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CHAPTER 7

## FINANCE AS A “COMMONS” UNDERSTOOD AS IDEAL-TYPE FOR EMANCIPATION

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## Finance as a 'commons' understood as ideal-type for emancipation<sup>1</sup> / Chapter 7

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### Abstract

We use an ideal-type approach to analyse 'interstices' in which emancipation could appear. The question is how use value can escape from the domination of exchange value, and how could we promote another kind of private property freed from capital. In particular we critique the assimilation of the firm to the company. We refer to the research based on the 'commons' to open new proposals, in particular one concerning finance as a commons.

**Keywords:** use value; exchange value; private property; commons; finance; reciprocity

**JEL-Codes:** B51, L33, P13

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## 1. Introduction: on neoliberal assumptions

In 2001, Jensen strongly reaffirmed the principle that maximising value, particularly share value, is the only way to achieve collective well-being. Although Jensen specifies that this applies over the long term, it necessarily leads to questions about the implicit assumptions being made or imposed. This question is all the more necessary than in other times and places, and some have proposed another way: « ... dans les contrats civils et humains, la raison finale est le bien commun de tous, l'équité dans la fixation des prix a été et doit être mesurée en fonction du bien commun » ("... in civil and human contracts, the final reason is the common good of all, fairness in setting prices has been and must be measured according to the common good") (Olivi, 2012: 111). And it is the definition of this 'common good', shared values giving coherence to the group, that must be questioned by making the underlying hypotheses explicit. This 'common good' is a social construct whose conditions of emergence can be made explicit in terms of organised collective action around the common management of resources, both tangible and intangible.

Among the assumptions underlying the conveyed shareholder paradigm, three such implicit assumptions will serve as my jumping-off point to draw a contrast with my own ideas. The first of these implicit assumptions is that the principle of individual maximisation directs our behaviour, even though all anthropological studies and a large corpus of historical research show the contrary, going against the behavioural assumptions considered by neo-classical theory in establishing its model (Descola, 2005; Ostrom, 2005; Meiksins-Wood, 2013, 2014; Testart, 2007; Servet, 2012; Graeber, 2013). The second assumption is derived from the first. It is that the collective well-being results from this maximisation driven by the shareholder, who thus sets the standard for maximisation and ensures the proper conducting of maximisation. The third, more subtle, is the way companies are held hostage when they become the property of shareholders, even though shareholders do not typically come from within the corporation (Segrestin & Hatchuel, 2011; Veldman & Willmott, 2013; Chassagnon & Hollandts, 2014; Chaigneau, 2014).

From there, we propose a critique of this paradigm, based on these three assumptions. My critique follows a Marxist approach characterising capital as a social relationship called capitalism<sup>2</sup>, and not as a thing, built on the wage-labor relationship and private ownership of the means of production (relationship between men and man's relationship with nature) which qualifies a Society through a diversity of

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<sup>2</sup> That Ellen Meiksins-Wood (2009: 57) characterises by « les impératifs de la concurrence, ceux de la maximisation des profits, de même que l'obligation de réinvestir les surplus et enfin, le besoin systématique, inexorable, d'améliorer la productivité du travail, puis d'accroître les forces productives » ("the imperatives of completion and profit-maximization, the compulsion to reinvest surpluses, and the relentless need to improve labour-productivity and develop productive forces"), to which we can add, for the current period, the need for distribution and capitalisation of securities on markets that may work against productive investment (Plihon, 2002). Aglietta explains another cornerstone alongside that of « la séparation du travail et du capital par l'appropriation privée des moyens de production » ("the separation of work and capital by the private appropriation of the means of production") (2016: 62), which is that of a 'monetary economy' (idem: 61).

concrete forms of existence (Batifoulrier *et al.*, 2016; Amable, 2005; Boyer, 2004; Labica-Bensussan, 1999)<sup>3</sup>. It begins with the necessary distinction between use value and exchange value, and the subordination of the former to the latter.

“The result of the capitalist production process is neither a simple product (use value) nor good, i.e. a use value that has a set exchange value. The result, the product, is the creation of surplus value for capital and therefore the actual transformation of money or goods into capital...” (Marx, 1974a: 467-468/1863, Addenda to part 1, 12d.).

I follow Marx since he made a distinction between use value and exchange value, not on sole empirical approach but on theoretical dimension, in particular he offers a strong argument to Testart distinction between different kinds of circulation of goods. In clear he defines capitalism as social relationship and not by the use of capital. This chapter offers an analysis of ownership based on the development of use value and of a ‘positive’ form of collective appropriation of the means of production (section 1). Next, the firm as a productive organisation is studied from two aspects: limited companies and cooperatives (section 2). This leads to the proposal of considering collective action within cooperatives as a cultural commons appearing in the various forms of product circulation, establishing an ethical framework (section 3). We can then add to the debate the idea of the emergence of conditions for emancipation of use value from exchange value, thus potentially bringing an end to the formalised ‘kingdom of necessity’, using an ideal-typical approach as proposed by Weber (1965) (section 4). The presentation of three configurations laying out the spheres and modalities for an emancipation/emergence leads to, according to Giraud (2012), the examination of an appropriation of finance as a ‘commons’ (section 5).

## **2. A positive form of appropriation**

Capitalism, for better or for worse, has resulted in unprecedented growth in economic activity (Meiksins-Wood, 2014) and in both technological and organisational innovations (Fontaine, 2014; Graeber, 2013; Hillenkamp & Servet, 2015). Among these innovations, there is the invention of the joint-stock company, which Marx considers to be a collective form of appropriation of production means, but within the framework of capitalism. At the same time that capitalism was developing, from the 17th to the 19th centuries, a political and economic battle was won by those who imposed a conception of ownership based on the primacy of economic value over commons and customary rights (Meiksins-Wood, 2014: 563; Carré, 1998; Comby, 1998). With this, a certain conception of individual private

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<sup>3</sup> “the capitalist process of production is a historically determined form of the social process of production in general. The latter is as much a production process of material conditions of human life as a process taking place under specific historical and economic production relations, producing and reproducing these production relations themselves, and thereby also the bearers of this process, their material conditions of existence and their mutual relations, i.e., their particular socio-economic form. For the aggregate of these relations, in which the agents of this production stand with respect to Nature and to one another, and in which they produce, is precisely society, considered from the standpoint of its economic structure...” (Marx, 1974b: 197; 1894: 570).

ownership was established, as well as a mode of subordination because « *la propriété, exprime, condense la contradiction du monde humain ; elle naît du travail, et l'inégalité des propriétés, précisément parce qu'elle est fondée originellement sur la différence des capacités de travail, est fondée sur une inégalité de forces* » (“ownership expresses and condenses the contradiction of the human world; it proceeds from work, and inequality of ownership is based on inequality of strengths, precisely because it is based inherently on the difference of working capacities”) (Manent, 1987: 167).

