Governing as commons or as global public goods: two tales of power

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Abstract: Commons and global public goods have become popular concepts in academic debates on governance. Moreover, these concepts are no longer the exclusive domain of economists. Different disciplines (such as legal and politi-

cal theory) have appropriated them in their own specific ways. The result of this popularity, however, is that they are often confused or used in ways that muddle their distinct characteristics. In this article we propose some distinctions to clarify the use of these concepts. First, we will show how what were initially social scientific concepts started being used in a more normative way. Second, we will subject the writings of Elinor Ostrom and Inge Kaul and colleagues to a discourse analysis. This means that we will show that some normative assumptions are already present in the concepts of 'commons' and 'global public goods'. We take it that, although Ostrom and Kaul are often read as social scientists, it is both possible and fruitful to read them as proposing two very different visions of power in a globalizing world. In a third section we then demonstrate more concretely what these visions look like. Finally, we conclude by looking at the possible advantages and downsides to both models.

1. Introduction

Both the terms 'commons' and 'global public goods' (GPGs) are widely used in political discourses on how to tackle challenges such as climate change, food security, and transmission of knowledge. On the one hand, in academic writings and social movements, the commons have come to represent an 'alternative model of social organisation' going beyond the market-state dichotomy (Menatti 2017). The ground breaking work of Elinor Ostrom has demonstrated the capacity of communities to self-organize and share common-pool resources (CPRs), beyond the much travelled paths of the exclusively public or exclusively private management solutions. Today, the commons do not only designate small-scale institutions for the management of shared resources at the local level, but also a wider range of struggles of self-government against the current wave of enclosures – from Occupy Wall Street to the Cochabamba Water War (De Angelis 2007; Hardt and Negri 2009; Harvey 2011). On the other hand, the series of three books edited by Inge Kaul and her colleagues of the United Nations Development Programme (UNDP) exemplify the popularity of expanding Paul Samuelson's theory of public goods to the global level. The UNDP publications

brought to light that, in an increasingly interconnected world, the problems of security, financial stability, health and environmental protection inevitably affect every country, and therefore require collective action at the global level. In other words, both notions have become central to normative discourses in current political practice. However, as these notions became more prominent and were taken up by different disciplines, their definitions also began to vary and diverge. These two 'buzzwords' are now too often confused or even conflated, without acknowledging their divergent normative bias. Over the last years, the concepts seem to have lost practical meaning in framing discussions on exactly the same notions, for example of 'knowledge' (as a commons: Hess and Ostrom 2007; Frischmann et al. 2014; or as a GPG: Stiglitz 1999; Maskus and Reichman 2004) or 'cultural heritage' (as a commons: Gonzalez 2014; as a GPG: Francioni 2012). They are now sometimes even mentioned as synonyms, for example in the field of development (Severino 2001). The added value of this article is to confront both discourses in an attempt to bring some clarity in the distinction between commons and GPGs, and–more importantly–shed light on the diverging normative implications.

In terms of methodology, we argue that a useful way of doing this is by subjecting the major works of Ostrom and Kaul and her colleagues to a *discourse analysis*. Hence, we do not assume that social scientists explain social phenomena and events in objective universal terms. Instead we try to uncover the normative assumptions that inform their writings and influence the way in which the objects of their research are constructed (Howarth 2000, 126–130). The rationale for using this method is that it allows us to become more sensitive to the political choices that are often made invisible through the use of a scientific language. This is particularly important given the fact that scientific writings – and certainly social scientific analysis–help to frame the goals of social and political actors. For instance, social movements can pick up on scientific research to construct a new vantage point for their transformational efforts or to lend empirical credibility for their efforts (Benford and Snow 2000, 624–625).

However, we restrict our discourse analysis in two ways: we limit ourselves, first, to two sets of literature, and, second, we focus on their normative assumptions concerning power. We circumscribe our discourse analysis to the major writings of Elinor Ostrom on the commons, and of Inge Kaul and her colleagues on GPGs. The reasons why we restricted our analysis to these authors are both practical – to reach a manageable size–and substantive. Given the importance of Ostrom and Kaul's work to these respective bodies of literature we consider that the normative assumptions implicit in their concepts have had a determining influence both on subsequent academic writings and political and social actors that make use of their works.

Besides, we limit our discourse analysis to the normative assumptions concerning how *power* is conceptualised in each model of governance. Although Ostrom and Kaul are often read as social scientists, we argue that it is both possible and fruitful to read them as proposing two very different visions of

power in a globalizing world. By critically reviewing their works we see that they indeed formulate very different ideas on the *nature of power* and, in turn, this has specific consequences for their respective takes on *the role of the state* and the most appropriate *spatial scale of governance*. These three features are central in their analyses and are the most relevant in highlighting certain structural distinctions between both models of governance. Although we readily admit that these elements do not constitute an exhaustive list, we believe that a discussion about how both discourses have tackled these three issues can already give valuable insight into their views on power. Although distinct, the three characteristics studied in this article are strongly interconnected, and each one of these may even be conditioned by the existence of the others. We cannot talk about the role of the state in global governance without dealing with the matter of the appropriate level of governance for global issues. These two, moreover, tend to be conditioned by a model's preference for either top-down or bottom-up decision making procedures, and for its understanding of the nature of authority.

