WestVirginiaUniversity
THE RESEARCH REPOSITORY @ WVU

Faculty Scholarship

2015

Voluntary Action in New Commons

Roger A. Lohmann
West Virginia University, roger.lohmann@mail.wvu.edu

Follow this and additional works at: https://researchrepository.wvu.edu/faculty_publications

Digital Commons Citation
Lohmann, Roger A., "Voluntary Action in New Commons" (2015). *Faculty Scholarship*. 760.
https://researchrepository.wvu.edu/faculty_publications/760

This Book is brought to you for free and open access by The Research Repository @ WVU. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.

VOLUNTARY ACTION IN NEW COMMONS

Democracy in the Life World Beyond Market, State and Household

COPYRIGHT ROGER A. LOHMANN 2015
Licensed under a Creative Commons Attribution 4.0 International License.

(Click on the icons below for further details.)

Skywriters Press
Electronic Edition PDF 1.2.1

Note: This edition is available free to any readers interested in reading it. It is released as "donation ware": Acquiring a copy morally obligates the recipient to make a donation (such as the cost of a new or used book) to a favored charity.

Voluntary Action And New Commons

Table of Contents

FOREWORD 7

1. INTRODUCTION 8

Reviews and Updates 12
Some Personal History 14
The Lindblom County Model 15
Theory, Word Play and Discourse 20
A Caveat 21
Acknowledgements 22

2. VOLUNTARY ACTION LIFEWORLDS 23

Living Together in Community 34
What is Voluntary Action? 39
Civil Society 43
Modernization, Solidarity and Culture 44
What are New Commons? 46

3. DEMOCRACY IN SOCIETY 50

Verses Aristocratic Society & Culture 58
Varieties of Democratic Society and Culture 59
Diversity, Pluralism and Federation in Voluntary Action 61
Conclusion 63

4. A THIRD SECTOR IMAGINARY 64

The Nonprofit Model 65
Policy and History 70
A Plurality of Similar Institutions 73
The Third Sector Imaginary 74
Imagining the *Wunderkammer* 76
The Third Sector Paradigm 78
The European Critique 79
The Wider Third Sector 85
Conclusion: 'And' Not 'Or' 85

5. NEW COMMONS 88

New Commons: A Bricolagé 88
Universal Norms of Free Association 93
What's New About Commons? 96
Old Commons 97
New Commons vs. Old 98

Commons in Mythology, History and Culture 100
Enclosure and Substitution 102
The Commons in Your Backyard 104
The Commons Renaissance 109
New Commons First Appear 111
Third Sector As A Third Way 116
New Commons Are Associations 118
Conclusion 118

6. COMMON RESOURCE POOLS 120

What Are Common Pool Resources? 120
Roles as Resources 126
The Basic Situation 126
Reason and Communicative Action 127
Language, Culture and Solidarity 129
The Proposition of Abundance 132
Social and Moral Capital 132
Solidarity and Third Sector Theory 135
Conclusion 142

7. COMMON GOODS 143

Types of Common Goods 144
Production of Common Goods… 152
… Is Also Coproduction of Common Goods 153
Four Types of Organized Commons 154
Benefactories: Performatory, Moeuratorium & Celebratorium 157
The *Nomos of* Common Goods 162
Conclusion 168

8. ASSOCIATION 170

Association 170
Voluntary Action As Collective Behavior 171
Association and Organizations 174
Modularity, Not Convergence 176
Social Movement 179
Democracy and 'The Sovereignty of the Political' 181
Conclusion 182

9. ASSEMBLY 183

'Cosmopolitan Canopy' 186
Social Space 187
Public Space 189
Three Models of Public Space 191
Canopies 193
Conclusion 198

10. KNOWLEDGE COMMONS 199

Knowledge Commons and Moeurs 200

Calculus As A Knowledge Commons 202
Social Problems As Knowledge Commons 203
Associations Produce Common Goods 210
News As A Common Resource Pool 216
Peer Production 218
Enclosure and the Internet 222
Conclusion: Enclosure of Knowledge Commons 225