However, the victory in that battle was never a total one, and starting in the 19th century, collective forms of organisation (re)emerged or were maintained (Hiez, 2013; Hiez & Lavillunière, 2013). This was such that Marx wrote that “The capitalist stock companies, as much as the **co-operative stock factories**, should be considered as transitional forms from the capitalist mode of production to the associated one, with the only distinction that the antagonism is resolved negatively in one and **positively in the other**” (Marx, 1978: 105-106/Marx, 1894: 317; author’s emphasis).

So what could he mean by ‘positively’, which is not in any way prescriptive, but indicates particular conditions for a possible ‘disalienation’? Indeed, we believe that ‘positively’ refers to the fact that the cooperative form allows stakeholders, first and foremost including employees, to effectively re-appropriate the conditions under which production activity is conducted and thus to no longer see capital as an independent, alienating and opposing force, but rather it once again becomes a means to procure their freedom (Sève, 2012). If capitalism is characterised as a system based on the creation of value for the sake of creating value, that is to say, the growth of value as such from capital, then “In fact the rule of the capitalists over the workers is only the rule over the workers themselves of the conditions of labour it, their independence, in the independent position they have taken on *vis-à-vis* the workers” (Marx, 2010: 130/1864: sec. 466; author's emphasis). How, then, can one enable the re-appropriation of working conditions by stakeholders? Part of the answer can be found in analysing forms of property in that, “It is presupposed [by the need to grow capital] that [the worker] works as a non-owner and that the conditions of his labour confront him as alien property” (Marx, 2010: 154/1864: sec. 469a; author’s emphasis).

In this context, use value, which supports exchange value, is dominated by exchange value. Thus, there is a dual issue that can be summarised in a question: how can one invert the relationship so that use value becomes the objective in and of itself and dominates exchange value? This dual issue inevitably goes back to a social construct that brings into play the objectives of the organisation producing goods and services. For use value to be central, it must be affirmed as such by producers, which includes setting an objective other than growing the value of capital and thus a social objective outside of the process of capital production. That implies that the collective organisation is ‘at the service of’ a collective undertaking that transcends the

organisation and in which the organisation involves itself. In other words, for use value to express itself, the people involved in the collective undertaking must affirm it in terms of collective well-being and of mobilising resources to achieve that well-being, putting in place finances that are consistent with it.

### 3. Property and government

The form of private ownership of the means of production is generally called the 'firm'. However, while the use of the term 'firm' to describe productive organisations simplifies the idea, it also reinforces the ambiguity of the idea. Indeed, we have the terms 'firm', 'corporation', and even 'for-profit organisation'. Yet, the term 'firm' does not legally exist. Because of this, speaking of a 'firm' can lead one to believe that the question of ownership is obvious in regard to companies, but this is not the case. Furthermore, using the term 'corporation' is not enough to resolve the issue. Indeed, a corporation is in and of itself a legal entity and can belong to no one, including its shareholders, contrary to popular belief (Gomez, 2009; Segrestin & Hatchuel, 2011; Roger, 2011; Hiez, 2013; Veldman & Willmott, 2013; Chaigneau, 2014; Chassagnon & Hollandts, 2014). Whether the shareholders are employees or investors does nothing to change this fact. As a result, the question of ownership of production means is to be understood less in purely legal terms than in terms of power, that is, in terms of capacity for coordinated and organised action. For this reason, forms of government<sup>4</sup> and organisation for the development of decision making and implementation of decisions must be emphasised.

Sole proprietorships, single-person companies, or limited partnerships do not have their own legal personhood, contrary to limited companies. The means of production used are thus private in the sense that they are the personal property of the entrepreneurs. Going from a sole proprietorship to a corporation changes the

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<sup>4</sup> The term 'government' is preferred over 'governance', on the one hand, to add to the civic debate issues raised by companies of management and coordination of collective action and, on the other hand, to free oneself from the term 'governance', which has been reduced to the principles and rules for relations between managers and shareholders alone, in particular in terms of how the board of directors functions. « *Dans l'ordre du gouvernement, le néolibéralisme met l'accent sur la régulation négative, c'est-à-dire celle qui consiste à définir des règles techniques et juridiques assurant le libre déploiement de la logique du marché. Elle réduit à sa portion congrue toute régulation positive visant le développement de politiques sociales ou culturelles. (...) Il s'agit plus ou moins de substituer à l'idée de gouvernement celle de gouvernance, provoquant ainsi une « neutralisation » du premier terme, un évidage de son contenu proprement politique. La gouvernance est une technique d'administration avant d'être démocratique, même si tardivement on a tenté d'y introduire l'idée d'une nouvelle forme de participation démocratique.* » ("In terms of government, neoliberalism emphasises negative regulation, meaning that it involves setting technical and legal rules ensuring the free operation of market logic. It reduces all positive regulation for the development of social or cultural policies to insufficient proportions. (...) This more or less means substituting the idea of governance for government, thus neutralising the idea of government, emptying it of its strictly political meanings. Governance is a technique more administrative than democratic, even if there was a late attempt to introduce the idea of a new form of democratic participation into governance") (Duchastel, 2004: 7). It may be possible to use the term 'governance' in its 14th to 15th century meaning in that, « *il connote la capacité d'administration, d'organisation et d'autorégulation d'un collectif en charge de la gestion de l'espace et de ses ressources* » ("it connotes the capacity for administration, organisation, and self-regulation of a collective in charge of managing a space and its resources") (Le Roy, 1998: 26).

relationship of ownership in two ways. Firstly, it creates a distinct legal entity; secondly, it changes the relationship of those contributing capital to this new structure. They are no longer owners of material, immaterial, and financial means of production, but rather of a security that gives them a right to participate in decision making in general shareholder meetings and to receive a dividend under certain conditions. However, they are not owners of the corporation, and even less so of the firm. At the same time, these securities are actually in the public sphere, via securities markets, and thus there is a form of collective appropriation of these securities, which are no longer in the private sphere of a few families.

With this in mind, one can understand what Marx meant when he said that, in the case of a public limited company, 'disputes are resolved negatively', because while there is indeed public distribution of securities, access to those securities is reserved to those who possess the financial means to acquire them. Additionally, only holders of securities can give their opinion on the management of the corporation in the framework of general shareholder meetings<sup>5</sup>, and, furthermore, the appropriation of surplus value produced remains private and limited to only those who have contributed capital, be they individuals or legal entities, targeting value for the sake of value.

