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CHAPTER 12

MULTI-STAKEHOLDER GOVERNANCE OF THE COMMONS, A PRAGMATIC APPROACH

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Multi-stakeholder governance of the commons, a pragmatic approach / Chapter 12

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Abstract

The question of the governance is central for the commons. They have to compose with the different logics of multiple stakeholders within a horizontal governance. The good governance of the commons relies on problem solving devices and discussion settlements. They may be seen as hybrid organizations, a promising way of organizing, yet experiencing intense internal conflicts. This chapter proposes a theoretical contribution that underlines the relevancy of a pragmatist approach to understand the governance of the commons. Stakeholder governance is defined by the literature, yet its theoretical settlements remain plural. Beyond a contractual approach, a pragmatic point of view renews the foundation of stakeholder approach by suggesting to take into account experience and social interaction. After explaining the main features of pragmatism, and especially the concept of inquiry, we highlight the implications of this approach as regards to stakeholder management. The pragmatic shift appears as an interesting approach to keep pace with the shift in paradigm observed in the cooperation between public economy and social economy for the development of commons and public goods.

Keywords: commons; stakeholders; pragmatism; governance; inquiry

JEL-Codes: L31, J54, O35

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Introduction

The common good appears as a recent and emerging concept providing a pathway toward alternative and sustainable development. Commons may be understood as “collective-arrangements to manage resources useful for all members of the community” (Vivero, 2016). They provide reservoirs of biodiversity, collective values, intergenerational sustainability, public goods, participatory democracy and traditional knowledge. This new movement converges with another movement: social and solidarity economy. Both combine multiple actors and multiple logics. Therefore a key point of the common good approach lies in its governance, that will ensure the three main features of the commons: the sharing of the resource, the nature of the rights and obligations linking the participants and, finally, a form of governance allowing participants to ensure respect, over time, of the system of rights and obligations that regulate it (Coriat, 2015). Governance of the commons requires participation and often relies at a local level. The commons are then related to a territorial governance (Leloup, Moyart & Pecqueur, 2005), raising questions about coordination between actors but also about the construction of a territory. Commons, by binding different stakeholders, are likely to express hybridity. Hybrid organizations are characterized by highly incompatible logics that are central to organizational functioning (Besharov & Smith, 2014). They appear as a promising way of organizing, yet they experience intense internal conflicts.

This raises questions about stakeholder management such as how to coordinate stakeholders or which stakeholder has to be associated. We suggest here that a stakeholder approach would be relevant especially if it adopts a pragmatic point of view.

Regarding the originality of our contribution, pragmatism remains a quite confidential inspiration for management field, although it renews it by proposing a settlement different from the contractual and atomistic foundation. It seems promising to understand the governance of hybrid organizations. The existing researches highlight the challenge to make use of instrumentation consistent with this approach, that is organizational disposition and tools that would integrate experience to the decision (Journé & Raulet-Croset, 2012).

This chapter proposes a theoretical contribution that analyzes to what extent a pragmatist approach may help to understand the governance of the commons.

To achieve this goal, we will first briefly characterize the commons in order to understand the stakes risen by their governance. Then we define theoretically the concept of governance, distinguishing shareholder and stakeholder approach. Beyond this traditional distinction, we underline that stakeholder approach may have different theoretical backgrounds. In a third part, we present the main ideas of pragmatism, in order to draw conclusion for its application to the management of the multi-stakeholder organization.

1. Commons and Social Economy: convergences for a social contract implying co-governance of resources

Originally the term common comes from English countrysides. It defines itself by three characteristics (Coriat, 2015): a resource on open access; a users' community detaining rights and duties; a structure of governance around this resource, aiming at protecting the resource on the long term and the reproduction of the communities which live on the common. Originally commons concerned land. Forests, fisheries, land, water and food have all been considered as commons throughout European history. Today initiatives such as shared gardens or even Wikipedia may be seen as commons. According to Coriat, this development was allowed under the influence of two factors: the "crisis of the owner ideology", that is the excess of private property and secondly, the possibilities offered by internet. People get organized to take (back) the use and control of these resources, on the basis of their collective action.