This *discourse analysis* was executed as follows: first, we selected the most important and relevant texts from Ostrom (9) and Kaul (8) who were historically the most influential in disseminating the concepts of commons and GPGs in policy discourse and (still) play a central role in academic debates. We then identified the sections where these authors discussed the concepts of *power*, *role of the state* and the *spatial scale of governance.* Subsequently we interpreted these sections to show the hidden (normative) implications that the usage of the terms commons and GPGs may have and why it is important to draw a distinction between these two concepts in academic and policy discourses.

In view of these goals, the article is organised as follows. We first track the evolution of commons and GPGs from categories of goods in rational-choice theory to prescriptive models of governance (first section). In the following sections we will revisit some of the writings of Ostrom and Kaul through a discourse analysis. To be more precise, we present three defining characteristics of their discourse on commons and GPGs (see supra), in order to lay bare how they 'frame' the governance of certain policy-issues through particular normative prescriptions.

The conclusion of this paper reveals two radically different visions of the world: while the commons call for more bottom-up self-governance, GPGs seem to reinstitute the vertical logic of the state at the global level. On this account, we argue that the provision of GPGs, regardless of its effectiveness, generally suffers from a democratic deficit. Indeed, the institution of the commons itself depends on the prior agreement of all stakeholders to observe *ad hoc* rules of use and access which are seen as legitimate, whereas the provision of GPGs necessitates a coercive power to avoid collective action dilemmas (Deleixhe 2018). At the same time, we draw attention to strong forms of external and coercive power, namely state and market pressures, against which the commons will need to struggle in order to survive.

2. Commons and global public goods as normative discourses

2.1. Rational choice theory

Many scholars, when using the concepts of commons and GPGs, trace their origins to rational choice theory, an oft-used framework for explaining social and economic behaviour. This traditional way of conceiving these concepts implies understanding them as 'objective' categories. This implies that there is something in the nature of public goods and common-pool resources (CPRs) which determines their place on the rivalry-excludability spectrum and sees a commons as the governance arrangement for these objectively identified CPRs. These objective categories can, with that premise, usefully be employed as analytical tools meant to describe the physical reality of certain goods, and in particular to explain some of the problems which goods classified as 'common' or 'public' would likely suffer from. Authors such as Cornes and Sandler (1983, 1984, 1994), Rosen (2004), Dietz et al. (2003) have used these concepts to create models that can help explain provision and consumption issues in a wide range of non-excludable goods, such as defence, public finance and fish.

CPRs and public goods are expected to suffer from different types of collective action problems when individuals act in a self-interested and rational manner. Given their rival and non-excludable properties, CPRs are expected to suffer from overexploitation. In order for a governance arrangement for a CPR to be considered successful, it should therefore stop the overuse of the resources it governs. Opinions differ as to whether this requires privatisation, intervention of an external authority or the setting up of an effective community-based institution (a 'commons' – in this sense used to refer to a self-governing community rather than simply to a resource-area). Among social scientists who engaged in field studies of the commons, the most prominent scholar is undoubtedly Elinor Ostrom. Ostrom was an American political scientist associated with the neo-institutional school of thought in economics.[1] Ostrom conducted field studies on how communities maintain long-term sustainable institutions ('commons') for the management of CPRs such as forest, fisheries and irrigation systems. She devoted much of her life and research looking for the 'recipe' for a successful commons, culminating in eight design principles, whereby she identified clear group boundaries, rules and sanctions devised by and for members of that group (Ostrom 1990, 90). Success within a commons depends on the resilience of the system, or, in other words, on 'the capacity of a system to absorb disturbance and reorganise while undergoing change, so as to retain essentially the same function, structure, identity and feedbacks' (Walker et al. 2004). Such a system must be flexible enough to change when circumstances alter.

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[1] New institutionalism or neo-institutionalism is a methodological approach that became prominent in the 1980s in the fields of political science, economics and sociology. New institutionalism focuses on the way institutions (rules, norms and structures) affect the actions of individuals (see March and Olsen 1983).

The main collective action problem connected with public goods is free-riding. Because consumption is free, actors want to benefit from the collective resource but are reluctant to pay for its availability. Successful management of a public good is characterised, first, by a correct estimation of the demand for that good and, then, the production of the good at that level. It thus focuses on the production side and takes consumption as a given (Kaul et al. 1999c; Culp 2016). Inge Kaul and her colleagues (Kaul et al. 1999c) have used public good theory to analyse global challenges, by identifying instances of underprovision of GPGs, such as global climate protection, epidemics control and knowledge. Kaul et al. define a GPG as benefiting all countries, people and generations. This already indicates that their definition has a strong normative, redistributive element. This is unusual, as economic theory generally does not concern itself with issues of redistribution (to whom the benefits accrue), but rather only with issues of effective provision (how the benefits are generated). When an identified problem is framed as the result of a lack in the production of GPGs, the conventional response consists of states and international institutions working together in estimating the demand and determining a division of production, focusing on one specific good.

Commons (in the sense of areas containing CPRs) would thus be in need of a different governance regime than GPGs. But framing problems as GPGs has occurred in many instances where a commons framework would have been equally appropriate (Bryner 2015, 41). As we will explain below, both commons and public good theory have integrated normative elements. We, therefore, argue that framing issues either in terms of commons or in terms of GPGs, should no longer be seen as based solely on traditional, objective criteria of excludability and rivalry, but that it has important normative components as well.