In the case of cooperatives, disputes are resolved 'positively' according to the Marx quote given above<sup>6</sup>, because workers are both shareholders and, in more recent times, under conditions established in law that lay out how surplus value is to be divided and how securities are to be transferred, decision-makers: intervention in management is not dependent upon the contribution of capital and its size ('one person, one vote', and no longer 'one share, one vote'). Additionally, participation in the management of the firm is not conditioned on contribution of capital or the amount of such a contribution. This 'positive resolution', however, has some downsides. What about the place and role of employees that do not hold shares? If capital is a social relationship, is wage-labor then freed, given that it is a constituent of that social relationship? These questions are not simple, as one can see from debates within the Basque cooperative Mondragon (Durance, 2011) or within the John Lewis Partnership in the United Kingdom (Cathcart, 2013; Paraque & Willmott, 2014). All employees being shareholders or partners would render labour unions obsolete, as if the status of work and its application were resolved by the holding of capital. Conversely, such a position condones the domination of capital, as a social relationship, over work, even if only through the interactions of market, customer, supplier, and capital-contributor forces.

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<sup>5</sup> Note however that since 1945 in France, then 1981 (Auroux laws), employee representatives must be consulted, without however having any decision-making power, and that boards of directors have been open, under certain conditions, to employee representatives.

<sup>6</sup> The word 'positively' must be considered dialectically, i.e. getting over the contradiction between the private ownership of the means of production and the separation of workers from their control, that is a form of repossession, and not in a normative sense.



These limits of ‘positive resolution’ show that one cannot separate the question of ownership from that of government and even that the former must be constructed by the latter. Furthermore, one cannot reduce the question of ownership to the contribution of capital.

To articulate the ideas of ownership and government, and thus define the conditions for a collective appropriation of the means of production, the firm must be considered not only as the place where material and human resources are put into action, but also as the expression of a common purpose, transforming the political objectives of people mobilised in a given space, that is, a territory<sup>7</sup>. This is a space for action and life to be coordinated within an overarching system that defines the framework of constraints that must be borne in mind but which may be broken through innovation. This implies that said people determine a particular purpose for their actions and the means to be mobilised materially, organisationally, and functionally.

According to Jacot (1998), the firm is thus based on three principles. The first of these recalls that the firm is a ‘system of work’ that covers “the dual dimension necessarily linked by division and coordination” (Jacot, 1998: 438). However, it is also a ‘centre of business’, meaning an organisation that manages relations with markets (customers, suppliers, employees, and contributors of capital) whose performance is evaluated/sanctioned by the markets in that « *le marché est (...) en définitive, un procédé d’équivalence de travaux initialement effectués de manière privée mais qui sont tous nécessairement les éléments d’un même travail social* » (“the market is (...) in fact a method of equivalence of work initially done privately, but which inevitably forms the components of a single social action”) (idem: 440), i.e. the production of goods and services to be sold on the market. But, to articulate these two ‘figures’, one must recognize this production as a ‘social institution’ under the condition that it is instituted “as the interaction between actors with different, or even contradictory, objectives...” (idem: 441).

#### **4. The entrepreneurial undertaking as a “cultural commons”**

The discussion above enables us to propose that the entrepreneurial undertaking is constructed as a ‘cultural commons’: a “constructed cultural commons”, as we use it, refers to environments for developing and distributing cultural and scientific knowledge through institutions that support pooling and sharing that knowledge in a managed way (...)” (Madison *et al.*, 2010: 659). The way to achieve this is to put use value at the heart of the undertaking as a response to the daily needs of the

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<sup>7</sup> Understood as a space considered and recognised by economic agents as being pertinent to their actions. It must be commonly recognised. These are not just spaces created by the improvement of transport conditions, but rather a space produced by the possibilities for growth of exchanges that are not just market-based, enabled by rapid growth in technology. That thus involves, first off, identifying ‘socio-economic’ spaces in which economic and social initiatives can be organised. Such a space can be a country, a local productive system, or a region (not necessarily in the administrative meaning of the term), but also larger cooperative spaces.

population in question. For this use value to make sense, it must be inscribed within a collective perspective that calls on specific uses that help the undertaking materialise, making it tangible.

This involves studying how a collective and therefore cultural action can be engaged, publicised by a productive organisation, in order to create wealth, understood as use values in and of themselves (and not exchange values), by determining the principles of government necessary for project sustainability<sup>8</sup>. Two levels of analysis are then required: the conditions for construction of this collective action and its objectives; and the coordination of the productive action that responds to these objectives (Cefaï, 2007).

The suggested method is that which begins with the various modes of circulation of goods to identify the 'interstices' that may offer spaces for actions of solidarity based on use value.

To identify these first 'interstices', Testart (2007: 128) is referred to, as he describes the five relations that characterise circulation within or between communities<sup>9</sup>:

- gift,
- reciprocity,
- non-market-based exchange – which is an exchange in which “considerations of price or value are not enough to cause exchange” (ibid: 44) –
- and market-based exchange, which can be subdivided in order to define a specific relationship that is capitalist market-based exchange, according to which “[...] the exchanger seeks the use value of the good provided in exchange or its exchange value” (ibid: 156).

This corresponds to three orders of links in action:

- gift, for which there is neither obligation nor right and remains unilateral (ibid: 221)<sup>10</sup>;
- reciprocity, which involves neither synchronicity nor obligation in the dual movement that it implies;
- and lastly, exchange, which carries with it a causal relationship and an obligation.

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<sup>8</sup> The term 'sustainability' is similar to the term of 'viability' proposed by Kartensy (Le Roy *et al.*, 1996: 2011 et seq.). The plurality of solutions, the possible choices in a dynamic approach to the management of the projects concerned, must be taken into account. There is no search for an optimum or balance, but a search for the viable management forms for the resources concerned by the players themselves, which was assessed by Ostrom on the establishment of common-pool resources (Ostrom, 2010: 79, note 1 in particular).

<sup>9</sup> See Descola on 'relational schemata' (2005: 425), which characterises gift as a relationship without a counterpart. Contrary to Descola, I do not adhere to the idea of predation, meaning taking something without a counterpart in that our idea regards cooperation no more than protection and transmission, which abound in the context of this chapter. See page 426 et seq., as well as 535 et seq. It is true however that situations/relationships of dominance can be characterised by predation, the forced gift, as within social relationships of capitalist production, either in the work process or in the relationship with nature.

<sup>10</sup> This can nevertheless be disputed as seen in the definition of gift given by Caillé (2007) and in what is said in Bourdieu 1994: 178.

This differentiation reminds us that “exchange is just a particular, very particular, case among all forms of circulation” (ibid: 69) and that there is not only one exchange system (Mauss, 2012: 65; Rehn, 2014). This circulation is situated within a society as it is defined by Mauss and used again by Caillé, that is, « *un groupe d’hommes suffisamment permanent et suffisamment grand pour rassembler d’assez nombreux sous-groupes et d’assez nombreuses générations vivant – d’ordinaire – sur un territoire déterminé... autour d’une constitution indépendante (généralement) et toujours déterminée* » (“a group of people that is sufficiently permanent and sufficiently large to gather numerous sub-groups and generations living – usually – in a given territory... around a constitution that is generally independent and always determined”) (2007: 217).