1.1. Commons and Social Economy: convergence toward a social contract

The European Commons Assembly is building a bottom-up movement to support commons-enforcing policies. It produced a note to be presented to the European Parliament in order to propose different measures. Normative measures converge clearly towards social economy.

Box 1: Extract of "Territories of Commons" in Europe (2016) to be presented at European Parliament

NORMATIVE MEASURES (commons-specific):

A.- A **New Social Contract** between European citizens, national authorities and EU institutions based on common resources and commoning governance (rules + institutions) for the commonwealth of the Europeans.

New moral grounds (where individualism, profit maximisation, absolute proprietary regimes, consumerism of goods and competition are not the dominant values)

New narratives to reach broader constituencies based on inspirational humanism and aspirational goals for the common good, where civil, political, social, economic and cultural rights are not just empty words but binding principles for humans and corporations. From the "Productivist Narrative" to the "Sufficiency Narrative", from "competing individualism" to "collaborative communities".

New economic model not based on commodification, absolute proprietary rights, free (but subsidised) markets, profit-maximisation for shareholders, financialisation of means of production, closed IP rights and extractivism of finite natural resources.

New policies shaped by the new moral grounds and narratives, where satisfaction of human needs, achievement of sustainable livelihoods, guaranteeing of human rights and transition towards aspirational goals are the hegemonic policy drivers.

New rights for humans and non-humans (Nature and Corporations) where the common good is achieved through common sense and collectively-agreed governance mechanisms.

As we can see in Box 1, the social contract proposed by the movement of the commons highlights a new kind of moral foundation, speech, economic model, governance, all which would not be based on individualism and profit-maximization but rather on cooperation and satisfaction of human needs. This corresponds well to the project and practices carried by social economy. Commons and social economy coincide: their vision of the relation between economy and society overlap to a large degree, we could say that they join on their social contract. The task of implementing this social contract belongs to governance.

1.2. Commons hybrid logics of multiple actors

Regarding the governance of the common, it aims at guaranteeing the preservation of the resource on the long run, the reproduction of communities living on the common, and the opening of the common resource. By reference to the definition of Thomé (2016), a common is “the construction of a whole social, economic and environmental. It allows actors of the civil society, associated possibly to public or private institutional actors, to govern together: more or less important territories of vital natural resources, productions which arise from it, the destination of the collective profits, not only financial, but also cultural, environmental, political...”.

Thus, the commons tend to induce some particularities as to the stakeholders involved. It gives an eminent role to the communities of users, remembering the consumer-driven economy described by Ben-Ner and Van Hoomissen (1991). The role of the State changes, beyond its traditional role of regulator, it becomes a partner (Coriat, 2015). The private sector is not absent but in partnership with other stakeholders.

Commons are then marked by partnership and co-governance. It associates multiple stakeholders expressing different interests and logics. It is a convenient place for hybridization of actors and logics in the sense of Evers and Laville (2004), combining the logic of reciprocity by civil society, redistribution by public authorities and market exchange by private actors, representing the three poles of the triangle inspired by Polanyi.

Literature deals with the question of the stakeholders of the commons. Participants in commons, or commoners, have neither all the same rights nor the same interests. Schlager and Ostrom (1992) categorize the members of a fishery according to their rights. Rights, beyond access (the right to enter a defined physical property) and withdrawal (the right to obtain the “products” of a resource (e.g., catch fish, appropriate water, etc.)), are defined as follows (1992: 251):

Management: The right to regulate internal use patterns and transform the resource by making improvements.

Exclusion: The right to determine who will have an access right, and how that right may be transferred.

Alienation: The right to sell or lease either or both of the above collective-choice rights.

