must leave a fair share of the land or resources they appropriate, states must do the same on a global scale.<sup>20</sup> Domestic forms of public property should be bound by the restrictions of the Lockean proviso, and the benefits obtained from the common earth should be redistributed across borders. Thus, any regulative system that intends to ensure a just distribution of the common earth's benefits ought to be established on a *global scale*, considering all humans as equal, rather than relying on an idealised vision of self-sufficient domestic societies.<sup>21</sup> According to GDJ theories, it is a morally arbitrary fact that some people are born in fertile lands and have easy access to everything required for subsistence while others find themselves (through no fault of their own) dwelling in wastelands where nothing grows in the soil and where access to clean water is difficult or impossible. Thus, justice demands a fair distribution of the benefits obtained from these unequally allocated resources to all humans.<sup>22</sup>

The natural facts of our existence on the earth cannot be avoided; there is no justice or injustice inherent to our biological needs nor to the natural characteristics of the planet we live on; the common ownership condition and the arbitrary configuration of resources across the planet are natural characteristics that are *outside* the realm of justice. According to GDJ theorists, justice or injustice lie in how we deal with this natural condition in our socio-political constructions. The issue arises from our present property regimes which enable exclusions that are even more arbitrary than the natural ones, thus allowing a part of humanity to claim (as private or public property) most of the advantages from the common earth and its resources while excluding others from most of its benefits.<sup>23</sup> In private and public property regimes, the right to exclude (be it by individuals or collectives) is a socially constructed institution that, at least in its current state, does not accord with the common ownership condition and the equal moral relevance of all humans.

Through their critique of current property arrangements, GDJ theories propose an alternative allocation of the benefits taken from the common earth.

18 Vallentyne (2000), pp. 11-12; Hillel Steiner, 'Just Taxation and International Redistribution', in Ian Shapiro and Lea Brilmayer (eds.), *Nomos XLI: Global Justice* (New York: New York University Press, 1999).

19 Charles Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1999), p. 161-166; Simon Caney, *Justice Beyond Borders. A Global Political Theory* (Oxford: Oxford University Press, 2005), Ch. 5; Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2008), Ch. 5.

20 Pogge (2008), Ch. 8; Peter Singer (2002) *One World* (New Haven: Yale University Press), Ch. 2.

21 Beitz (1999), pp. 129-135; Caney (2005), pp. 25-62; Pogge (2008), Ch. 4.

22 Beitz, (1999), pp. 136-142; Steiner (1999); Pogge (2008), Ch. 8.

23 Pogge (2008).

Thus, their intention is not necessarily to question the foundations of private/public property arrangements; rather, they propose to *adjust* these arrangements such that their benefits are less unequally distributed. In short, GDJ theories consider that all humans' equal right to the common earth can be ensured by including fair and egalitarian (re)distributive mechanisms *within* private and public forms of property. The idea of *common* property, as a system of collective ownership where a community jointly decides and controls the use and access (and potential distribution) of a common, does not have much relevance in GDJ literature.<sup>24</sup> Common property, following the above definition, is defended in GDJ for more or less the same spaces as in contemporary conventions of international law (such as the atmosphere, outer space, the deep seabed or Antarctica).<sup>25</sup> The remaining natural resources and spaces of the earth are left to private and public property arrangements with compensatory or redistributive mechanisms.<sup>26</sup>

This leaves GDJ looking for amendments within private and public ownership arrangements that coincide with the common ownership condition. The discussion over property regimes is left aside, and the focus shifts to the *just distribution* of 'the benefits and burdens' of our common planet and its goods.<sup>27</sup> What matters is that each individual is ensured a fair share of the benefits from the global commons. The problems that arise from the common ownership condition do not lie within the private–public property regime but rather in the *unfair distribution of the benefits* from this regime. Thus, it is not that individuals or collectives should not be allowed to appropriate the commons but that they should not be allowed to hoard all the *benefits* from such an appropriation. Private ownership coincides with original common ownership through the inclusion of a Lockean proviso that limits private appropriation and redistributes the benefits to those excluded. Public ownership, in its statist forms, is questioned and amended to ensure that state boundaries do not restrict access to the benefits obtained from the global commons. However, this does not lead to an abolition of public property; rather, it entails an expansion of the scope of individuals who should benefit from a *single* public property arrangement. As many goods and spaces of the earth are common to all humanity, global (or international) institutions should have authority over the just distribution of the benefits obtained from these global goods.

24 See pp. 150-151 in this article for Risse's critique of 'joint ownership' and our response.

25 Risse (2012), Ch. 10; Singer (2002), Ch. 2; Allen Buchanan, *Justice, Legitimacy, and Self-Determination* (Oxford: Oxford University Press, 2004), Ch. 4.

26 Although many theories defend common ownership of the earth, their proposals perpetuate private (and public) appropriation, provided that occupation and/or use of commons are taxed and the benefits are redistributed to all those who are excluded. See footnote 22.