**Table 1 - The forms of circulation**

Relationship level	
<b>Gift</b>	Gift is considered disinterested and timeless. It implies neither obligation nor right, whether for the donor or the beneficiary. It remains unilateral.
<b>Reciprocity</b>	Reciprocity involves neither synchronicity nor obligation in the dual movement that it implies.
<b>Exchanges</b>	Exchanges imply a causal relationship and an obligation.
Non-market-based exchange	Considerations of price or value are insufficient to encourage exchange.
Non-capitalist market-based exchange	The exchanger seeks the use value of the good provided in return.
Capitalist market-based exchange	The exchanger seeks the exchange value of the good provided in return.

This being said, the vector of capitalist market-based exchanges enabling the realisation of value to be validated, is the currency inscribed in time, i.e. in a financial system that carries the expectations of wealth creation. Currency is therefore « *un rapport d’appartenance des membres d’un groupe social au groupe entier* » (“a relationship of belonging of the members of a social group to the whole group”) (Aglietta, 2016: 44) or more precisely « *la monnaie est ce par quoi la société rend à chacun de ses membres ce qu’elle juge qu’ils lui ont donné* » (“currency is that through which society gives to each of its members that which it judges they have given to it”) (idem). It is the vector that enables the *mediation* of debts (Aglietta, 2016: 81), not only those resulting from social activity but also those resulting from kinship, such as intergenerational relationships. If one wishes to institute another register of circulation, it must be constructed, i.e. establishing the social link that we want. If one wishes to loosen the grip of the capitalist market-based exchange, and the race for productivity that goes with it, one must encourage exchanges for which the criteria of price and cost are not the only considerations in justifying entry into relations. This is the case with fair trade, for example. What is then in play is the nature of the social link constructed, to be reconstructed, or to be maintained (Servet, 2012, 2013; Meiksins-Wood, 2009, 2013, 2014; Graeber, 2013). It is thus necessary to determine the ends pursued. One must then add the production of use value back into the objectives, describing the environmental challenges. In

fact, this means formalising the expectations of the collective responsible for the entrepreneurial undertaking. This simply means responding to the question, ‘what is social well-being and how can one attain it?’.

The construction of the rupture with the dominant, not to mention hegemonic, mode of circulation of products (understood as goods and services for the remainder of the text) relies on two prior conditions. Firstly, one must identify what can be considered a ‘commons’ among citizens. Next, we must reappropriate our ‘constituent capacity’, meaning our legitimacy in organising the modalities of our collective action, because *« s’il est vrai que la liberté ne peut pas s’organiser, les conditions matérielles, techniques (et peut-être intellectuelles) de la liberté exigent une organisation »* (“while it is true that freedom cannot be organised, the material, technical, and perhaps intellectual conditions for freedom require organisation”) (Marcuse, 1971: 202). That means that one must determine the conditions of existence of the mobilised collective, the rules of coordination, the modalities for revision of said rules, the sanctions regime, but also the regime for sharing benefits and losses, the distribution of ownership rights supporting practices, and how the collective functions (Ostrom, 2010; Ostrom & Basurto, 2013; Dardot & Laval, 2014)<sup>11</sup>. In short, one must formalise the ‘why’ and the ‘how’ of the collective and of cooperation.

Giraud reminds us that the ‘standard of reciprocity’ (2012: 165) that one can wish or consider to be necessary is, as all standards and rules, a social construct. If one wishes to go from a system of capitalist market-based exchanges to one that may or may not include market-based exchanges, or even a system of reciprocity<sup>12</sup>, one must construct the underlying standard. This standard relates to the organisation of relations between people based on uses that they may develop or abandon. This can be summarised in what Willmott calls the ‘ethico-political complex’ (2010) which differentiates between the collective and that which is in the public sphere. The ‘ethico-political complex’ “underscores how, as value is more or less explicitly placed upon “this” (e.g. “exchange”) rather than “that” (e.g. “use”), the construction of social reality is an endemically ethical undertaking” (Willmott, 2010: 518)<sup>13</sup>.

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<sup>11</sup> On the concepts of standards and regulations, see Ostrom (2005: 16 et seq) and Ostrom & Basurto (2013).

<sup>12</sup> This can also be used to define the ‘social and solidarity economy’ outside of the criteria of status or of industries, as Sahakian and Servet highlight when they link the social and solidarity economy “with the notion of reciprocity, understood as a type of transaction that goes beyond “giving and receiving” (...) to the notion of reciprocity as a form of interdependence, binding people together in solidarity, (...) [including] being invested with the potential of solidarity, consciously interdependent on the others (...)” (Sahakian & Servet, 2015: 5).

<sup>13</sup> It is also undoubtedly necessary to look at Islamic finance, which, even though it is intended to control finance (and not to (re)define it), highlights that ethical principles can be placed first (without being taken in by their possible circumvention): social values determine the conditions and “legitimate” space for financial action (Erragragui, 2013), in both senses of the word, both a financial security and taking action.

**Table 2 - Ethico-political complex**

	<i>Collective</i>	<---->	<i>Public (in the public)</i>
<i>nature of value, or value in the process of production</i>	use value		exchange value
<i>kind of resources and property rights</i>	commons	<b>nature of appropriation</b>	private
<i>ethic of governance</i>	one person one vote	<b>of the means of production</b>	one share one vote
<i>nature of the performance</i>	ethic		shareholder value maximisation

This being said, it underscores the contradiction raised by Marx concerning the limited company whose securities are in the public sphere, making it a public corporation, without as such having ‘positive’ collective appropriation. Still, it allows us to draw a contrast with the cooperative rather than the State as an alternative form, on condition of properly characterising and highlighting the points that still should be questioned, such as the issue of non-shareholding employees, customers, and suppliers, that is to say, the question of the collective involved in this productive organisation.

To answer these questions, it is important to define the regimes of ownership that are at work in the management of these common resources constituted by the territory and the participants (Schlager & Ostrom, 1992). It seems to me that an approach in terms of ‘common resources’, as developed by Elinor Ostrom (2010), can be very useful in guiding collective action<sup>14</sup>. It is important to understand ‘commons’ not as a good or a resource, material or otherwise, but as « *un système de règles régissant des actions collectives, des modes d’existence et d’activités de communautés* » (“a system of rules governing collective actions, methods of existence and community activities”) (Giraud, 2012: 142). It is a specific ownership regime with a distribution of usage rights; for each system of resources, there is a corresponding system of ownership rights, each with its own system of government (Chanteau *et al.*, 2013; Coriat, 2015; Bollier, 2014). More precisely, a commons is the conjunction of six dimensions/requirements: a collective, an undertaking, a resource, including the unit for extracting said resource (e.g. a tree, a fish, a code, a flow), distributed ownership rights, and a system of government that ensures the sustainability of the undertaking. Thus, this means thinking of the ‘commons’ as Dardot and Laval invite us to do, that is, as ‘people’s activity in practice’ (2014: 49). This commons, which can be a firm considered as a common cultural resource (Madison *et al.*, 2010) and a source of revenue, relies on “the perceptibility of the actions of each member” (Ostrom, 2010: 19) and thus on trust between the members (Carré, 1998)<sup>15</sup>.