They identify four types of stakeholders: owner, proprietor, claimant and authorized user (see Table 1). Authorized users have a right of access and withdrawal to the common resource, but “they lack the authority to change the operational rules” (1992: 252). Claimants, beyond access and withdrawal, participate to management. “They possess the same rights as authorized users plus the collective-choice right of management. With the right of management, claimants have the collective-choice authority to devise operational-level rights of withdrawal” (1992: 253). Proprietors may also define exclusions to the resource access, they “authorize who may access resources and how resources may be utilized”. And owners possess the right of alienation by selling their property, for instance “fishers may transfer their rights of management and exclusion over their particular spot to other fishers of Ascension Bay.” (1992: 254).

Table 1 - Bundles of rights according to positions

	Owner	Proprietor	Claimant	Authorized users
Access and withdrawal	X	X	X	X
Management	X	X	X	
Exclusion	X	X		
Alienation	X			

Source: Schlager and Ostrom (1992: 252).

An identification of the stakeholders could follow the classic distinction between primary versus secondary (Caroll, 1979). Primary stakeholders are directly implied in the economic process. Following Schlager and Ostrom, primary stakeholders would be authorized users, claimants, proprietors and owners. As already mentioned, they could also include public authorities at different levels, private organizations. Secondary stakeholders belong to the environment and may influence the common but they don’t directly participate to the economic process: it might be other institutions, from local to European or international, media, money providers like foundations, other consumers, multiple networks of militants or sympathizers etc.

This plurality of stakeholders gives evidence of the presence of different interests. A dimension of the governance of commons aims at putting in compatibility these interests which are not postulated as identical. As identified by Coriat, this situation suggests consequences upon governance: free riding may happen; and the good governance of common relies on the capacity to solve conflicts, on problem solving devices and discussion settlements (Ostrom, 1990). Commons are characterized by auto-organization and auto-government based on the free discussion of the concerned parts people, as well as on the organization not resting on a hierarchical principle but rather polycentrical.

This stakeholder governance, allowing multiple expressions, may reveal itself difficult in its implementation. Hybrid organizations experience logics that are central to organizational functioning although highly incompatible (Besharov & Smith, 2014). Therefore they produce tensions and even intense internal conflicts. The socio-

economic approach suggests to stabilize organizations by building compromise (Enjolras, 1996). But pragmatism offers an interesting different perspective.

2. Governance: toward a pragmatist approach

Governance is usually deciphered under a shareholder versus stakeholder approach. But stakeholder theory is not unified, it relies on both descriptive and normative perspectives. A normative perspective may find an interesting theoretical basis in pragmatist concepts. This point of view allows to consider interaction and experience in the understanding of governance.

2.1. Shareholders versus stakeholders

“The system of corporate governance recovers all the mechanisms which govern the conduct of the managers and bound their discretionary latitude” (Charreaux, 1997). It refers to questions such as control of the managers, organization of the board of directors, value creation etc. It is traditionally approached according to two different points of view: either shareholders or stakeholders.

From a shareholder point of view, the central problem is how to ensure that managers act in the interest of the stockholder or shareholder. It relies on the agency theory in which the agent (manager) has to act in the principal’s (shareholder) interest. Thus the principal has to control the behavior of their agents to achieve their, rather than the agent’s, interests. The power of agents to act in ways divergent from the interests of principals may be limited by use of incentives or monitoring (Jensen & Meckling, 1976).

Stakeholder approach emerged with the work of Freeman (1984) and calls to enlarge the scope of the partners to take into account when governing an organization. “A stakeholder in an organization is (by definition) any group or individual who can affect or is affected by the achievement of the organization’s objectives.” (1984: 46). “Stakeholder Management” as a concept, refers to the necessity for an organization to manage the relationships with its specific stakeholder groups in an action-oriented way.” (1984: 52). The challenge is then to identify and manage stakeholders, by creating “shared value” (Charreaux & Desbrières, 1998; Porter & Kramer, 2011).

2.2. Recently, pragmatism questions understatements of stakeholder approach

If we look closer at the stakeholder approach, although it often relies on the “contract nexus” (Jensen & Meckling, 1976) of a contractualist approach, it can also be based on another theoretical ground, that is a pragmatic approach, that presents another prospect not divested of interest. Renou and Renault (2007) offer a new look on the approach to the stakeholders by clocking the inadequacies of a contractual foundation.