27 Armstrong (2012), p. 15, also pp. 11-17; Caney (2005), pp. 102-104.

### **A Critique on the Appropriation of Commons**

Even though the GDJ approach to the common ownership condition offers strong normative justifications for transforming our conception of global interactions and formulates a system of global governance that could be considered fairer than our current order, this literature does not fully engage with one pressing issue: the private–public property paradigm. Although GDJ authors stand on a common ownership framework to justify their proposals, and despite their intent to construct a more egalitarian global society through a critique of unjust appropriation, they only consider alternatives *within* the private–public property regime while overlooking alternatives *to* it. Thus, we consider the GDJ critique of property to be incomplete: they criticise unjust private appropriation while intending to transform the arbitrary statist–public property regime, but they are indifferent to looking at alternatives to these arrangements. With our critique, we question this dependence on private and public property arrangements. First, we clarify some of the assumptions of this property paradigm, and, on uncovering the logic of private and public ownership, we show why this classical paradigm might be problematic from a normative standpoint.

#### ***Private and Public Property Institutions as Monological***

What is property? Although both legal theorists and philosophers have tried to answer this question, no uncontested definition has ever been proposed.<sup>28</sup> For the sake of our argument, we will have to consider a single conception, the one central to GDJ theories regarding the common ownership of the earth. This is the *sovereign* conception of property.<sup>29</sup>

William Blackstone's old description could be seen as one of the first attempts at definition: (private) property, he writes, is the 'sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.'<sup>30</sup> This accords with people's common-sense ideas about property: it is a relation between an individual and an object; the right to property enables this individual to do whatever he/she pleases with this object (within the confines of law); and owners can exclude others from either using, managing or alienating this object.

Though intuitively reasonable, neither is this definition without its limitations nor is it uncritically accepted by the GDJ. Property rights, for instance, are not natural but exist by the grace of law; to fulfil their function, they have to be publicly acknowledged through the institution of law, thus implying that

<sup>28</sup> Margaret Davies, *Property: Meanings, Histories, Theories* (London: Routledge, 2007), p. 20.

<sup>29</sup> Mikhaïl Xifaras, *La Propriété: Étude de Philosophie du Droit* (Paris: Presses Universitaires de France, 2004), p. 487.

<sup>30</sup> Quoted in Davies (2007), p. 1.

property is a relation between individuals (ultimately enforced by the state or another public authority) and with respect to an object.<sup>31</sup> Furthermore, it fails to capture what is essential about the *sovereign* character of property: the right to arbitrarily exclude might be the default mode of private forms of property, but it is certainly not central to public forms of property. To exclude someone from a public good, a public institution has to provide acceptable reasons.<sup>32</sup> Moreover, the GDJ themselves would probably not accept this definition of property since they are concerned with making the institutions of property more inclusive.

However, there is one underlying characteristic that is present in both private and public forms of property. Ownership, Larissa Katz contends, does not principally imply that the owner can exclude someone from his/her property, but that he/she is the exclusive agenda setter with regard to this property. For example, an individual can enter a piece of land that I own without infringing on my property rights *if* he/she abides by the rules that I set regarding this land. Thus, a structure of power characterises a property: the owner is on top of a hierarchy, and he/she decides who can do what with the property. This does not necessarily imply that others cannot use the space or cross the boundaries that delineate it. They can do this as long as they stay well within the limits of the agenda set by the owner.<sup>33</sup> To be clear, this can still lead to forms of exclusion: if I own a piece of land with an apple tree on it, and I allow third parties to enter my piece of land but forbid them to eat the apples, I *do* exclude them — just not in a narrow spatial sense. I might even allow them to eat the apples without allowing them to determine how the apples will be distributed; again, this is a form of exclusion — in this case, exclusion from the decision-making process.

Now it should be clear how this applies to private forms of property, but how exactly does it apply to public forms of property? First of all, it is not rare for property theorists to draw analogies between property and sovereignty. Both rely on a notion of hierarchy that has a single agenda setter at the top.<sup>34</sup> However, the important follow-up question is whether a public owner could be seen as an *exclusive* agenda setter and whether this status is comparable to that of a private owner. Does the public not share the function of agenda setting? We would like to argue that this is not necessarily the case. Consider, for instance, the subject of water management. As Anna Di Robilant argues, as far as water is concerned,

31 Ann E. Davis, *The Evolution of the Property Relation: Understanding Paradigms, Debates, and Prospects* (London: Palgrave MacMillan, 2015), pp. 28-29; Davies (2007), p. 11.

32 Benjamin Porat, 'Ownership and Exclusivity: Two Visions, Two Traditions', *American Journal of Comparative Law* (Published Online in Advance).