2.2. Normative discourses

A single property or area can produce several kinds of goods; a forest can produce wood for private contractors but also provide room for recreation. We must also consider that resources can be held under several types of governance structures: for example, the aforementioned forest could be privately or publicly owned (Acheson 2011) and by local or international institutions. Considering something as either a commons or a GPG entails more than a simple analytical exercise. Even though the results of overexploitation and underprovision are comparable in as far as they both lead to a lower than optimal presence of the good in question, the perceived origin of the problem and the possible solutions are radically different. In this respect, the definition of a global issue as either a commons or a GPGs problem, determines to a great extent the institutional arrangements, and governance mechanisms applied to tackle it (Young 1989, 2007).

Whether a good is overexploited or underprovided is a seemingly objective question, but it requires in fact a normative judgement: does the food crisis in the Global South endure because of a lack of international aid, or are the farmlands

in developing countries overexploited or cultivated in the wrong way? Do we witness outbreaks of contagious diseases because of overpopulation or because of poor housing conditions? Is the climate changing because forests are destroyed or because our industries produce excessive amounts of CO_2? Such framing shapes the interpretations of issues and events (Matthes 2012) and, thus, also the possible solutions for these problems.

Although both the commons and the GPG frameworks can still serve a useful descriptive and analytical function, they are also actively used to promote certain solutions for perceived problems in a normative sense. Unsurprisingly, these concepts have gradually come to be regarded as prescriptive, going beyond the description of what is or could be, to sketch what ought to be in the international arena. As Menatti (2017) notes, 'commons have been often claimed as a new institutional and organisational framework–both local and global–in defining a non-capitalist society'. Commons have become a rallying call for a collection of social movements such as Occupy Wall Street, the Spanish Indignados (Mouffe 2013) and the Rodotà Commission (Rodotà 2013). What these movements have in common is that they all argue for increased self-governance and participation by citizens (or 'commoners' as they are called in their lingo), and present themselves as an alternative to the traditional binary choice of state or market solutions.

Meanwhile in many international relations and organizations, such as the United Nations Industrial Development Organization (UNIDO 2008), the United Nations Food and Agriculture Organization (FAO 2002), the World Bank (Development Committee 2000), the Organization for Economic Coordination and Development (Reisen et al. 2004), the World Health Organization (Woodward et al. 2002), and the European Union (European Commission 2002) all branded the provision of GPGs as a new policy challenge of its own. This new challenge would require closer and more comprehensive international and perhaps even supranational cooperation, with increased abilities for international institutions to ensure that all relevant states and actors contribute.

3. Power

Now that it is clear that these concepts are being used in a more normative way, we will show what normative assumptions were already present in the original concepts. More precisely, we will argue that Ostrom and Kaul propose two different models of power in a globalizing world. And if we want to come to grips with Ostrom and Kaul's hidden assumptions concerning power, we would do well to start with their views on the *nature* of power.

What is immediately apparent is that the literatures on GPG and commons reveal very different conceptions of the nature of power. Inge Kaul thinks that Ostrom is insufficiently aware of the different forces that operate in the global sphere (Kaul et al. 2016). Consequently, proponents of GPGs criticise commoners for downplaying questions of force, coercion and violence. Defenders of the

commons often return the compliment, noting that proposals for organising the provision of GPGs rely on top-down enforcement, as opposed to bottom-up cooperation and communication (e.g. Quilligan 2012). Promoters of GPGs mistakenly assume that a degree of force, coercion and manipulation are a necessity, while in fact people are perfectly capable of working together and hence achieve better results that fit local circumstances (Ostrom 1992).

These stances neatly overlap with two influential positions on the nature of power in political theory. On the one hand, thinkers like Thomas Hobbes and Max Weber conceive of power as *power-over*. In the words of the latter: power is 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests' (Weber 1978, 53). Consequently, violence, coercion and manipulation are treated as modalities of political and social action. Moreover, as states have a monopoly on violence and have most of the means to carry out their 'will', they can be seen as the embodiment of power-over.

On the other hand, there is the view, famously defended by Hannah Arendt, which involves an understanding of power as *power-with*. This form of power comes into being only when people act in concert and when they engage in unconstrained communication (Habermas 1977, 3). Here, power is not something that a certain actor 'has' and exercises over another, but exists 'in between' people. In other words, power is relational as opposed to unilateral (Penta 1996, 212). This entails that violence, coercion and manipulation appear as the opposite of power. As Arendt argues, 'power cannot be stored up and kept in reserve for emergencies, like the instrument of violence, but exists only in actualization', that is, 'where word and deed have not parted company […] where words are not used to violate and destroy but to establish relations' (Arendt 1970, 200). Political institutions are only powerful as long as they rest on egalitarian and open communication among people.

If we look at the writings of Elinor Ostrom, it quickly becomes apparent that she adheres to the notion of 'power-with'. Her research on CPRs, she argues, challenges 'the Hobbesian conclusion that the constitution of order is only possible by creating sovereigns who then must govern by being above subjects, monitoring them, and by imposing sanctions on all who would otherwise not comply' (Ostrom et al. 1992, 414). In other words, people can cooperate and keep credible commitments without there being an external enforcer. However, there *are* some important conditions for a successful constitution of order: first, people have to be able to communicate and preferably do so regularly and face-to-face; second, people should able to freely choose an 'internal sword'–institutional stability thrives when participants are able to establish common norms and agree on sanctioning mechanisms, in order to punish those diverging from these norms (*Idem*, 414); and third, it is vital that 'most of the individuals affected by a resource regime can participate in making and modifying rules' (Ostrom 2000, 150). To condense the argument: in these arrangements power does not rest in an external institution or a centralised authority with the ability to impose and enforce rules of action