There is no uncertainty on the productive process (we can determine who generates the surplus and where it goes) but only on the behaviour of the actors. It is still an “era of the control”, or of a shareholder “enlightened” theory (Jensen, 2001). The question of the link between creation, definition and distribution of wealth is not considered.

The agents are considered as already established, they have stable preferences stemming from an already realized process of individuation. Resting on the postulate of atomic individualism, their behaviour is directed to the calculation. Finally, this approach does not address organizations as historic products or in their collective dimension.

To answer these limitations, the authors present a transactional approach, based on a different theoretical ground, following Dewey’s work on pragmatism (1938). It underlines different points and rather different assumptions when it comes to stakeholder organization (see Table 2): the organization is constructed by socially embedded people, rather than an external data. People maintain personal relations based on trust and dialogue, rather than on incentives. And solving problems occurs in deliberation, through the discussion of rival proposals, instead of the power being connected to the property rights.

Table 2 - Organization in a contractual versus transactional approach

	Contractual approach	Transactional approach
Organization’s definition	Contracts nexus	Social relations nexus
Organization	Given	Constructed
Individual	Constituted	In a process of individuation
Relation individual/organization	Impersonal (monetary transactions)	Personal (communicational transactions)
Kind of relation	Incentives	Trust, dialogue
Motives	Exogenous	Endogenous
Source of legitimacy	Property rights	Civic rights
Legitimacy devices	Power related to property	Deliberation
Legitimacy criteria	Profit	Participating evaluation taking into account divergent values of stakeholders

Source: According to Renou and Renault (2007: 73).

Because of this special emphasis on interaction, a pragmatist stakeholder approach seems to be a relevant point of view to study the governance of social economy (Lapoutte & Cadiou, 2014), which is based on economic democracy and gives power to people rather than capital. For the same reasons, we suggest that governance of the commons would gain to be studied through a stakeholder pragmatic lens. As underlined by Bensebaa and Beji-Becheur (2008), it allows to overcome the usual problem of a tension between logics (market vs. social, professional vs. militant, technical vs. political), which often prevail to understand multi-stakeholders organizations, such as social economy, or partnership between social economy and public organizations. Actors have to resolve a problematic situation through a process in which ideas and reality interact until a solution is

found. A pragmatic approach enriches the lens: where management tends to rationalize and disembody, it introduces living experiences, instead of power and calculation, it focuses on interaction and intersubjectivity.

3. Pragmatism: a transactional approach of stakeholder management

A few elements on pragmatism must be here clarified. We would like to present its settlements and main concepts, although too briefly to appreciate its complexity. The aim is to address consequences on stakeholder management, before dealing with the issue of methodology.

3.1. The specificities of the pragmatic approach

Pragmatism, that initially stems out of the work of Pierce, James and Dewey (1938) has recently influenced management (Lorino, 2011). It relies on three characteristics (Dumez, 2007): 1) it connects theory with action instead of bringing them into conflict; 2) it puts on the same plan facts and values; 3) it admits only contingent points of departures and not principles.

Its proposition is original about three points that we want to explicit: the status of ideas, the distinction between individual and individuation and the notion of situation.

The first point concerns the manner to understand the link between ideas and actions. Ideology allows or forbids action. Thus ideas have to be understood from the point of view of their practical implications. And the other way around, ideas appear as symbols responding to practical matters.

The notion of individuation is central. Dewey opposes an abstract conception of the individual, who would be a quite made, already constituted and given reality. Similarly, in a contractual view, society is also an extern and given data, that comes to limit and compel individuals. Individual and society stand in opposition that prevents from thinking a relation. Pragmatism criticizes contractualism which corresponds to this ontology of the individual and the society. There comes individuation: it is the movement through which the individual builds himself to become an individuality. Individual builds himself through action, experience, throughout his life, by fitting into a history. Out of action emerge distinctions which make different individualities happen.