<sup>14</sup> For a field-based approach to these concepts, see Lavigne-Delville (1998) on the case of Africa, and among others, Constantin (1998), Chauveau J.-P. and Mathieu (1998) and P. Vincent (1998) as well as the Third Part; and Le Roy, Kartensy & Bertrand (1996), particularly with regard to the discussion on common property.

<sup>15</sup> See also Hess and Ostrom (2011) on the immaterial ‘commons’, including knowledge.

Use of the term ‘coordinated private ownership’ instead of the term ‘collective ownership’ to qualify this appropriation can avoid implying that the initial or final bearer of the undertaking is an undifferentiated collective while in fact the collective results from the coordinated collective action of people. It can also help create the link with capitalist private ownership dominating ‘personal’<sup>16</sup> private ownership, since the very emergence of liberalism and its historical and social conditions under which it was asserted (Saint Victor (de), 2014). The first, by separating the worker from the means of production, seeks by accumulation not the improvement of the relationship with nature, but rather value for the sake of value: “the pressure for capital to escape from the confines of production goes beyond the potential disruptions arising from the class struggle, it comes from the inter nature of capital, the contradiction between value in exchange and value in use.” (Weeks, 2010: 141; see also Marx, 2010: 208, 219, 238/ 1864: sec. 472, ad 2), sec. 489 for example). The second, personal private ownership, is based on the results of the work of the worker, possessing the means of production, and the benefits that must be guaranteed to the worker (Marx, 1978: 203-205/1894: 574-575). As Marcuse very nicely states, « *La liberté personnelle que la société bourgeoise a effectivement développée (...) est l’expression de la libre concurrence des producteurs de marchandises* » (“The personal freedom that the bourgeois society has effectively developed (...) is the expression of free competition between producers of merchandise”) (1971: 139). Since then, ‘coordinated private ownership’ enables two central issues to be emphasised, the relationship between ‘personal’ private ownership and the organisation of a coordinated collective undertaking.

The challenge is to go from a logic of ‘having’ to a logic of constructing ‘commons’<sup>17</sup> or, as Caillé would put it, “from the necessary subordination (...) of **the interests of “having”** to the **interests of “being”**” (2007: 101-102; author’s emphasis), either as a result of the production activity or as an effect of collective action as a mode of appropriation “of the entire world of culture and civilisation” (Fischbach, 2009: 234). This then means contributing to determining the major aspects “of an alternative conception of ownership as benefiting from the active expression of oneself” (idem: 238). In this context, Fichte, cited by Fischbach, defines this conception “in an exclusive right to a given free activity” (idem: 244). The challenge then resides in the recognition (and the response) that « *la véritable opposition (...) n’est pas entre propriété privée et propriété collective, mais entre usage privé ou privatif et usage commun* » (“the true opposition (...) is not between private ownership and collective ownership, but rather between private or exclusive use and common use”) (idem: 249); the challenge is also to propose the construction of « *un*

<sup>16</sup> By way of this opposition, I would like to use, under a different form, what Marx considers, respectively, (capitalist) private ownership, which is private ownership of the means of production and exchange, and “ownership that is truly human and social” (1972: 68/1959: 34), which I consider ‘personal’, the first giving “power over even the smallest amount of the work of others” (1976: 227/1932: ch03d.htm#c.1.6.2, individuality and property). For a critical reading of this interpretation, see Dardot and Laval (2012: 641 et seq.; 2014: 233 et seq.). For a historical study, see Meiksins-Wood (2013, 2014).

<sup>17</sup> See Fischbach (2009: 233 et seq.) and Marx (1972: 90-91/1959: 45). See Ben Nasser (1998) for a perspective on this concept in Islamic law.

**usage commun** des biens et des richesses, contre leur **consommation privée et privative** qui prévaut aujourd'hui » ("a **common use** of goods and wealth, versus their **private and exclusive consumption** prevailing today") (idem: 262; author's emphasis).

This text submits for discussion the hypothesis that the development of communication techniques, not just in their technological dimension but also in their management dimension, and the acceleration of and deep modifications to the accumulation regimes, beyond the recurring crises that they bring, also create emancipating perspectives corresponding to the end of the 'realm of necessity' (Marx, 1974b: 198-199/1894: 571). This is however only possible if beforehand, people are capable of building/proposing a social project within which the coordinated entrepreneurial project can be implemented: why act together? For what 'commons'? This 'commons' is not an object, nor a list of general principles, but « *le lieu d'une dynamique productrice de rapports sociaux, comme le ressort de la production de la vie sociale elle-même* » ("the place of a dynamic producer of social relations, the source of production of social life itself") (Fischbach, 2015: 71). In this way, from the outset of the project, he calls for the project's social objectives to be made explicit, for which coordinated action is required. As Fischbach says: « *la question est donc de savoir comment s'effectue et par quoi est rendu possible ce saut qualitatif qui fait passer des comportements associatifs aux formes proprement humaines de l'association, c'est-à-dire au domaine de l'action en commun* » ("the question is thus to know how to implement this leap in quality, which transforms associative behaviour into truly human forms of association, that it to say in the field of common action") (idem: 182).