(Ostrom 2012), but exists in between people in a horizontal contract they conclude among themselves and keep alive through communication and their shared action.[2]

If we turn to Inge Kaul's work on GPG, we find a different conception of power. Similar to Ostrom, she acknowledges the important task that institutions perform in the creation of order. However, the way Kaul conceives these institutions is somewhat different. Institutions and regimes, she argues, can be considered as intermediate public goods, as they contribute towards the provision of final public goods. One indispensable task that they perform is that of monitoring and surveillance, since the main problem affecting the provision of public goods is that of free riding. This implies that in the absence of institutions directing or constraining these individuals (or, on the global level, states and corporate bodies), it is impossible to ensure cooperation. In short, it seems that the steering role of the state, its ability to discipline free riders either through norm setting or through the exercise of coercive power, is of essential importance to the provision of public goods (Kaul et al. 1999b, 6–13).

However, on the global level, state failure is a given 'due to the absence of a global sovereign' (*Idem*, 15). Therefore, the nature of power changes as well. As Kaul writes, 'conventional hard power may have to be combined with soft power to yield a 'smart power' strategy that enables states to achieve a successful policy outcome' (Kaul In Advance, 23). However, this does not necessarily mean that Kaul veers toward the Ostrom position. First, the exercise of political pressure and coercion by states still has an important role to play in her scheme for the production of GPGs (Kaul 2013, 11). Second, power that is exercised non-violently and non-coercively can still constitute a form of 'power-over'. This happens when communication and participation are only admitted to the extent that they help actors achieve their goals. It persists where communication is not valued in itself, but only as a means for attaining a specific objective (Habermas 1977, 4). This is, in our view, the case in GPG discourse: communication and participation do play a role, to be sure, but only to the extent that they help in the attainment of a certain goal – namely, the provision of GPGs (Nordhaus 2005, 93). In this sense there is some truth to Joel Wainwright and Geoff Mann's claim that GPG discourse manifests a wish for a Climate Leviathan. This is 'a regulatory authority armed with popular legitimacy, a panopticon-like capacity to monitor and discipline carbon production, consumption, and exchange, and binding technical authority on scientific issues' (Wainwright and Mann 2012, 6).

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[2] Nonetheless, as one anonymous reviewer rightly noted, the notion of power-over is not completely eliminated in Ostrom's writings. For instance, while Elinor and Vincent Ostrom advocated polycentrism, they acknowledged that polycentric systems allowed for the existence of monocentric elements within such systems (see for example: Aligica and Tarko 2012, 244). In other words, even a model built on the notion of power-with will have elements of power-over.

4. The role of the state

From an institutional perspective, both commons and GPG theories reflect a deep frustration with the dominant state-centric system of governance. In both streams of literature, the opposition seems to be with the state understood in its more narrow organizational and bureaucratic sense. The state is seen as an obstacle. Both models indeed contrast with the Westphalian model, where the ultimate power (sovereignty) is situated in a state ideally organised in a hierarchical and centralised manner, and exercising control over most–if not all–policy areas in a territorially defined jurisdiction. Both commons and GPG models recast this traditional (if not mythical[3]) idea of the Leviathan state as a basic regulatory power with the monopoly on the legitimate use of force within well-defined territorial boundaries (Weber 1978, 56), albeit in very different ways. In this section, the 'state' represents the abstract notion of public authority that was and is still deemed necessary to coerce the behaviour of rational individuals and solve classic social dilemmas– be it of overexploitation of CPRs or underprovision of GPGs. It is as a reaction to this traditional and hegemonic model of governance that the commons and GPGs have re-appeared as counter-narratives.

On the one hand, commons scholars (Ostrom et al. 1992; Ostrom 2009; Weston and Bollier 2013) challenge the centrality of the state because they reject the pessimistic idea that communities are incapable of managing shared resources collectively, without control and supervision by public institutions. Since Garett Hardin's 'Tragedy of the Commons' (Hardin 1968), it was indeed assumed that CPRs would be completely depleted unless enclosed through private property, or, failing that, public regulation. Commons scholars and activists, in contrast, argue that there is a third solution, which is neither 'all-private', nor 'all-public': the self-instituting and self-controlling practice of communities themselves. Elinor Ostrom was one of the first authors to forcefully and successfully defend this argument in *Governing the Commons* (Ostrom 1990). Her acceptance speech for the award of the Nobel Prize (Ostrom 2009) neatly summarised her lifelong effort to unearth the regulating principles and the institutional architecture that accounted for the success of modes of decentralised and bottom-up governance, beyond the much travelled paths of the exclusively private or exclusively public management solutions. Her research looks into the previously underestimated achievements of regimes of self-organisation at all levels of governance (Dragos et al. 2009). Her central claim turned conventional wisdom upside down: commons can prove to be sustainable on the condition that its stakeholders adopt a polycentric and self-regulated mode of governance. Seen in this light, commons have been burdened by some authors with the responsibility of carving out an autonomous social

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[3] This view of the state as a monolithic reification of a definable entity (the state as a 'thing' and not a 'process') has been criticised. The state can also be understood in a more relational and complex sense, like in Gramsci's idea of the integral state as the ensemble of political society and civil society (see D'Alisa and Kallis 2016; Jessop 2016).

space independent from both the atomism of capitalist markets and the hierarchical structure of the state (Bollier and Helfrich 2012). Commons represent in that sense a new 'third way' beyond the dominant market-state dilemma.