The notion of situation has to be clarified for it is at the heart of pragmatism. Journé (in Dumez 2007; 2012) looks into this concept. The indefinite character of the situation brings the doubt which is at the origin of an investigation to establish a coherence deleting the doubt. The situation is “contextual” and “experimented” or “felt” as a whole. It is unique and singular. The process of the inquiry consists in transforming the indefinite situation into structured problem. Via the observation of the stable elements of the situation, the “elements of the problem”. Solution arises

from ideas forming itself gradually during the investigation. Ideas have an operational character, because they influence the later observation. The process involves reasoning and observation. The ideas are articulated in a speech, from then on less vague than the initial idea. The success rests on the capacity to feel the global situation. According to Journé, the situation may be characterized by four dimensions: social (a variable-geometry collective), ecological (immediate physical environment), institutional (macro-structures which weigh on the definition of the situation) and temporal trajectory (triggering event, management of the situation, and outcome).

3.2. Consequences on the multi-stakeholders management

Now that we defined the pragmatic multi-stakeholder organization, we can draw conclusions as regards its stakeholder management. In firms as “discursive spaces”, the stake is to create a common definition of the situation. Governance is then managing the structuration and resolution of a situation. It requires to create the conditions of the investigation. Multi-stakeholder governance comprises in organizing the conditions for a collective inquiry. Stakeholders must be able to interact and adjust through the process.

A key question is who has to be associated to the resolution of the situation. In the social dimension, Journé (2012: 118) defines stakeholders as “a variable-geometry collective”: “the interactions between people who participate in it de facto, because of their position and of their legitimacy. The choice of the actors is then a function of the sense given to the situation by the individual who has the responsibility and constraints which structure the situation”. So the scope of actors can be widened, in a stable or temporary way, according to the progressive construction of the situation. It is underlined that there are two different ways of associating actors: they are either enlisted by the people dealing with the situation, or they choose to intervene on their own initiative. The stake here is to be able to create the conditions of a widened participation. This implies a capability of “peripheral attention”, “heedful interrelations” or “collective mind”. The stake concerns then the “legitimate peripheral participation” (Lave & Wenger, 1990) to a “community of practice” (Wenger, 1998). There is creation of a temporary collective who must be able to share an identity as a “community of inquiry”.

The synthesis Table 3 presents what could be the management of stakeholders on a pragmatic or also called transactional basis.

Table 3 - Stakeholder management in a contractual versus transactional basis

	Stakeholder management Contractual approach	Stakeholder management Transactional approach
Goal	Influence / Not to be disturbed by stakeholders influence Satisfy to allow long-standing of business	Create a common definition of a situation
Aim	Instrumental	Ethical
Role of Management	Provide effective or symbolic signs	Organize adjustment process Allow openness, peripheral attention
Relationship with stakeholders	Identification of stakeholders demands and providing responses	Process of co-construction, of common inquiry
Status of stakeholders	Constituted, external	Individuated: build and distinguish themselves through action
Identification of stakeholders	Primary / Secondary	Enlisted / Invite themselves Variable-geometry Inquiry community
Risk	Decoupling	Lack of peripheral attention Complexity
Favorite tool	Power / Interest Matrix	Deliberation

Source: Author.

3.3. Elements of methodology

Paying attention to inquiry, process, production of meaning, leads to adopt an action research as appropriate. Lorino *et al.* (2011) suggest a research method based on the pragmatist theory of inquiry, called DMI for “Dialogical mediated inquiry” (see Box 2).

Box 2: Dialogical mediated inquiry

“Four characteristics will be mentioned here: DMI is more about *knowing by transforming* than *observing*; from a methodological point of view, the core of the inquiry is the *dialogical meaning-making* process rather than ‘*data*’ processing; the inquiry involves *field actors as co-inquirers rather than informants*; the formation of a *community of inquiry* (Dewey, 1983 [1916]) is a key step in the research process. Given these features, DMI can be classified as an action research method, with two specific characteristics to differentiate it from other action research methods: the pragmatist inquiry is existential rather than cognitive or ethical in essence; mediating artefacts, more than contingent supports to problem-solving, are essential and defining constituents of the inquiry.” (Lorino *et al.*, 2011: 793)

“We suggest that actors continuously reassess their own collective activity through dialogical interactions and semiotic mediations. As a result, the organizing process has three major dimensions: it is collective activity (‘people doing things together’), dialogical sensemaking (‘people interacting to make sense of what they are doing to some respect’) and mediating (‘people actively transforming and recreating the semiotic mediations of their activity’). The organizing process can then be conceptualized as a dialogical mediating inquiry *which builds the story of the collective action in progress.*” (Lorino *et al.* 2011: 797)

Being part of the process, researchers participate into that dialogue, taking part to the community of inquiry, in a developer position.