33 Larissa Katz, 'Exclusion and Exclusivity in Property Law', *University of Toronto Law Journal* 58/3 (2008), 275-315.

34 Katz (2008), pp. 293-295. This is not to suggest that property is a form of sovereignty. Property *depends* on sovereignty as the tracing of territorial borders constitutive of sovereignty forms a precondition for the establishment of both private and public property. See, Sandro Mezzadra and Brett Neilson, *Border as Method, Or the Multiplication of Labor* (London: Duke University Press, 2013), p. 292.

there seems to be little difference between public and private ownership in some respects. While a public owner cannot sell, he/she does have the sole power to make decisions on the use of the resource (guided and constrained by the ‘public interest’). This has the concrete consequence that the public has *use* entitlements but no *management* entitlements.<sup>35</sup> Citizens are, in other words, treated as consumers and not as socially autonomous individuals who co-determine the rules governing the common. This leads us to conclude that, while the public is *in principle* an (indirect) agenda setter with regard to public forms of property, this is rarely the *de facto* case. As John Medearis reminds us, ‘[p]olitical analysis that is informed by a longer historical view shows that we should always regard the modern state as potentially or partly alienated,’ meaning that ‘[t]here are just too many ways for state powers to escape common control.’<sup>36</sup> In other words, states (and by extension, most public institutions of a certain size and complexity) have a tendency to escape democratic control. Thus, we can conclude by saying that private *and* public forms of property can be regarded as *monological forms of property*: the function of agenda setting is exclusive and not shared by the general public.

### ***A Democratic Critique of Monological Property Regimes***

So what is the problem with private and public forms of property? Most critical accounts of property focus on access, or rather lack of access; property becomes problematic when people lack access to resources that are necessary for their subsistence or to the goods that would allow them to develop their capacities.<sup>37</sup> These critiques are certainly vital. Nonetheless, we want to argue for *more than access*, as ‘access [...] equally presupposes a kind of ‘meta-access’ to the laws.’<sup>38</sup> In other words, institutions of property become problematic not only when people lack access to resources necessary for their subsistence but also when these people are not involved in the democratic co-determination of the use of these resources. It is precisely the GDJ’s narrow focus on access to the benefits of common resources that concerns us. Merely moving resources from the private to the public will not be sufficient; citizens’ direct involvement is essential to the defence of commons.

To justify this assertion, we base our examination on radical theories of democracy. The different (oppositional, agonistic, participatory) theories that fall under this category are critical of representative democracy, the excessive

35 Anna Di Robilant, ‘Property and Deliberation: A New Type of Ownership’ in Saki Bailey, Gilda Farrell and Ugo Mattei (eds.), *Protecting Future Generations through Commons* (Strasbourg: Council of Europe Publishing, 2013), 61-80, p. 65.

36 John Medearis, *Why Democracy is Oppositional* (Cambridge Mass.: Harvard University Press, 2015), p. 171

37 See C.B. Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon Press, 1973).

38 Paul Blokker, ‘Commons, Constitutions and Critique’, *Lo Squaderno. Explorations in Space and Society* (2013), p. 45.

focus on consensus in mainstream theories of democracy and the different forms of domination; furthermore, all such theories value popular participation, democratic conflict and non-domination.<sup>39</sup> We will show why it is problematic that most private and public institutions of property fall short of these criteria.

*Conflict:* Decisions about resources are not taken based only on information but are also informed by values (efficiency, justice and sustainability).<sup>40</sup> In a private or public property arrangement, only one exclusive agenda setter exists: the owner. Thus, it is either an individual or a public authority that sets the agenda. Therefore, the owner's values prevail when it comes to decisions regarding his/her property. This is no different in the alternative property regimes GDJ authors prescribe: only *one* set of values — more precisely, a particular conception of the principles that should ground the just (re)distribution of the benefits of a given space or resource — is instantiated in a particular property regime.

The first important question is whether these monological property regimes are appropriate in our post-traditional societies.<sup>41</sup> Agonistic democrats deny this; in post-traditional societies, conflicts of values cannot be settled conclusively. Any attempt to settle this conflict of values in favour of one particular set of values, thus resulting in one particular property regime, will inevitably involve certain exclusions — some of which might be justified but others might not be.<sup>42</sup> The problem is that the difference between justified and unjustified exclusions is often invisible from within a particular normative order due to the fact that remainders and blind spots are bound to be generated in any attempt to define a universal normative order.<sup>43</sup> For example, the construction of our welfare states might have been a tremendously important normative evolution. However, the set of ideals behind this particular rearrangement of the property system also generated its own exclusions and blind spots; it was based on a gendered division of labour, relegating women to the private sphere.<sup>44</sup> We argue that GDJ proposals that intend to expand this welfare system into the global realm — for example, theories that argue for a universalisation of Rawls' distributive principles — could entail the same dangers.

---

39 Obviously, there is no complete overlap between the three theories categorised under the 'radical democracy' label. For an interesting take on the commonalities and conflicts, see Jason Vick, 'Participatory Versus Radical Democracy in the 21st Century: Carole Pateman, Jacques Rancière, and Sheldon Wolin', *New Political Science* 37/2, 204-223.

40 Anna Di Robilant, 'Property and Deliberation: A New Type of Ownership', in Saki Bailey, Gilda Farrell and Ugo Mattei (eds.), *Protecting Future Generations through Commons* (Strasbourg: Council of Europe Publishing, 2013), 73-74.

41 We use the concept of 'post-traditional societies' in a broad sense. It registers a shift in political and moral authority from transcendental sources (religion) to sources that are inherent to society. After the advent of political modernity, authority can no longer be justified on the basis of (religious) tradition but has to be justified through democratic debate, thus implying that it can always be contested.