11. PHILANTHROPY 226

Charity As A Form of Philanthropy 227
Self Interest, Love and Philanthropy 228
Nature, Culture and Human Service 232
Philanthropy and *Self Interest, Properly Understood* 233
Enlightenment and Philanthropy 237
Love and Common Goods Production 238
Philanthropy: Enlightenment and Sublimity 239
Conclusion 244

12. SOCIAL ECONOMY AS GIFT ECONOMY 245

Gift Theory 246
Philanthropy As Gift Exchange 249
Philanthropod: The Triad of Gift Exchange 250
Social Economy Defined 256
Three Social Economies 257
The Accidental Social Economy 257
Conclusion 259

13. COMMUNITY 261

Multiple Meanings 265
Core Concepts 266
Conclusion 272

14. PLURALISM 274

Jump Starting Pluralism 275
Pluralism Redefined 276
Heterodox Pluralism 277
Otto von Gierke and the Earlier Pluralist Movement 278
Barber's 283
Another New Federalism? A New Sector Narrative 284

15. CIVIC HUMANISM 287

Origins of Civic Humanism 287
Other Types of Organized Commons 294
Uncertainty and Performatory Drama 295

16. CONCLUSION 296

Rivals to Voluntary Action in Civil Society 296

REAL AND IMAGINED TREASON 298
THE IRON CAGE 300
PUTNAM'S COUCH POTATOES 301
THE DUBIOUS INTERMEDIACY OF CAFÉ SOCIETY 302
'SOCIALISM WITHOUT SOCIALISTS' 306

APPENDIX A 310

REFERENCES 312

VERSION NOTES 357

VERSION NUMBERING 357
VERSION 1.1.0 357
MSWORD NOTES 357
PDF NOTES 357
VERSION 1.2.1 NOTES 358

Foreword

When I wrote the Foreword to Roger Lohmann's *The Commons* in 1992, I noted that the book's analysis was acute, its scope broad, its writing crisp, and its vision that of the poet. I observed that the argument of the book transcended disciplines and sectors. I said that the book was in many respects the first definitive large-scale theory of the voluntary and nonprofit sector. I advised readers to approach the book as they would a voyage to a new land. And I added that the work held the potential of defining our field at the point of its full scholarly emergence.

More than twenty years have passed since those words, followed by that remarkable book, were published by the most significant nonprofit sector press of that era. And with the appearance of *Voluntary Action and the New Commons*, I need to modify none of what I said about the first edition, nor to indicate that this fully revised, extended, and updated new edition falls short of any of my original descriptors.

This new book builds on its predecessor, but extends it in a number of important directions. The connections it provides to the Ostroms' celebrated work with the commons concept are welcome, as is the extension of the theory and its powerful conceptual vocabulary in a number of powerful new directions.

I concluded the 1992 Foreword by noting that the author had done his work, and it was now time for the rest of us to read, learn, and apply his wisdom and understanding to our own work. Perhaps it is not surprising that many who have claimed to understand society's third sector have yet to give this work the careful reading it deserves—after all they are busy with their own efforts to understand this multi-faceted and elusive field.

But Roger Lohmann continues his work, and this remarkable volume is his latest contribution to a field he has served with such grace and commitment over the years. I remember a few years back, when his colleagues in ARNOVA gave him the warmest response I recall them providing any colleague, when he was recognized for his stewardship of that organization's pioneering list-serve network.

Now Skywriters Press appears to present this classic work to both scholars in the field and intelligent readers on a global scale. Welcome to this entrant to the new commons of publication and dialogue, and congratulations to Roger Lohmann for his remarkable energy, determination, and creativity in advancing this work. VOLUNTARY ACTION AND THE NEW COMMONS now takes its place as one of the most basic books to read about society's third, voluntary, nonprofit, and civil sector, and the actions and organizations that undergird its many efforts and contributions.