Dialogical methodology differs from methodological individualism and holism, it goes beyond this dichotomy. In a subjective view, ideas would precede interaction, whereas an objective view would consider that context, organization or technics prevail to generate ideas.

The pragmatic approach relies then on “a non-dualist epistemological framework, the triadic theory of interpretation, first developed by Charles Peirce” making reference to the concepts of semiotic mediation, inquiry and dialogism. This semiotic epistemology is neither positivist, for it considers intention and project, rather than an existing reality. It is neither constructivist, in the sense that actors have to deal with a resistant world they have to interpret several times. Abduction mixes reasoning and intuition. It starts from the definition of a problem, to propose plausible hypothesis.

3.4. Perspectives for public and social economy cooperation

We mentioned that the success of governance of the commons relied upon problem solving: the pragmatic approach offers a perspective and the dialogical mediated inquiry stands as a device. This approach seems interesting to understand cooperation between public organizations and social economy organizations. Public and social economy may join in collective action and social transformation, both at the heart of their action to promote a project of society. Indeed, they develop a dynamic of co-construction, and sometimes lack the know-how to do. In their cooperation to determine access to resources such as land, water, food etc. they may be seen as co-inquirers of a community of inquiry, in order to handle a situation.

Under the angle of pragmatism, multi-actors cooperation presents specificities able to generate interesting effects at the level of general interest, mainly for two reasons. The resolution of a problematic situation here and now unties the actors of certain ideological postures difficult to reconcile. Secondly and in a complementary way, the consideration of interactions offers a moral foundation to the decisions. Indeed, the definition of a solution by successive interpretations allows to end in an acceptable sense by all the actors. In that perspective, the sense-making dialogical activity may be a fruitful ground to define the social contract between civil society and public institution, by the emergence of new narratives, economic models, policies and rights.

The condition is of course that the collective is opened enough to include all the actors susceptible to be representative of the general interest. From then on, the State, not being anymore the only guarantor of the general interest, could take an active role in guaranteeing the conditions of peripheral attention of the collective.

Conclusion

Beginning with the problem of the commons, we focused on their governance. Commons are collective-arrangements to manage resources useful for all members of the community. Governance enforces the sustainability of the commons. This governance is characterized by multiple actors and logics existing in hybrid organizations, allowing a stakeholder approach. We brought the idea that, in a stakeholder approach, pragmatism is a relevant settlement to study hybrid organizations. Although well spread, the stakeholder approach nonetheless may rely on distinct theoretical foundations. Dewey's pragmatism brings experience and interaction at the heart of the process between stakeholders. After explaining the main features of pragmatism, and especially the concept of inquiry, we considered more precisely the implications of this inquiry as regards to stakeholders.

This work enriches the current literature on pragmatism in management field. It contributes to renew the foundation for stakeholder theory. It also offers practical perspectives. This work could contribute to understand better the governance of the commons. It could be useful to study questions as who are the stakeholders of a common, how do they interact, how do they lead an inquiry to handle a situation. It offers a base of analysis for multiple cases: food, land, water etc. or common territory itself. Considering the background of pragmatism, it would be appropriate to adopt an abductive epistemology, with movements of back and forth between theories and practices. The methodology could use case study, narration, dialogical mediated inquiry or other qualitative approach allowing to gather data about the process of the action.

For all these reasons, we consider that the pragmatic shift is an interesting approach to keep pace with the shift in paradigm observed in the cooperation between public economy and social economy for the development of commons and public goods.

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