However, this is not to say that commons scholars aim to completely eschew the state or constitute a substitute for the state. While there are diverging ideas and political perspectives in the debate about the role of the state in the governance of commons, the consensus is that most commons will need to be formally recognised as autonomous institutions by public authorities in order to survive. In her book, *Governing the Commons*, Ostrom puts forward as a seventh design principle that '[t]he rights of appropriators to devise their own institutions [should] not be challenged by external governmental authorities' (Ostrom 1990, 101). Indeed, 'if external governmental officials presume that only they have the authority to set the rules, then it will be very difficult for local appropriators to sustain a rule-governed CPR over the long run' (Ostrom 1990). As Jane Mansbridge showed, this is not an 'anti-state message' (Mansbridge 2014, 8). Although Ostrom clearly stands against a state-centric tradition, external government authorities can in fact be instrumental in 'nesting' local commons within higher levels of decision-making. This is in line with Ostrom's concept of polycentrism (as opposed to 'monocentrism') where each centre of decision making–at the local, regional, state and global levels–is formally independent of each other but enters into cooperative undertakings (see below). Commons activists today also recognise that the regulatory state continues to be 'the dominant governance system' (Bollier and Helfrich 2012, 101). Since commons are very often contested entities and sites of social struggle against the risks of bureaucratic centralisation and private enclosure, the legal or formal recognition and protection by public authorities of the community's autonomy to develop self-governing arrangements appears in many cases as a necessary condition for their sustainability. Even more than that, some commons scholars like Michel Bauwens have introduced the concept of 'Partner State Approach' (PSA), in which public authorities can acquire an active and positive role, not only in stopping enclosures, but as 'partner' in enabling autonomous social production by supporting the initiatives of commoners (Bauwens and Kostakis 2014).

On the other hand, the idea of public goods was originally developed in the field of Keynesian economics to provide legitimacy to a greater involvement of the state (Samuelson 1954). In the project defended by Inge Kaul and her colleagues at UNDP, '[n]ation states form important core elements of the international community' (Kaul 1999b, 15). Even if they concede that states alone are no longer sufficient to deliver public goods that transcend national boundaries, they argue that these remain the dominant actors. Indeed, state intervention is still considered as indispensable in the financing and provision of public goods at the national level. However, supranational and top-down mechanisms appear necessary to coerce free-riding states into the provision of much needed GPGs. Specifically, GPG supporters point to the absence of a 'global sovereign' or a state-like entity capable of enforcing contribution of GPGs by all states. That is the crux of the matter. This is why they call for more international cooperation

between states, for example through international organisations such as the UN. They also warn that the principles of state sovereignty and state consent represent obstacles for the effective provision of GPGs–the 'basic problem [that] underlies all others' (Zedillo and Thiam 2006, 3). Much like the individuals in the prisoners' dilemma, it is expected that sovereign states acting in total independence will defect from cooperation, unless coercive mechanisms are introduced (Kaul 1999b, 8). What this analogy highlights, is that, in order to coerce free-rider states, we need to transpose certain domestic strategies to the global level (Constantin 2002, 81). For some legal scholars, for example, it seems the solution is to impose inter-state cooperation by 'design[ing] punishments that are sufficient to induce compliance' (Trachtman 2012, 161). What is striking in comparison to the bottom-up commons framework, is that GPGs call for closing the jurisdictional gap at the global level with more inter-state cooperation from the top. As Martin Deleixhe concludes, the organization mode of GPGs 'is closer to an inchoate *world-state* than to a polycentric federalism' (Deleixhe 2018).

5. The scale of governance

Both models thus present a framework in which the role of the state is much reduced and different. They suggest governance should take place differently and at different levels, but provide different answers to questions of what these levels should be and what the appropriate 'scale' of these alternative governance systems should be. 'Scale' has generally been used in an analytical sense (Gibson et al. 2000, 218).[4] However, scale can also be used in a more normative sense, referring to two elements: (a) the question of the most appropriate level(s) (or spatial construction more generally) for governing certain goods or issues;[5] and (b) the hierarchy among the different levels in decision-making. It is the responses of the commons and GPG governance models to these questions that we study here. As critical geography has demonstrated, the answers to such questions are 'socially constructed' and 'dynamically active', rather than objectively determined and fixed (Rudestam et al. 2015).[6] We limit ourselves to the ideal spatial construction and relation among levels of governance set out by these models, excluding a discussion of, for example, their conceptions regarding the appropriate temporal scale.[7]

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[4] These authors define 'scale' as '[t]he spatial, temporal, quantitative, or analytical dimensions used to measure and study any phenomenon.'

[5] Gibson, Ostrom and Ahn define 'levels' as '[t]he units of analysis that are located at the same position on a scale.' They add that '[m]any conceptual scales contain levels that are ordered hierarchically, but not all levels are linked to one another in a hierarchical system.' (Gibson et al. 2000, 218)

[6] It has been suggested that commons scholarship and discourses have insufficiently taken the normative (including the political, social, economic and cultural) dimension of spatiality in the commons into account (Moss 2014).

[7] Note, however, that Kaul et al. explicitly adopt a definition of 'global' which includes a sociological and temporal dimension, in that the goods in question should benefit or affect actors across social strata and across generations (Kaul et al. 1999b).