42 Mark Devenney, 'Property, Propriety and Democracy', *Studies in Social Justice* 5/2 (2011), p. 154.

43 Christopher Meckstroth, 'The Struggle for Democracy: Paradox and History in Democratic Progress', *Constellations* 16/3 (2009), p. 414.

44 John Medearis (2015), p. 187.

We can only conclude, following Chantal Mouffe, that the ‘domain of politics — even when fundamental issues like justice and basic principles are concerned — is not a neutral terrain where rational, universal solutions can be formulated in isolation from the pluralism of values.’<sup>45</sup> Thus, conflict is so important in democratic societies precisely because it shows that we cannot take our normative order for granted and cannot count on a supposed consensus on the values that our society is built on; it also forces the political collective to deal with its blind spots.<sup>46</sup> Applied to the subject of property arrangements, we can thus argue that monological property regimes are normatively deficient because they do not allow for this pluralism of values, do not value the rationality of political disagreement<sup>47</sup> and do not incorporate democratic arrangements that allow for conflict and contestation.

*Non-Domination:* A second problem with private and public property arrangements is that they can (and often do) lead to both market *and* non-market forms of domination. The first form of domination can be linked to the property institutions themselves; the problem with systems of property, and certainly global systems of property, is that they are complex social institutions that tend to escape our democratic control. The reproduction of these social institutions is an *unintended* consequence of our actions that subsequently structures our future actions. The problem is, as John Medearis writes, that our common action can return to us ‘in the form of social forces, relations, or institutions that dominate’ some of us; and these structures of domination might allow certain individuals or groups to exploit and oppress others.<sup>48</sup> This danger, we argue, is ever present in private and public institutions of property and no good reasons exist to think that this is not the case with *global* public institutions of property as well.

However, these centralised global institutions recur in most GDJ theories that tackle the redistribution of benefits from the common earth.<sup>49</sup> Caney’s proposal, for instance, considers that expanding the scope of democratic institutions to the global realm could counteract forms of domination in global institutions while Mathias Risse intends to solve these potential sources of ‘global domination’ by restricting the scope of global institutional structures as much as possible.<sup>50</sup> Yet, neither of the two seems able to abolish the possible sources of domination:

45 Chantal Mouffe, ‘For an Agonistic Model of Democracy’ in Noel O’ Sullivan (ed.), *Political Theory in Transition* (London: Routledge, 2000), p. 120.

46 Andrew Schaap, David Owen, James D. Ingram and Hans Lindahl, ‘Critical Exchange: Hans Lindahl’s *Fault Lines of Globalization*’, *Contemporary Political Theory* (Published in Advance, 2015), p. 5.

47 Jacques Rancière, *Disagreement: Politics and Philosophy* (Minnesota: University of Minnesota Press, 1998).

48 John Medearis (2015), p. 105.

49 See Pogge’s Global Dividend (2011), Casal’s Global Fund (2011), or the Global Democratic institution of Simon Caney (2005), Ch. 5.

50 Risse (2012), Chs. 1, 16 and 17.

while Caney's proposal works as an expansion of the already deficient democratic system of states, Risse simply devolves the decision-making power over public policy to the state authorities, who (once again) end up having primary control over public goods provision.

A second form of domination is *constitutive*: a form of domination 'in the norms and values that constitute the logics of [...] social institutions.'<sup>51</sup> Individuals are socialised into accepting certain norms and roles, and public institutions play a decisive role in this process; in principle, this is not problematic (no society can exist without a form of social reproduction), but it can lead individuals or groups to accept norms or roles that enable their own domination (or the domination of others). In other words, the social reproduction of norms can be organised in such a way that it serves the domination of one social group over another.<sup>52</sup> The welfare state example we gave previously is a good illustration of how this phenomenon plays out in the distribution of public goods. GDJ theories that take the Rawlsian original position approach risk making a similar mistake.<sup>53</sup> The assumptions made by GDJ regarding how individuals will deliberate behind the veil of ignorance pre-define the scope of possible norms and political structures for society's basic structure. This leads to the establishment of a social system that is incapable of seeing the constitutive forms of domination that are imposed on individuals or groups that do not match the human characteristics assumed under the original position.

Oppositional democratic activity plays a vital role in addressing and correcting these forms of domination in property arrangements. They could actually benefit from practices of contestation as these activities challenge (1) the ethical substance of property arrangements (are norms enforced from the top down?), (2) the normative quality of their ethical substance (do these norms violate the ideal of non-domination?) and (3) the modality of regulation (is regulation organised in a bureaucratic-statist manner?).<sup>54</sup>

*Participation*: A final critique of monological property regimes is that they discourage, sometimes even impede, democratic participation. In this section, we argue that the commons tragedy has transformed into a 'tragedy of enclosures,' as enclosures — both private and public — make it impossible for most people to make decisions regarding their own fate, be it in the social sub-

51 Michael J. Thompson, 'The Two Faces of Domination in Republican Political Theory', *European Journal of Political Theory* (Published Online in Advance, 2016), p. 7.