## 5. An 'ideal-typical' approach to circulation

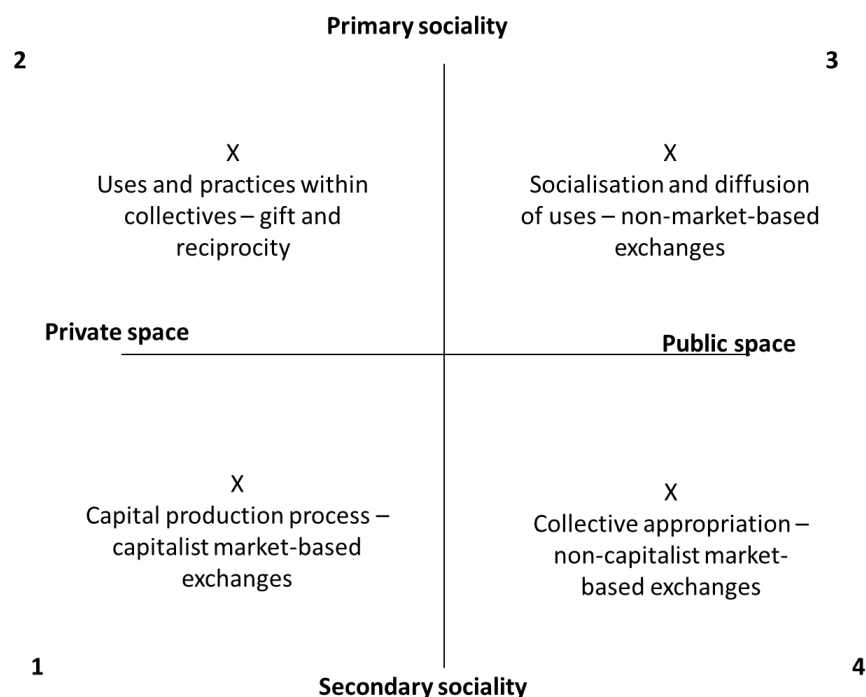
To implement this move from association to coordinated common action (the 'social', as Fischbach would say), we are employing a method based on the construction of an ideal type as defined by Weber (1965) facilitating the search for facts and the analysis of situations, with the objective of solving problems and taking decisions. Based on this objective, potential 'interstices' of emancipation are characterised. This does not mean considering that each ideal type describes reality in a precise and exhaustive manner, but rather, the ideal type allows us to extract from the dynamic observed "general traits whose assembly enables the construction of a real typology" (Defalvard, 2015: 174). This means, then, accentuating, « *par la pensée des éléments déterminés de la réalité (...). En ce qui concerne la recherche, le concept idéaltypique se propose de former le jugement d'imputation: il n'est pas par lui-même une 'hypothèse', mais il cherche à guider l'élaboration des hypothèses. D'un autre côté, il n'est pas un exposé du réel, mais se propose de donner l'exposé de moyens d'expressions univoques* » ("by thought, specific elements of reality (...). As for research, the ideal-typical concept can form the judgement of attribution: it is not in and of itself a 'hypothesis', but it seeks to guide the development of hypotheses. On

the other hand, it is not an exposition of reality, but rather serves as giving an exposition of means for unequivocal expression”) (Weber, 1965: 180)<sup>18</sup>.

This means taking this characterisation as ‘theoretical constructions that use empirical evidence as examples’ (idem: 200). It is then essentially an intellectual construction for ‘systematically characterising individual relationships’ (idem: 195).

These ‘ideal types’ are constructed from works by Cova and Paraque (2013, 2016) on brand communities, developed using an interpretation guide based on non-utilitarian socio-economics (Caillé, 2007).

**Figure 1 - Four ideal types of production and circulation**



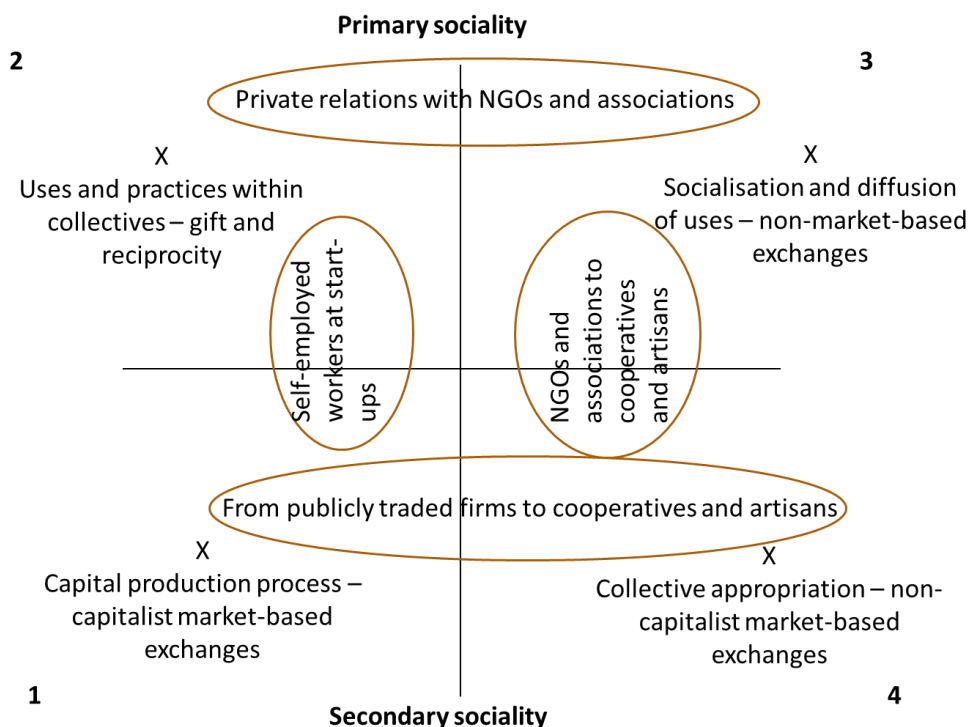
As a first approximation, this interpretation guide (Figure 1) shows a number of possible trajectories/combinations between public and private spheres and between primary and secondary sociality. « *Nos distinctions et nos typologies seront assurément plus claires si nous ne les fondons pas seulement sur l’opposition entre le primaire et le secondaire, mais sur un croisement entre cette opposition avec celle du privé et du public. Il est ainsi facile, au sein de la socialité secondaire, de distinguer entre un secondaire privé (l’entreprise, le marché) et un secondaire public (l’État, l’administration). De même et symétriquement s’impose tout naturellement à l’esprit la distinction entre un primaire privé (la famille, la domesticité) et un primaire public (l’associatif, les corporations, les confréries, l’espace public d’interconnaissances)* »

<sup>18</sup> In the introduction to the book, Julien Freund specifies that this thus involves “teleologically rational constructions for facilitating empirically valid interpretation, in that they enable the measurement of the gap between reality and teleological rationality (...)” (Weber, 1965: 69).



(“Our distinctions and our typologies will certainly be clearer if they are based not only on the opposition between primary and secondary, but on a cross-reference between this opposition and that of private and public. It is therefore easy, within secondary sociality, to distinguish between secondary private (firm, market) and secondary public (State, authorities). Similarly and symmetrically, the distinction between primary private (family, domesticity) and primary public (associations, corporations, guilds, the public space of inter-relationships) is naturally apparent”) (Caillé, 2007: 135). The analysis guide thus established (first axis: primary sociality – secondary sociality; second axis: private sphere – public sphere) enables a delimitation of uses, spheres, and their rules, and of more or less organised and formalised collective action. This does not mean an obligatory interaction between the quadrants, but rather the possibilities of emerging opportunities, market-based or otherwise, through a space capable of generating hybrid forms, such as mutual funds, cooperatives, or social security, a private entity that socialises a collectively managed need outside of the capitalist market (which does not mean independently, without being subjected to/confronted with its influence and demands). The term ‘public’, then, expresses the collective coordination within and by the public in question. This representation identifies, as a first approximation, social spheres enabling a collective action.