5.1. Appropriate level of governance

Commons theory has its roots in the study of local communities collectively managing a CPR, such as a pasture or an irrigation system. These roots have two important implications in determining the most appropriate level for governance. Firstly, since its origins the theory has established a close link between the governance system and the resource system it is called to govern. Giordano aptly states that '[a]t its most fundamental level, the problem of the commons revolves around humans, their environment, and the spatial relations between the two' (Giordano 2003, 365). Therefore, as resources are increasingly viewed as part of larger ecosystems, commons theory has increasingly reflected the need for multi-layered, cross-scale governance systems. Secondly, commons theory has attached much importance to trust and reputation, as variables altering the traditional economic models which suggested cooperation between self-interested, rational individuals was impossible (Ostrom 1998). However, commons theory admits that trust and reputation largely depend on face-to-face communication (Dietz et al. 2003, 1908). This requirement of face-to-face communication, in turn, relates closely to the need for a community to support the collective governance of certain resources, and the need for a practice of 'commoning' to support such communities. The central role of these elements (trust, reputation, face-to-face communication and a practice of 'commoning') suggests that commons-based institutions often function better when the spatial scale and the number of actors remains relatively limited (Araral 2014), as anonymity of the group members complicates the effective functioning of a commons. Although governance at a lower level seems more appropriate for commons-based governance, this implies by no means that commons-based governance would be completely impossible at a higher level or with greater numbers of actors (Keohane and Ostrom 1994). New forms of commons, many of a digital nature, have demonstrated the potential success of this governance model with larger groups and more anonymity (Benkler and Nissenbaum 2006). Think, for example, of different large scale volunteer- or peer-production projects such as Wikipedia. Nevertheless, it remains true that, in such cases, more effort will have to be expended to ensure trust, reputation and a practice of commoning can play their appropriate role.

    Public goods theory, in contrast, has traditionally been focused on a higher spatial level, namely the state level. This theory has been developed to determine which goods should be provided by a central authority, the state. The GPG discourse upped the scale even more by highlighting global issues which accordingly require global solutions. In other words, public goods theory is much more amenable to larger groups, with higher degrees of anonymity, as it generally does not rely on face-to-face communication for its effectiveness. In contrast with commons, the governance model based on GPG accords less importance to trust and reputation, but rests on other normative principles, such as the rule of law and formal equality to ensure cooperation. These principles are better adapted to deal with situations of relative anonymity. Indeed, it is generally accepted that small

groups are able to effectively provide collective goods for their group members without some central, state-like authority intervening (Olson 1977). State intervention, and qualifying something as a (global) public good, appears to be necessary only where groups become too large to effectively self-organise. Moreover, in contrast with commons theory, public goods theory is less attached to resource(s) (systems). Whereas commons theories adopt an ecocentric approach (with the governance system following the resource system), GPGs tend to have a more traditional anthropocentric approach. The political community, rather than ecosystemic elements, will form the basis for determining the appropriate levels of governance.

Contemporary approaches to governance have required both theories to change and adapt, albeit in different ways. Firstly, both normative frameworks explicitly recognise the complexity of the (spatial) scale issue, stressing the need for multi-level and, to a certain extent, trans-scalar models of governance (see, for example, Berkes 2007). In commons theory, this recognition has largely been translated into a focus on polycentricity, which refers to a model with horizontally and vertically dispersed centres of authority (Ostrom 2012). Vincent Ostrom has defined as the existence of 'many centers of decision-making which are formally independent of each other' (Ostrom et al. 1961, 831). In their seminal 1999 publication on GPGs, Kaul and her co-authors propose the development of a national-global policy loop, which would strengthen the bonds and improve coordination between national and global policy-making (Kaul et al. 1999a). In other words, both frameworks are essentially embedded in contemporary research literature, which increasingly acknowledges that governance solutions must mirror the complexity and cross-scale interlinkages of the resource systems and activities they govern (Buizer et al. 2011). Despite this similarity, the concepts have markedly different approaches to spatial scale especially with regard to the relationship between governance and resources, and the ideal size of groups.

Secondly, despite their traditional application to the local or state level, proponents of both theories have argued that, today, many essential resources and issues are global in nature and that governance models should be adapted accordingly (McGinnis and Ostrom 1996; Kaul et al. 1999c; Ostrom et al. 1999). However, both theories have struggled to scale-up their governance models to the global level (Kaul 2012; Cumbers 2015). Even David Harvey, who considers himself a proponent of commons-based governance, admits that commons theories suffer from 'an analytically difficult "scale problem" […] that needs (but does not receive) careful evaluation', in particular because '[t]he only politically correct form of organization in many radical circles is non-state, non-hierarchical, and horizontal' (Harvey 2012, 69).

Although both theories are quite similar in this regard, they have adopted different strategies to overcome the challenges related to the global nature of the resource or activities to be governed, despite the fact that both consider subsidiarity an important ordering principle (Kaul et al. 1999c, 477; Marshall 2007; Fennell 2011, 20). GPG theory focuses mainly on the national and higher levels,

by placing states and international institutions front and centre. As Kaul and her co-authors argue: 'If the problem is international in scope, decision making to address it will have to be done at that level' (Kaul et al. 1999c, 466). Moreover, despite the insistence on the importance of a policy loop between the national and the global level and the importance of subsidiarity, the approach is rather hierarchical in nature, which is especially apparent in this theory's questioning of the consensual nature of the Westphalian international system (Nordhaus 2005; Bodansky 2012). Commons scholarship, in contrast, generally emphasises the potential contributions of lower levels of governance and puts forward non-hierarchical solutions. Ostrom, for example, has written that 'relying entirely on international efforts to solve global climate problems needs to be rethought' (Ostrom 2012, 356). As mentioned, commoners will thus generally advocate a polycentric approach, whereby each governance institution maintains its autonomy with particular attention for self-organized communities, which are often more local in nature.