52 Michael J. Thompson (Published Online in Advance, 2016), pp. 7-13.

53 Beitz (1999); Pogge (2008), Risse (2012).

54 Nancy Fraser, 'Marketization, Social Protection, Emancipation: Towards a Neo-Polanyian Conception of Capitalist Crisis' in Craig Calhoun and Georgi Derlugian (eds.), *Business as Usual: The Roots of the Global Financial Meltdown* (New York: NYU Press, 2011), 137-158, p. 149.

sphere of the economy or with regard to ecological issues.<sup>55</sup>

As Carole Pateman argued, what's at stake in democratic participation is primarily the activity of participating itself: people (re)discover their political agency by participating in the democratic management of shared resources or practices of democratic decision making in the workplace. It is through participation in the different sub-spheres of society that people develop the adequate individual attitudes and psychological qualities that allow them to participate as democratic citizens in wider (political) society.<sup>56</sup> Non-participatory views of politics (also evident in monological institutions of property), on the other hand, tend to create the passive citizens they expect to see. Moreover, participation in these local social domains also tends to make citizens more astute as they develop a critical awareness of the different public institutions and notice democratic deficits more easily.<sup>57</sup>

Another reason exists to encourage democratic participation, one that bears on the interplay between the different social domains and local and central institutions. Participatory forms of democracy break the monopoly of state power. The participatory budgeting experiment in Porto Alegre (Brazil), for instance, allowed poorer citizens to exert an influence on the state, thus resulting in their drastically increased access to water and sewage.<sup>58</sup> Connecting this point to the previous section, we could argue that forms of local participatory democracy can help in preventing or contesting the different forms of domination that accompany the alienation (and accompanying forms of domination) of public institutions.

### ***Addressing the Democratic Deficit***

In the previous section, we justified our questioning of monological property institutions' democratic credentials. GDJ proposals cannot give a satisfactory answer to some of these critiques. This does not imply that *none* of these critiques are considered by the GDJ; some proposals, for instance, are attempts to counter forms of domination that stem from the accumulation of private property in the hands of few individuals. Furthermore, most GDJ theories would, at least partly, agree with our critique of the nation-state. That is, they actively question states' current sovereign entitlements to control public goods within their territory. However, our concern is still valid. Although GDJ intends to take away the states' exclusive privilege to control the goods and

55 James Tully, 'Two ways of realizing justice and democracy: linking Amartya Sen and Elinor Ostrom', *Critical Review of International Social and Political Philosophy* 16/2 (2013), 220-232, p. 227.

56 Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970), p. 42.

57 Jeffrey D. Hilmer, 'The State of Participatory Democratic Theory', *New Political Science* 32/1 (2010), p. 59.

58 Jeffrey D. Hilmer (2010), p. 61.

land within their territories,<sup>59</sup> it actually reproduces the logic of *monological* control (over natural resources and land) at the global level. In essence, the problem is that GDJ proposals extend access to the earth's common resources to a greater number of people; however, in the process, they exclude people from co-determining the use of this supposedly common property.

The issue with GDJ theories is that they are never as universal as they may seem to the theorist. One individual's idea of justice might, once realised, become another's form of domination. Here, we do not intend to suggest that we abandon all attempts to devise universal norms; we simply argue that every universalist theory should provide a more reflexive account of the genesis of these universal norms.<sup>60</sup> Instead of attempting to theoretically arrive at universal norms that could inform the redistribution of the benefits of a particular property regime, we should, as James Ingram suggests, try to understand 'how norms can become *more* universal, less arbitrary and exclusive, through successive challenges from the outside.'<sup>61</sup> We claim that it is through democratic action that this process of universalisation occurs. This implies that both the 'universal' norms informing mechanisms of redistribution *and* the institutions of property that mediate this redistribution should be open to democratic contestation and popular participation, thus preventing the development of forms of domination in the resulting governance scheme. It is only *through* the democratic contestation of these norms and participation in their revision that cosmopolitan ideals become more universal.<sup>62</sup> Regarding the debate on the earth's common ownership, this implies that (a) we should be weary of governance schemes that are exclusively based on monological institutions of property with a democratic deficit and (b) we should focus more on 'the commons movement,' a group of concrete democratic practices that oppose and challenge the private–public property regime in the name of a similar ideal (namely, that the earth and its natural resources belong to everyone).

## **A Return to Commons?**

### ***Defining the Commons***

The stage is now set to show why the commons are a vital form of opposition to monological forms of property. First, we have to outline what the commons

---

59 Pogge (2001); Pogge (2008).

60 See Carol C. Gould, 'Reconceiving Autonomy and Universality as Norms for Transnational Democracy', in Anthony Langlois and Karol Soltan (eds.), *Global Democracy and its Difficulties* (London: Routledge, 2009), 168-171.

61 James D. Ingram, *Radical Cosmopolitics: The Ethics and Politics of Democratic Universalism* (New York: Columbia University Press, 2013), p. 205.