Jon Van Til
Seelyville, Indiana
 and Budapest, Hungary
September 2014

1. Introduction

It has been nearly a quarter of a century since publication of *The Commons: New Perspectives on Nonprofit Organization, Voluntary Action and Philanthropy*. In that time, a number of insightful and interesting critical commentaries on this volume have been published, and I have published numerous journal articles, book chapters and presented a number of unpublished conference papers sharpening, honing, and focusing aspects of the original perspective. I have not tried, until this project, to lay out in one place a complete revised statement of my entire commons approach to the third sector. Since its original appearance in 1992 *The Commons* has been out of print and hard to get a hold of. The initial publisher took the book out of print after less than a year and later returned the publication rights to me. There was a lesson in this for me, but not the one supposedly taught by market demand. I've always been rather fond of Frost's less traveled road; it has for me made all the difference time and again. To this was added the promise to myself to avoid commercial publishers, and subsequently all of my other books have been (and will be) published by non-commercial presses. I think of it as my own personal movement into the third sector.

The Commons (Lohmann, 1992A) is one of the few genuine theory efforts in the field of third sector studies and friends, colleagues, sympathetic critics, and others have been urging me to produce a new edition of the original book for years. However, competing demands and projects always got in the way, even as additional nuances, implications and facets of the commons perspective continued to accumulate. I have tried here to reflect the germ of the original idea and many of the additional accretions in what follows. This is in no sense a second edition, however. In retirement the time is right for me to set down in one place a new statement of the entire perspective that I now call the new commons theory of voluntary action. A number of the issues discussed in the original volume have since been resolved and are not revisited here. Most notable among these is the sense of "the nonprofit sector" as a congeries of tax-exempt, tax-deductible corporate entities. Other issues have simply been shunted aside and ignored in the ongoing conversations of a rapidly expanding field and in what follows I seek to revive a number of those.

Most importantly, the new prominence of the commons in social theory and practice on the Internet and elsewhere offers additional motivation for reexamining the original viewpoint. A number of new implications and perspectives on commons theory have served to broaden, deepen and more systematically integrate it into the larger body of social, economic and political theory and link it more deeply to the third sector. I have laid all of this out here as well as I am able.

The Commons appeared concurrently with a tidal wave of interest in civil society, in the immediate wake of the historic events in Europe and Latin America that came to a head in the revolutions of 1989-91. Revolution is really not too strong a word for the momentous events of

those tumultuous years, yet very real questions can be raised at present about whether that tidal wave may be subsiding, at least as it relates to civil society. Those of us who were around at the time now have the benefit of an additional quarter century of perspective from which to consider the important questions raised during that momentous period. Those who were not often find themselves approaching many of the same questions. Since then, a large and growing host of new voices and new perspectives have joined the discussion as what was then the exciting new field termed third sector studies which has continued to grow and mature both intellectually and organizationally. For reasons noted below, the social economic, political and cultural spaces outside of markets and governments might as well be referred to not as the third, but as the *first sector* and the research and scholarly field that has grown up as *first sector studies* (Young, 1988). There is ample reason to believe that both government and market institutions are typically formed in the domain of voluntary action, and there is some evidence (in the ruins of the temple site at Gobekli Tepe, dated to 9000 B.C.E. for instance) that voluntary action associated with religion preceded both the political state and economic market. However, we will stick with the conventional usage third sector here simply for ease of understanding, recognizing that it implies no serial order of importance.

Some of the most important implications and amendments to my original commons theory perspective that are included in the main text can be noted briefly here. First, and most importantly, I stand by both the original model of the commons as an explanation of voluntary action, and by grounding of the perspective in pragmatic perspectives highlighting the role of communicative action, social interaction, situational definition, and language, as opposed to the rationalist, individualist and positivist perspectives of conventional rational choice. If anything, the perspectives that informed that earlier work have strengthened since that time, both in my thinking and more generally.

Not everything about the foundations of my presentation remains intact, however. In the original publication, I used the phrase "nonprofit organizations, voluntary action and philanthropy" repeatedly as a summary phrase for the unit of analysis and theorizing even while I criticized the very idea of nonprofit organizations as a meaningless neologism. In what follows, I have substituted the phrase "voluntary action" for the original trilogy even as I added several others such as mutual aid and self-help, social movements, social problems and "knowledge commons." This focus pays homage to the forms of voluntary action discussed by Alexis de Tocqueville (1835) as well as Alfred (Lord) Beveridge (1948) in reference to the nongovernmental programs and services of the British welfare state and to the U.S. legal category of "public charities" – although not necessarily all instances of the actual awarding of tax exempt status. Some allowance must be made for human error, of course, and for political culpability: The exercise of political influence necessarily means that in a number of cases missions and activities that stretch the very idea of "public charity" to the breaking point and beyond have been awarded tax exempt status. No effort is made here to explain such efforts

except as exceptions to the rule. In that and for other reasons the notion of a Weberian ideal type is very useful in keeping our focus on some measure of theoretical purity and clarification.