5.2. Hierarchy in decision-making

Even if there is a general consensus that different levels need to co-exist and cooperate in the governance model for both commons and GPG, the way that they understand the most appropriate decision-making process for this plurality of voices differs. Both commons and GPG discourses concede to the need to pluralise the actors involved in governance, thus, pluralising the bearers of decision-making power (by 'nesting' the governance of global issues, or by taking into account the trans-national and regional voices who may be affected by governance decisions taken locally) (Harvey 2011, 102). However, they differ greatly in their understanding of the appropriate relation among these various levels, with regard to who directs the decision-making procedures, and who bears the primary source of authority and power over their governance. The models of governance endorsed through the commons and GPGs discourses have structured themselves on an underlying opposition between a *top-down* and a *bottom-up* understanding of how goods and practices ought to be produced, protected and promoted (Sabatier 1986; Deleixhe 2018). GPG theory, such as that endorsed by Kaul et al. tend to defend top-down governance, allocating the primary decision-making authority to higher levels (usually linked to international agreements and institutions) due to their ability to produce more beneficial and efficient outcomes for a larger number of people, and to deal with collective action problems. Commons theory, on the other hand, inclines more towards a bottom-up hierarchy in decision-making power, claiming that allocating primary authority of governance to the communities that dwell within the spaces affected, can ensure a more sustainable protection of goods and a more democratic approach to governing them through the active engagement of local populations in its management.

This distinction between bottom-up and top-down directives of governance can have important implications for the way we understand certain fundamental

global issues. Forest governance is an interesting example due to its relevance to both commons and GPG discourses, and to the opposing normative intuitions each of them raise (Agrawal et al. 2008). From the GPG angle, the protection of forests from land-grabbing and deforestation is considered as a fundamental public good with global implications due to the environmental impact that deforestation may have on the global population (Kaul et al. 1999b, 24–25). It is in response to the high risk of global catastrophes that GPG discourses argue for the need to address them through global institutions. For commoners, on the other hand, protecting forests from depletion and privatisation is, first and foremost, harmful to the local communities who dwell there. Hence, the primary authority over how to ensure the sustainable development in forest regions should lie with those groups, who have greater knowledge of the issues at stake (Ostrom 1994, 10–11). Even though both discourses emphasise the need to protect forested regions from privatisation, deforestation, degradation and illegal logging (thus confronting monocentric state authority or privatisation), their conception of the primary decision-making power differs greatly, not only in terms of the intended governance practices, but also on the understanding of who are the stake-holders involved.

The commons model has tended to consider that local populations and their plural mechanisms for governing fundamental resources (such as forests) should be the prime decision-making authorities over these issues (Ostrom et al. 1999, 281). In other words, governance should be bottom-up. Through an assessment of existing self-organised, long-enduring governance practices at the local level, it argues in favour of allowing local communities to take the lead in the protection and promotion of fundamental goods, as the most appropriate way of dealing with various global issues (Ostrom 1990, Ch. 3; Ostrom et al. 1999, 279). The case of forest governance offers a very clear example of the opposing governance claims made by GPG and commons discourses (Dupuits and Pflieger 2017). Following an understanding of forests as commons, the local organisation of communities who live and depend on forest regions are not only the primary stake-holders and those who have more to lose from bad governance of this resource, but also the most effective and efficient authorities for ensuring its protection (Ostrom 1994, 20). Thus, governance should rely on a conic structure, which entrusts primary control and decision-making authority over resources to the communities who live and depend on them (Arnold 1998, Ch. 2). The local populations, as bearers of the primary authority over the governance of forests, are taken as active and direct participants in the protection and promotion of the goods in question.

On the other hand, the GPG discourse, as endorsed by Kaul and her co-authors, is, for the most part, a provision-oriented model. That is, its final objective is to ensure that a certain good–or protection from a certain 'bad'–is provided to the global population (Kaul, Grunberg and Stern 1999a, xxvi). The primary focus on the global population already determines the scale of stakeholders involved, thus pressing for a governance system that may best ensure provision to this wide public. The dual assumption of the selfishness of this plurality of actors and of the difficulty of achieving cooperative behaviour without strong and enforce-

able governance mechanisms (especially if global collective action problems are involved) demands, according to the GPG model, a top-down approach to governance (Quilligan 2012). Taking the case of forests as an example once again, the primary objective is to ensure the GPG of environmental protection (or avoiding the global public bad of greenhouse gases and global warming). Forests are, thus, intermediate goods of global interest due to their structural role in deterring global warming (Sandler 1997). Although, as an intermediate product, specific forests may be governed through different power regimes depending on particular circumstances; the overall governance of 'forests' (in a global sense) and their protection from deforestation, according to these discourses, should be a matter of primary authority of states and the global community as a whole (Kaul 2013, 5). The local communities who dwell in these regions, and the governance mechanisms they organise locally to protect their lands, are taken as intermediary agents whose power and decision-making authority over the spaces they inhabit depends on and is conditioned by the interests and outcome objectives that transnational entities have predetermined (Sand 2004). This top-down approach inherent in GPG governance models has been a source of concern due to the fact that its focus on provision can make it blind to issues of democratic legitimacy (Krisch 2014; Cogolati et al. 2016, esp. 19–21).

