

Common Rules. The regulation of institutions for managing commons in Europe 1100-1800.

Project description

Our present-day society is highly regulated and institutionalized: formal agreements are made at various levels within society to make things run smoothly: from driving a car, to disposing waste, to taking part in local and national elections, whereby breaching a rule usually carries a sanction. However, if rules are simply added without attention to the internal coherence of the regulations, contradictory situations may emerge within the regulations and rules may become ineffective: they may no longer be understood by the stakeholders, or simply be ignored (freeriding), with sanctions no longer being applied. In order to avoid inertia of the institution, adequate action to reduce complexity and complementarity are needed, as in e.g. the Dutch "Programma Regeldruk en Administratieve Lastenvermindering", which aims at reducing superfluous regulation for government professionals in the field of a.o. education.¹ Today's examples of over-regulation, both at state and local administrative level, are the result of a long-term development whereby rules have been added, without sufficient attention to coherence with pre-existing regulations.

This project aims to understand how efficient and effective regulation can be developed, executed by well-functioning institutions. We focus on commons, which are institutions for collective action (1) which existed in the European countryside for centuries, and were set-up to regulate the collective use of natural resources (grassland, woodland, water) for large parts of the rural population. Although the Western European commons largely disappeared under governmental pressure, especially during the liberalization wave of the nineteenth century (2; 3) commons are still omnipresent in many developing countries – such e.g. India (see www.fes.org) – and still survive in many parts of Europe today (4; 9). Our project concentrates on the regulation of commons in Western and Southern Europe, examining the internal structure and changes of rules on various commons, in relation to a number of independent variables such as population growth, changing land use (e.g. the balance between arable and waste land), climate, etc.

Recent research suggests that Europe witnessed an exceptional development of institutions for cooperation and collective action from the late Middle Ages onwards. Building on the studies by Ostrom (1) and Greif (5), recent European-wide and global comparisons have suggested that Europe since the late Middle Ages experienced a bottom-up movement of new collective action institutions. With a previously unknown intensity, Europeans created social 'alliances' not primarily based on kinship, but on other common characteristics such as occupation or domicile. Craft guilds are perhaps the best-known, but they display many similarities with, for instance, water-boards and the rural commons, central to this application (6; 7). The movement was primarily based on at first tacit, later written agreements between princes and their subjects, both villagers and townsmen, most of which were the outcome of peaceful negotiations. Pre-modern Europeans could avail themselves of a broad and variegated set of institutions for collective action. All these institutions used collective action as a method to create economies of scale and to avoid risks—both natural and market-related, and to restrict outsiders from accessing scarce resources. Commons were created for the collective management and use of natural resources and could limit the impact of harvest failures due to unpredictable weather, floods, or diseases, while on the other hand they saved on investments in, for example, fencing and drainage

¹ See the website www.mijnrechtewerk.nl

systems. Understanding the regulations of institutions for collective action is a key-aspect of the links between macro-social-economic changes and the day-to-day functioning of those institutions. First of all, the evolution of rules and sanctions over time can often be read as a reaction to external changes. Many institutions restricted the conditions for access during the 16th century, which may be related to contemporary demographic growth and political changes. What is written down in terms of rules governing such aspects as access, use, and management, and how misbehaviour is punished, defines the limits of the behavior of the members of an institution. Secondly, institutions can also influence the economy and society, in particular if they manage to survive long periods of time. The resilience of institutions has been attributed by political scientists and sociologists to factors such as self-governance and political embeddedness (1). Other factors which need to be taken into account in order to understand collective action institutions, include the property rights regimes within which they function, and the cultural context, particularly conceptions of the correct use of natural resources. Finding out how these institutions were regulated on the basis of these and other factors, will increase our understanding of what makes an institution resilient. The interplay across time between property rights, management institutions and cultural change will form a key feature of our longitudinal analysis.

In order to understand the institutional diversity that can be found within the European boundaries we aim to develop a collective “grammar” of institutions, in line with 2009 Nobel prize winner Elinor Ostrom’s attempts to do so (8), but applicable to longitudinal analysis. As historians we believe that a (very) long-term perspective on institutional change is a condition *sine qua non* we cannot understand what makes institutions resilient to external change and internal problems.

Commons are an excellent case-study for such analysis, because of the stakeholders’ involvement in the design of the institution’s regulation. The commoners usually designed the rules themselves, which presumably led to a design and structure that was very closely related to their prime needs, while at the same time taking into account the need to ensure sustainable exploitation of the resource. Earlier research has shown that regulation could allow an efficient use of the resource, even under severe external stress, but we do not know how the commoners made sure that the body of rules remained effective, efficient and sufficiently simple for all to understand and apply. Were old rules replaced by entirely new ones, or were they simply adjusted to the new circumstances? At what frequency were rules updated and for what reasons? Were rules always designed according to what the local users thought was needed, or were rules copied from other commons in the neighbourhood? How did rule-makers ensure that sanctions were avoided as much as possible? Which level of sanction was sufficient to threaten potential free-riders? What role did social control play and how was this integrated into the regulation? These are the main questions we search to answer.

The main objective of the internationalization project, sponsored by NWO, is to initiate a European-wide comparison of bodies of rules by studying commons in Western and Southern Europe, using the regulations that can be found in various historical records, for several centuries in each case. Scholars working on the topic of institutional design of institutions for collective action interested in collaborating, should contact the project leader t.demoor@uu.nl.

Literature mentioned in the text:

1. Ostrom, E. (1990). *Governing the commons: the evolution of institutions for collective action*. The Political Economy of Institutions and Decisions. Cambridge University Press (Cambridge).
2. Vivier, N., Demélas, M.-D. (2003). *Les propriétés collectives face aux attaques libérales (1750-1914). Europe occidentale et Amérique latine* (Rennes).
3. De Moor, M., Shaw-Taylor, L., Warde, P. (2002). *The management of common land in north west Europe, c. 1500-1850*. Brepols(Turnhout). 2nd print.
4. Rodgers, Chr.P., Straughton, E.A., Winchester A.J.L., Pieraccini, M. (2011). *Contested Common Land.Environmental Governance Past and Present*. Earthscan, London.
5. Greif, A. (2003). *Institutions and the path to the modern economy: lessons from Medieval trade*. The Political Economy of Institutions and Decisions. Cambridge University Press (Cambridge).
6. Reynolds, S. (1997). *Kingdoms and Communities in Western Europe, 900–1300*. Oxford university Press (Oxford).
7. De Moor, T. (2009). 'Avoiding tragedies. A Flemish common and its commoners under the pressure of social and economic change during the eighteenth century', *the Economic History Review*, February 2009, pp. 1-22.
8. Ostrom, E. (2005). *Understanding Institutional Diversity*. Princeton University Press.
9. Congost, R. and Lana-Berasain, J.-M. (2007). *Campos Cerrados, debatesabiertos : Analisis historico y propiedad de la tierra en Europa (siglos XVI-XIX)*, UniversidadPublica de Navarra (Pamplona)