62 GDJ are not necessarily antidemocratic. Authors such as Pogge (2008), Ch. 7, Thomas Pogge, 'Cosmopolitanism and Sovereignty: "An Egalitarian Law of Peoples"', *Philosophy & Public Affairs* 23/3 (1994), 195-224, and Darrell Moellendorf, *Global Inequality Matters* (Houndmills: Palgrave, 2009), Ch. 3, also defend the expansion of democratic principles to the global sphere. Nonetheless, our concern is still valid due to the lack of democratic involvement and contestation in the definition of the principles that ground their global political structures.

are. One of the prevalent ways to look at them is through their flipside: the process of enclosure or primitive accumulation, as Marx called it. *Primitive accumulation*, Jason Read argues, ‘can be said to take place at every point where something in common is converted into private property [...] or where the conditions for the production and reproduction of existence are converted into commodities.’<sup>63</sup> Some contemporary examples of this process are the endeavours to end communal control over the means of subsistence, such as the attempts to privatise water supplies in Bolivia and the privatisation of life and knowledge commons through patents and copyrights.<sup>64</sup>

The commons resist such attempts to privatise and commodify communal means of subsistence.<sup>65</sup> Furthermore, not only do they resist private and public enclosures but they also refuse to be turned into any form of property. The common, Dardot and Laval argue, can only be instituted as *unappropriable*. That is, a common is something that can be potentially appropriated but that is *made* unappropriable through the institution of certain rules.<sup>66</sup> Here, we diverge from Elinor Ostrom’s traditional economic definition of commons:<sup>67</sup> commons are no longer resources and spaces inherently unappropriable due to their natural characteristics (such as the atmosphere, the deep seabed, etc.) but are rather socially established as unappropriable.

This digression from traditional property paradigms is a result of a shift in focus from goods to the practice of *commoning*.<sup>68</sup> A common is not a pool of resources that can be transferred at will, and no common can exist without a *community*. Communities sustain and produce commons; their social practices – the work of production and reproduction – constitute the commons, and their rules determine how resources are used and who has access to them.<sup>69</sup> In this respect, we do follow Ostrom’s approach to governing commons: the human *element* should play a central role in discussions concerning the governing of the commons.<sup>70</sup> To understand how a forest should be governed, we cannot simply focus on the location of the forest, the quantity of trees and its efficient

63 Jason Read, *The Micro-Politics of Capital: Marx and the Prehistory of the Present* (New York: State University of New York Press, 2003), p. 27.

64 Midnight Notes Collective, ‘The New Enclosures’, *Midnight Note* 10 (1990), 1-9; Saskia Sassen, ‘A Savage Sorting of Winners and Losers: Contemporary Versions of Primitive Accumulation’, *Globalizations* 7/1-2 (2010), 23-50.

65 Massimo De Angelis and David Harvie, ‘The Commons’ in Martin Parker, George Cheney, Valerie Fournier, and Chris Land (eds.), *The Routledge Companion to Alternative Organization* (London: Routledge, 2014), 280-294, p. 281; Bollier (2014), Ch. 1.

66 Pierre Dardot and Christian Laval, *Commun: Essais Sur la Révolution au XXIe Siècle* (Paris: La Découverte, 2014), pp. 233, 467-481.

67 Ostrom (1990).

68 Bollier (2014), p. 6, 8, 10.

69 Massimo De Angelis, ‘On the Commons: A Public Interview with Massimo De Angelis and Stavros Stavrides’ (2010), <<http://www.e-flux.com/journal/on-the-commons-a-public-interview-with-massimo-de-angelis-and-stavros-stavrides/>> [Last Accessed on 01/12/2016].

70 Ostrom (1990), p. 88-102.

distribution of benefits. We must also consider the human practices and social systems involved in the maintenance and reproduction of the earth's resources and spaces.<sup>71</sup>

To be clear, commons do not entail prohibition of the use (or occupation) of specific resources; rather, they imply that neither these resources nor the land can be commodified or dis-embedded from the practices of co-production, the cooperative system of governance or the ecological relationships that surround them.<sup>72</sup> Returning to our discussion of the GDJ, we concede that some kind of distribution, use and occupation of a resource or space is inevitable in case of scarce and rivalrous goods. However, if one does not focus on resource-specific appropriation of the common or on the distribution of its benefits and focuses on the whole social system that enables and structures these resources, and on the practices that sustain them, the idea of unappropriability is further clarified. Some flaws of GDJ theories regarding commons stem from an unwillingness to differentiate between appropriation of *specific resources* and enclosure of *the land and the social systems* that sustain them. Risse, for example, defines his proposal as a 'common ownership' regime but applies it exclusively to the *resources* that are to be considered as common (those required for satisfying basic human needs), although their actual production, distribution and occupation is not taken as a common; these rely on private market mechanisms (properly regulated) or the domestic provision of public goods.<sup>73</sup> This is insufficiently common to be designated as common ownership. If the common is narrowed only to include the earth's natural resources, without acknowledging the larger domain where these goods are produced and the mechanisms through which they are distributed, then it hardly fulfils its definition.<sup>74</sup>

Risse argues against this expansive role of the social element in the co-determination of the commons. He believes that allowing co-owners to have a say (and veto right) over every decision on the production, provision and distribution of the commons demands too much from a deliberation and could be potentially detrimental to the opportunity to satisfy one's basic needs.<sup>75</sup>

---

71 Elinor Ostrom and Charlotte Hess, 'A Framework for Analyzing the Knowledge Commons' in Charlotte Hess and Elinor Ostrom (eds.), *Understanding Knowledge as a Commons* (Cambridge, MA: MIT Press, 2007), 41-82, p. 43.