**Figure 2 - The ‘interstices’ of alternative organisations to collective action**

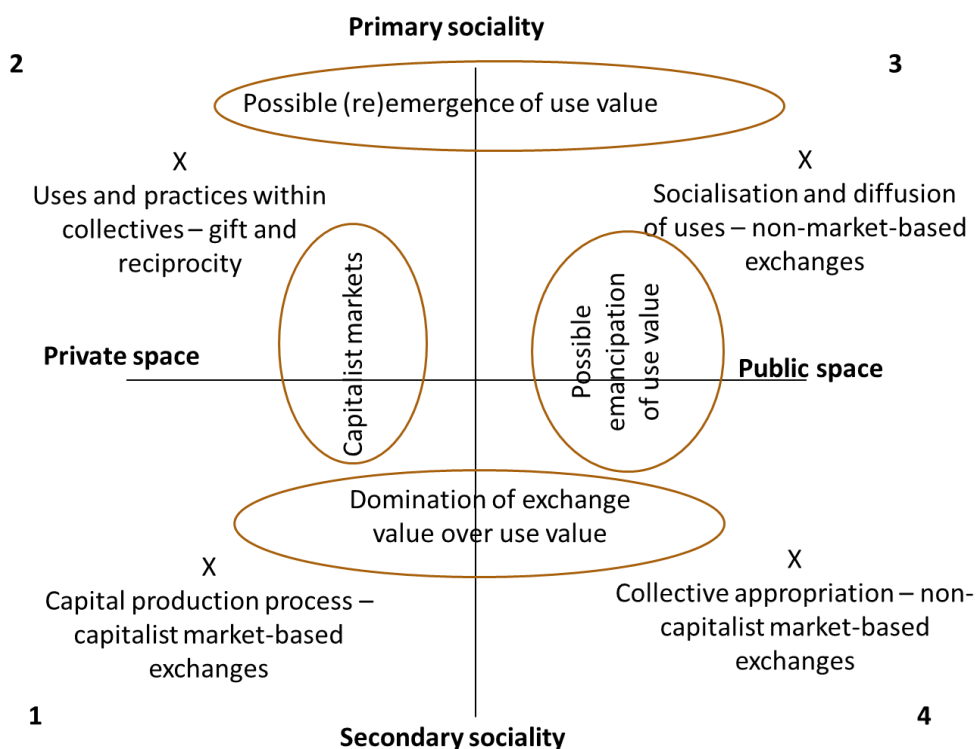


Based on Figure 2, one can propose that quadrants 2 through 4 may constitute appropriate spheres for collective management of a commons. Based on a common undertaking, and starting with a use community, it is possible to envision various

forms of distribution based on ‘cooperation’ (Hiez, 2013), from the non-market-based (management of a forest by the local population) to the market-based (valuing of activities that generate revenue from the management of a resource), including in its relationships with ‘capitalist market-based aspects’ that the companies exist in particular economic and social environments (Weinstein, 2010).

The cooperative can be (which also means that it may not be) an organisation capable of valuing the responsibility around uses just as it values practices that promote shortcuts, in that the cooperative responds to human development on condition of explicitly offering the vision of the associated members and any employees they may have (Baretto, 2011). Indeed, the usual indicators of performance are those of the society, centred around the evaluation of exchange value, meaning ultimately the shares value maximisation<sup>19</sup>. The interests of the stakeholders must be made explicit so that the creation of surplus necessary for continuation of the undertaking responds to uses (needs) and not to (exchange) value, and is not in fact conducted implicitly by the rules of creating share value. This implies the creation of other behavioural rules and therefore other ways of assessing project performance, as Rambaud proposes (Rambaud, 2015). In this respect, the societal evaluation of the undertaking using the proposed interpretation guide with the axes of sociality and ownership can help in understanding and sharing said undertaking.

**Figure 3 - The ‘interstices’ for an emancipated use value**



<sup>19</sup> For a review of literature about cooperative banks see Butzbach and von Mettenheim (2015).

In the case of an emancipated use value (Figure 3), experiments and recent developments aimed at supporting emancipation must be made evident, and one must construct renewed solidarity via, for example, fair trade, shortcuts, or a local currency that serves a territory, as in the case of the Banco de Palma (Hudon & Meyer, 2016). It is possible to find this dynamic in other domains, such as brand communities constructed around a shared passion, as in the case of Ducati, Alfa-Romeo and Nutella (Cova & Paranque, 2013, 2016). However, this social construct also exists in the domain of the immaterial, with for example the open-source, copy-left, and blockchain communities (Bollier, 2014). The diversity of these practices and undertakings highlights that it is possible to produce and cause goods and services to circulate under principles and rules that are non-capitalist (in the sense of the social relations of production). Still, this diversity also raises questions about the emerging forms and modalities of financing required, as seen in the success of crowdfunding, crowdlending, and other forms of crowd-sourced financing. As such, these emerging forms of finance do nothing to emancipate in the sense that they can also be (and are) market-based opportunities for innovation and for traditional corporations to gain market share. This community-based financing is well-known, with groups such as Les Cigales and other investor groups, including angel investors. What can change is the possibility of actively developing associations by allowing investors and those proposing projects to express themselves on their own terms. Besides being a form of democratic disintermediation of the financing relationship, this also involves building trust and a shared meaning that is made possible. Here, the term ‘building’ assumes its full meaning because it involves having methods and tools and discussing them in order to co-create a ‘commons’<sup>20</sup>.

## 6. Finance as a ‘commons’

If currency is a commons as explained by Aglietta (2016), it can also be a ‘commons’ as shown by local currencies. Indeed, we can identify a resource, which is the unit of account, and the unit of collection, which is the price paid for a transaction. It obeys rules of governance under a system of ownership that defines who can do what. But currency is strictly linked to time, specifically for our purpose, anticipated future wealth forming the basis for investment decisions, and thus the ultimate validation of transactions undertaken, but the payment of goods and services produced and then sold. This link in time is the social project on which anticipations are based, not only on the production of goods and services but also relationships with our fellow man in the future. Finance as a ‘commons’ would thus correspond to finance backed by currency expressing a common belonging, enabling us to plan for the future based on co-developed and co-driven expectations.

In Figure 1, quadrants 2 and 3 are the ‘interstices’ in which ‘finance as a commons’ could be developed or, at least, experimented with.

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<sup>20</sup> In this regard, see Callon, Lascoumes, Barthe (2001).

Two functions of finance are key to ensuring the inter- and intra-generational link through economic activity: liquidity, that is the power to pay debts, and access to credit, that is the power to take on expectations (Giraud, 2012; Aglietta, 2016).

Finance as a commons could be organised based on these two qualities:

- one enables freedom from debt or to make a purchase at will,
- and the other allows one to plan for the future or to deal with random circumstances when liquidity is lacking.

The two qualities expected of this finance respond to three functions, but are not on the same level. Thus, one must distinguish between:

- spending of revenues, consumption that generally includes local currencies<sup>21</sup>;
- the transfer of capital, investment, for which credit/debt corresponds to an anticipation, an opportunity;
- the need to deal with unforeseen circumstances.