The focus here is strongly on voluntary action in the U.S. This is not out of any sense of xenophobia or disinterest in the worldwide "association revolution", but rather because the argument developed here speaks directly to a variety of issues that have arisen in the 'Usonian' context. Usonian is an acronym coined by the architect Frank Lloyd Wright to refer to "The United States of North America" (a place he called Usonia). It seems a particularly fitting term in cases like this where distinctions must be made with Canada, Mexico and other American nations, North and South. The reality is that my career has been a Usonian one, spent in community and university settings in the U.S. This is the context I know best and am able to discuss examples. At the same time, I have little doubt that most of the new commons theory of voluntary action has important applications outside the U.S., but I will leave it to others to develop these.

The special focus here is on voluntary action in the independent sectors of communities as these stand apart from both governments and markets. The sector notion has several points of origin, but as far as I am aware, Richard W. Scott and John W. Meyer (1982) were the first to introduce the concept of sectors of organizations. Such independent sectors include a broad range of forms of philanthropy and charity as recognized in various nations under assorted 'public charity' provisions, as well as all 'associations' and 'assemblies' subject to the First Amendment of the U.S. Constitution and Section 2 of the Canadian Charter of Rights and Freedoms, Article 20 of the U.N. Declaration of Human Rights, Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and other legal recognitions of rights of association, assembly, speech and religion.

The discussion that follows is set on slightly different footings than the 1992 presentation. Several of the eight assumptions on which the original presentation was grounded were, upon further consideration, not really assumptions at all. These original assumptions were labeled affluence, authenticity, continuity, intrinsic valuation, near-universality, ordinary language, rationality, social action, (Lohmann, 1992, 47-54). They were treated functionally as assumptions to frame that original presentation. The argument for seeing voluntary action through the model of the commons was not empirically or logically dependent upon five of the original eight. Each, if stated in somewhat different form, represents a testable proposition. These strike me now as premises of one sort or another that I wanted to set aside and take for granted in the original presentation. In what follows, they are offered as premises integrated into the overall presentation, although a small number are still recognized as essential assumptions. This simplified handling means that much less must be taken for granted than previously suggested.

I have written a great deal since 1992 in a variety of places on the subject of voluntary action. Much of my attention has been devoted to extending and refining the perspective of

commons theory to voluntary action. Some of my concern in intermediate publications since that time has been directed at refuting the occasional misleading interpretation of my work and intentions. Uppermost on that list has been the faulty suggestion that my main purpose in introducing the concept of the commons into third sector studies was to offer a metaphor and label for the empirical reality that others have labeled the third sector, the nonprofit sector and even civil society. For example, Sievers (2010) p. 146, note 2, offers one such misreading of my intent. Each of these concepts has important descriptive and explanatory uses, yet I do not and never have believed the commons to be coterminous with any of them.

As most commentators have realized, merely shortening the label for a third sector consisting exclusively of tax-exempt corporations was never my intention and it still is not. As noted below, while I have no quarrel with the idea of a sector of nonprofit corporations the economic positioning and political machinations of such a national interest group is very far from my interest. Meanwhile, opportunistic social entrepreneurs, false prophets, scheming careerists, politicians, true believers and others will continue to take full advantage of nonprofit incorporation, tax exemption, tax deduction, and other legal arrangements for institutional, group and personal gain. This too is outside my keen.