72 Tully (2013), pp. 228-229.

73 See Risse (2012), Ch. 6, esp. p. 111. For a critique, see Aresh Abizadeh, 'A Critique of the "Common Ownership of the Earth" Thesis', *Les ateliers de l'éthique/The Ethics Forum* 8/2 (2013): 33-40, p. 35.

74 Abizadeh (2013) presents a similar critique, arguing that Risse's account imposes moral constraints on other property regimes but that its focus on *use* dismisses an actual discussion about ownership. We sympathise with his critique of Risse's *ownership* credentials (and would endorse it for various other GDJ proposals); however, our concern here is with Risse's *commons* credentials. We consider that even if Risse's theory were an alternative *ownership* regime, it would still not be a *common* ownership regime. Its individualist focus, its reliance on centralised mechanisms of production and provision and the absence of socioecological and democratic elements makes it insufficiently *common*. We thank an anonymous reviewer for comments on this point.

75 Risse (2012), pp. 120-122.

First, Risse's all-or-nothing idea of deliberation does not do justice to the various possible ways in which co-determination may be carried out; unanimity is not a requirement for almost any democratic scenario, and therefore there is no reason it should be assumed here.<sup>76</sup> Second, even if a strict veto right were inherent to the co-determination of the commons, a veto on satisfying basic needs would be an unthinkable option. Co-determination ensures that everyone is bound by the same directives and, hence, no one would have the audacity to veto need satisfaction knowing that his/her own basic needs are at stake.

Second, this shift from considering commons exclusively as goods or resources to analysing them as social processes subsequently implies a shift from a sovereign disposition to the co-determination of use. The sovereign ownership of goods, the freedom to alienate or use them at will, would be replaced by processes of collective determination of the use of commons.<sup>77</sup> As Carol Gould argues, if a practice is collective and defined by shared goals, then no single participant has more of right than the others to make decisions for this collective.<sup>78</sup> Therefore, commons not only comprise a common practice but also (a) consciously created rules/laws to regulate both this common practice and the use of commons and (b) mechanisms that enable democratic participation and conflict so as to allow commoners to select rules/laws. Whereas monological institutions of property discourage popular participation, commons actually try to foster such democratic participation, and democratic credentials are inherent to the practices.

### ***Practices of Commoning and the Politics of Democratic Universalisation***

The commons raise as many questions as they help solve; they foster democratic cooperation and provide an alternative to private/public property institutions. But how do these *local* practices relate to a debate that is both *global* and *universal*? First, an important qualification is that commons, in our view, are not a full-blown alternative to private and public institutions of property. However, this does not mean that they are merely a complement or an institutional alternative that performs the tasks that private and public institutions of property neglect to carry out. Precisely because they are an alternative that escapes some of the normative deficiencies of public and private property arrangements, they compete with these institutions as well. This already suggests which role commons might play on the global scene: not only do they allow commoners to reclaim their autonomy but by contesting private and

<sup>76</sup> Abizadeh (2013), pp. 37-38.

<sup>77</sup> Dardot and Laval (2014), pp. 476-478.

<sup>78</sup> Carol C. Gould, 'Structuring Global Democracy: Political Communities, Universal Human Rights, and Transnational Representation', *Metaphilosophy* 40/1 (2009), 24-41, p. 28.

public institutions of property, commons also force these monological property institutions to confront their own limits. Even in a more ideally reorganised property system, the oppositional role of commons would still be imperative. Commons are thus local in practice but global in ambition; they are a *glocal* form of politics.<sup>79</sup> By forming networks, they can confront the normative deficits in global public and private institutions of property and perform an essential role in the democratic *politics of universalisation*.

One possible concern still remains: the inevitability of exclusion and boundaries. The fear expressed in Hardin's 'tragedy of the commons' is that commons risk depletion and spoliation if not enclosed.<sup>80</sup> The standard response to this narrative is that natural commons are rarely ever open-access regimes, and commoners often devise collective arrangements to manage them.<sup>81</sup> However, this implies that 'some sort of enclosure is often the best way to preserve certain kinds of valued commons.'<sup>82</sup> After all, no commons function without rules or laws that determine both use and duties of care and co-production. Laws, in turn, suppose boundaries that determine who ought to do what, where and when regarding this property.<sup>83</sup> The boundaries of a legal order, however, exist by the grace of a political and legal collective that establishes what joint action should be about, thus implying certain forms of inclusion and exclusion.<sup>84</sup>

If the functioning of commons depends on forms of exclusion and bordering, how does this differ from the case of enclosures that is central to private and public property institutions? Could GDJ not respond that commons are just a form of private property on a slightly larger scale (or a form of state property on a smaller scale)? Could it be that bordering processes clash with the universalising aspirations of the commons movement or their attempts to contest forms of exclusion?