This means, then, characterising the institution of ‘finance as a commons’ in a dual dimension supporting uses and bringing new practices:

- ownership rights corresponding to this management and serving as the basis for this institution, including its relations with other actors in financing;
- and the constituent principles of such an institution, which raises the issue of relations with the banking system in connection with the nature of the currency to the social project.

This is well shown in works on engagement regimes for the economy of conventions (Rivaud-Danset & Salais, 1992). Two types of relationships are possible when the financing relationship is managed purely as risk, meaning as a calculation of probability of default and thus based on price (1), or as a long-term social construct based on a number of common commitments (2), and thus with collective management of information, to respond to uncertainty:

1. “The ‘procedure-based’ banking model excludes any personalised understanding in favour of standardised information on the client in terms of calculation of probability.” (Rivaud-Danset & Salais, 1992: 91).
2. “The ‘commitment-based’ banking model sacrifices opportunism and reversibility in favour of a relationship of trust (...)” (idem: 89).

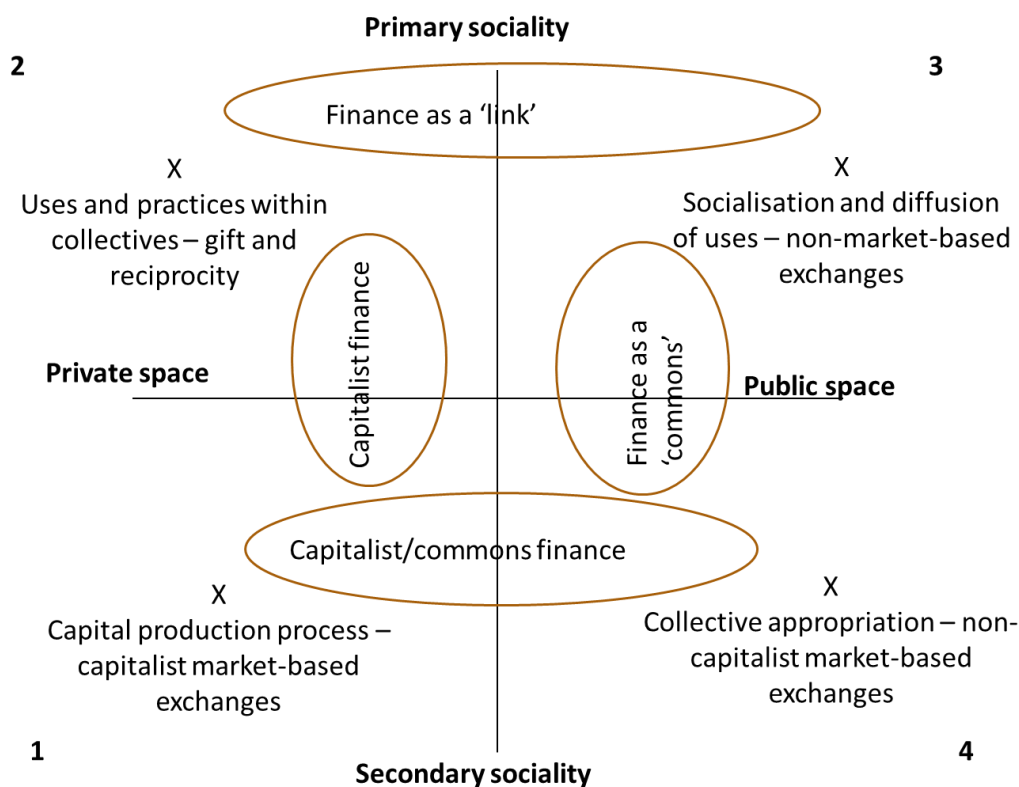
In other words, in a purely market-based exchange relationship (1) with the bank, or the lenders in a more general sense, if only the criteria of price and cost come into the exchange decision, which can only reinforce a short-term and, moreover, opportunistic relationship. On the other hand, if one wishes to ensure access to credit over time, and thus also future liquidity, the exchange must be supported by criteria other than price (2). That means, for the parties, being capable of creating a

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<sup>21</sup> See Aglietta (2016).

relationship of commitment (Rivaud-Danset, 1995, 1996; Rivaud-Danset & Salais, 1992).

**Figure 4 - The 'interstices' for finance as a commons**



Finance as a commons enabling access to liquidity and credit in connection with shared coordinated objectives must provide:

- a circulation of goods and services based on non-capitalist market-based exchange, or even just non-market-based exchange<sup>22</sup>, and of which local currencies express certain premises (see Aglietta, 2016, pages 191 et seq).
- a basis of a commitment- or community-based financing (including banking) relationship for which the criteria of price and value are not the only determining factors in the exchange and are thus articulated or submitted to criteria based either on uses (needs to be met) or on the development of links over a territory or between populations sharing the same aspirations and coordination principles, which participatory financing platforms can help carry forward.

Finance as a commons would rely on a shared institution to manage this resource, defining the conditions for collection of savings but also distribution of credit to other 'exterior' financial institutions. It would organise the modalities for withdrawing a

<sup>22</sup> See "Reinventing the currency", Les dossiers d'Alternatives Economiques n° 6, May 2016. <http://www.alternatives-economiques.fr/le-temps-ce-n-est-pas-que-de-l-argent- fr art 1439 76191.html>.

unit of the resource in order to finance projects validated by the institutional collective. This institution would be regulated via a competitive mechanism of collective decisions (Ostrom, 2010).

The sustainability of this institution of the 'finance' as 'commons' is the same as that relating to the monetary agreement. It is an ethical imperative specifying accepted guideline, a constraint accepted by those involved within a framework of regulations and standards, and satisfaction of taking action within this framework (Aglietta, 2016: 71 and 392; Ostrom, 2010).

## 7. Conclusion

As a preliminary conclusion, the collective appropriation of means of production involves a clear specification of the terms of the formulation. The 'collective' term cannot be reduced to appropriation by the State, that is nationalisation, of the means of production. At best, that is just a particular case in the context of commitments that exceed the capacities of location-based actors (e.g. railways, aerospace). The 'collective' expresses a shared vision, communally mobilising resources with various legal statuses but deployed in a coordinated, deliberate way (Lavigne-Delville, 1998; Le Roy *et al.*, 1996). The term 'means of production' does not need to be understood in its productivist meaning, nor reduced to its material, tangible dimension alone. It must be understood as the identification, including cultural, of the means necessary for being fully human. As such, finance as a 'commons' is a form of finance that enables this humanity built on a recognition of the debts that we have, not in terms of submission but of recognition of that which has been given to us and that which we can deliver in turn. This is necessary if we wish to respond with solidarity and sustainability to the challenges of development with which we are confronted in order to be "able to help nature give birth to the virtual creations that lie within its bosom" (Benjamin, cited by Fischbach, 2011: 135).

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