GPG discourses have responded to these claims by appealing to the various levels at which and directions in which governance of GPG ought to take place, and to the potential implementation of more democratic involvement of plural global voices in their governance system (Kaul et al. 1999c, 478–485; Schaffer 2012; Kaul 2013, 3). We submit, however, that even if these discourses defend the need to expand the democratic inclusion in the governance of GPG, this does not alter their top-down directive: defining what a GPG is, and how it should be governed in order to ensure effective provision, is determined by states and transnational authorities. It is mainly in the hand of a group of experts at the highest levels of governance who take the lead in defining both the objectives and avenues to achieve them, making local populations mostly passive recipients of goods provided in a top-down fashion (Boonen and Brando 2016, 141–147).

However, considering that there may be a democratic deficit in the governance model of GPGs does not imply that the commons discourse does not suffer from a similar ailment. The fact that commons theory implies a bottom-up directive in decision-making power should not lead us to conclude that the decision-making processes within commons is *necessarily* democratic. Communities have their own internal hierarchies, power-struggles and exclusion, and, despite the basic normative commitment of the commons discourse of empowering local communities and promoting self-governance, the particular processes and practices within each community determine its democratic credentials.[8]

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[8] We are grateful to an anonymous reviewer for pointing this out.

6. Concluding remarks

Our comparison of the GPG and commons discourses has foregrounded differences rather than similarities. Both discourses seem to recognise similar challenges (e.g. a growing number of issues which are global in nature), but the solutions to these challenges are radically different. The GPG discourse is concerned with effectively tackling issues of a global nature, through more inter-state cooperation and international institutions. Commons discourses, in contrast, reflect the ideal of self-governance of social movements and communities wary of market logic and state hierarchy. We summarise our main findings in the Table 1 below.

We submit that the comparison between both discourses allows us to reflect more thoroughly upon the merits of the governance models they present. Indeed, the comparison has given us some insight into the strengths and weaknesses of each with the concept of *power* playing an important thread to link the tensions and conflicts between the two models. Two important and related points of contention arise: the discourses' democratic credentials and the role they assign to self-governance.

The GPG discourse emphasises the economic goals of effectiveness and efficiency. Indeed, it seems to be largely driven by experts embedded in international institutions. Although democratic amendments to its mainly output-driven rational have been proposed, these seem to come more as an afterthought, once it has already been decided which goods count as GPGs and who should provide them. These decisions are largely taken by a limited group of influential institutions, with participatory mechanisms providing social legitimacy. This democratic deficit becomes particularly apparent when compared to the active participation of communities in building up commons. The lack of awareness of GPGs discourses with democratic accountability in the past, and the strong concerns raised by crit-

Table 1: Comparative analysis of the normative implications of commons and GPGs.

	Commons	GPG
Power	Power-with	Power-over
	Power as cooperation	Power as the ability to steer the conduct of others
	No unilateral coercion, violence, or manipulation	Possibility of unilateral coercion, violence or manipulation
Relationship with the state	Emergence and governance of commons independent from the hierarchical structure of the state, but ideally not challenged by the state	Provision through supranational and top-down mechanisms capable of coercing free-riding states
Spatial scale	Polycentric	Monocentric
	Eco-centric	Anthropocentric
	Small to moderate-sized groups	National and larger-sized groups
	Primary role for the local level	Primary role for international/ global level
	Bottom-up	Top-down

ics of GPGs in this respect (Krisch 2014), have led to recent work on the GPGs to tackle this issue more directly (i.e. Brousseau et al. 2012). GPGs scholars have introduced many insights (directly or indirectly) from the commons discourse in order to compensate for the discourse's hierarchical rationale. For example, recent scholarly work has claimed the need to expand the scope of knowledge communities who should be involved at the stage of definition of what is a GPG, or the need to engage in a more profound process of collective learning between large-scale actors and local communities in order to ensure democratic legitimacy in the production and provision of GPGs (Brousseau and Dedeurwaerdere 2012).

Our comparison highlighted, as well, the central role that self-governance plays in commons discourses as opposed to the GPGs logic, which limits self-governance to a great extent. As explained above, the commons discourse adopts a conception of power which can be described as *power-with*. It is held that power originates from the autonomous cooperation within (and among) communities. This conception of power is also evident in the rejection of most forms of hierarchy (although certain manifestations of it may still remain). Commons discourse is presented as an alternative to state authorities and market pressures, but one can question whether it has the capacity (and strategy) to deal with the external pressures that emerge from larger and more powerful entities. Local commons are extremely vulnerable social and ecological systems, and their sustainability can be questioned due to their (seeming) incapacity to counter external threats. Recent additions to the commons-literature are starting to address these issues. Hardt and Negri's *Assembly*, to give an example, has addressed concerns with the instability of commons systems, and provides a response to problems with hierarchy in organization (2017: 1–76) and the exercise of force in response to outside threats (2017: 269–274). The GPG discourse, on the other hand, suffers from the opposite flaw. Namely, despite its attempt to pluralise the involvement of a diversity of actors in decision-making, its rationale relies on a classical statist logic of a monopoly on violence in order to ensure compliance and effective provision.

The particular way in which a good is framed determines to a great extent the normative possibilities in its management, production and provision. Commons and GPGs discourses, albeit their intention to address the same issues and questions of global governance management, lead to widely differing conceptions of what governance systems should do. We highlighted one important line of tension that stems from putting commons and GPGs discourses into discussion: namely, how power is understood, and how their differing notions of power determine to a great extent the scale and hierarchy in decision-making.

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