The answer is that if enclosures are vital to the endurance of commons, only a *democratic* process of enclosure (as opposed to private or public enclosures) can be justified. This is because boundaries of democratically governed commons are open to constant renegotiation while public and private property regimes are not normatively required to do this.<sup>85</sup> A tension between the universal values of equality and freedom central to democracies and the concrete, often

---

79 James Tully (2014), pp. 73-82.

80 Hardin (1968).

81 Bollier (2014), p. 12; E. Ostrom and Hess (2007).

82 David Harvey, *Rebel Cities: From the Right to the City to the Urban Revolution* (London: Verso Books, 2012), 68-70, p. 70.

83 Hans Lindhal, *Fault Lines of Globalization: Legal Order and the Politics of A-Legality* (Oxford: Oxford University Press, 2013), p. 3. This concept of boundaries can be interpreted spatially — borders determine where processes of sharing stop — and metaphorically as legal orders structure action.

84 Lindhal (2013), p. 216.

85 Mezzadra and Neilson (2013), p. 279.

limited, realisation of these ideals (borders and boundaries being two such limits) characterises them. What distinguishes democratic decisions from non-democratic ones is that the former constantly question these (always partly arbitrary) institutions and boundaries. The democratic element at the core of the commons and their common activities are thus key to determining the duties to other commoners and distant others — they cannot abrogate these duties without betraying their democratic ideals. Carol C. Gould's re-conception of the notion of transnational solidarity is a good example of how these different concerns — democratic action as being opposed to injustice, the existence of duties towards other communities and individuals, the importance of local autonomy — can be brought together without causing intolerable inconsistencies.<sup>86</sup> Nonetheless, the consequence of accepting the claims of radical democratic theory is that no silver bullet exists that would once and for all allow us to reconcile the competing demands of autonomy/democracy and global solidarity/justice.<sup>87</sup>

### Conclusion

We confronted two literatures that share the assumption that the earth belongs to all in common but that take different roads when turning this idea into a political reality. GDJ theories take the road of (re)distribution; thus, to realise the idea of common ownership of the earth in a world that is currently unjust, we must impose limitations on potential appropriation of valuable resources and spaces and install mechanisms that (re)distribute the benefits taken from these resources in a way that accords with predefined principles of justice. The problem with the GDJ focus on principles of redistribution is that it dismisses other questions that are equally important when dealing with common ownership. For instance, how do social practices affect the way these common goods come into being? Moreover, who can legitimately decide how the distribution occurs?

A consequence of this selective focus is that public and private property institutions are taken as a given. In GDJ theories, the (re)distribution of common goods is inevitable due to the assumption that goods have to exist either as private or public property. We argue that this assumption not only discounts a third option but also disregards some of the normative problems inherent to it. These normative problems all return to the premise that an owner, private or public, is the sole agenda setter with regard to his/her property. The monological character of these property arrangements could result in different pathologies: forms of domination and exclusion or a passive citizenry. GDJ theories are

86 Carol C. Gould, 'Transnational Solidarities', *Journal of Social Philosophy* 38/1 (2007), 148-164.

87 Rhyall Gordon, 'Radical Openings: Hegemony and the Everyday Politics of Community', *Rethinking Marxism* 28/1 (2016), 73-90.

prone to fall into these traps, despite their insightful critiques to private and public forms of appropriation, due to their reliance on the same monological institutions of property.

Finally, we argue that GDJ would benefit from taking notice of the existence of a democratic alternative to private and public property arrangements: the commons. To the extent that commons *do* allow for democratic participation and conflict and for the co-determination of the use of resources, they should be regarded as a legitimate alternative. It must be up to the citizens of this world to decide not only which principles are central to the (re)distribution of goods but also how and through which property arrangements this should be accomplished.<sup>88</sup>

---

*Christiaan Boonen*  
Leuven Centre for Global Governance Studies /  
Institute of Philosophy  
KU Leuven  
Email: [Christiaan.Boonen@kuleuven.be](mailto:Christiaan.Boonen@kuleuven.be)

---

*Nicolás Brando*  
Leuven Centre for Global Governance Studies /  
Institute of Philosophy  
KU Leuven  
Email: [Nicolas.Brand@kuleuven.be](mailto:Nicolas.Brand@kuleuven.be)



---

<sup>88</sup> We would like to thank Martin Deleixhe, Helder de Schutter, Axel Marx, Maeve McKeown, Alasia Nuti and two anonymous reviewers for their thorough reviews on various versions of this paper. We also thank Samuel Cogolati, Linda Hamid, Alessandro Mulieri, Peri Roberts, Peter Sutch, Jean Vogel and Nils Verstappen for their comments. Previous drafts were presented at the HIW - Justice Seminar, MANCEPT Workshops 2015, Université Libre de Bruxelles, the International Conference on Global Commons (Leuven) and at the University of Geneva - MultiCite Seminar.