This appears to be the focus of many of those who wish to follow David Horton Smith in examining "the dark side" of voluntary action. While such matters are an appropriate topic for a study of deviant behavior in voluntary action, I do not find them normative in any sense. Such recent topics as hybridity do not deal with social facts I find at all surprising, unusual nor particularly interesting. My principal concern here is with the distinctive purposes and missions that, under the best of circumstances, motivate those engaged in philanthropic and charitable pursuits, and the relation between such purposes and the resources and organizations that result. As I first noted, in 1992, this is basically the territory of an ideal type to be contrasted with the ideal types of the state and the market order.

My original position remains that the association of people engaged in common-goods production are more representative of the "real" third sector of legal intent than any of the deviant entities of those who misuse or violate the public trust or even of the legitimate nonprofit firms engaged in quasi-market production of educational or health or other nonprofit services under contract with government. Instead of merely posing an issue of differing descriptions of a known and understood real world in what follows the effort here is to theorize an alternative reality that touches part of but goes far beyond what is usually included in discussions of a third sector of tax exempt corporations. In what follows, I add assemblies and knowledge commons – not only academic disciplines and research associations, but also social movement and social problem associations and other related forms of collective behavior – to this initial focus. My consistent interest is in common goods production in associations and assemblies as both an interesting and a largely unexplained phenomenon; one that is of some importance for the continued future development of human freedom, democratic social relations and cultural fulfillment.

Reviews and Updates

Commons have been on my mind for a significant part of my adult life. Most of the changes in the new commons theory of voluntary action reflected in what follows came about as I thought more about the matter and considered additional examples. A small number of changes came about because of criticisms of my earlier work both published and private, including anonymous reviews of this manuscript. Misreadings of my intent regarding the third sector as a commons have already been noted. One of the small but important changes noted below is the addition of a brief section discussing the role of conflict in common goods production. Eleanor Brilliant, in a review in *Social Work (*2001) was among those noting the absence of conflict from my previous statement (Lohmann, 1992).

While it may at first appear to some readers that it is somewhat incongruous to suggest the need to discuss conflict in what is, fundamentally, a theory of cooperation, Brilliant's (2001) point is a good one and I have made a conscientious effort here to deal with it. In the same vein, some readers will find the notable absence of power considerations herein. This is mostly a matter of language choice. Power as it is often conceived is treated as a form of individual human capital, and not infrequently, a zero-sum game. For our purposes in voluntary action, power has both positive and negative aspects. On the positive side are both group efforts at co-production and individual philanthropic efforts for the greater good, while the negative facets of power arise when individuals seek to thwart or neutralize those same efforts, or (usually covertly) use new commons for their own personal gain at the expense of others. Rather than treating power as a separate topic, recognition of the power of persons and organizations, their positions and money, is folded in throughout the discussion of resources.

Another line of criticism has been that my perspective on commons in the original 1992 publication did not take sufficient account of the main lines of commons theory and in particular the work of the late Elinor Ostrom and her associates in the Bloomington School. Mike Krashinsky (1995) first voiced this view in a review of *The Commons* published in *Nonprofit Management and Leadership*. Charlotte Hess raised a similar concern in a general review of commons research (2000). Originally, this claim seemed to me to miss the point that while the Bloomington approach was a "collective choice" perspective grounded in the rational individualism of rational choice, I was seeking to get beyond that same view which in my estimation had little or nothing to say explicitly about voluntary action, charity or philanthropy to a broader insight on collective behavior in which group or collective choice was but one among many elements. Yet, a growing body of recent work on the new commons and in particular on knowledge commons has opened several important links to the general commons theory perspective, as we shall see in Chapters 2 and 3 below. I tried to sort through this in an essay on commons in the *Encyclopedia of Civil Society* (Lohmann, 2009). There I detected three distinct lines of commons research that I called natural commons, human-influenced commons, and social commons. The emphasis in the present study is purely upon social commons, and

more specifically new commons and knowledge commons. As we shall see below, philanthropy and charity are very much about what it means to be human, and collective voluntary action in commons is right at the heart of many of those concerns (McCully, 2008).

It is probably fair to say that most nonprofit economists have not known quite what to make of *The Commons* and my seeming assault on attempts to understand public charity and philanthropy as a domain of economic rationality. A number are personal friends who don't wish to insult me, while others may be just plain confused by some of my statements and what seemed to be my idiosyncratic and unprovoked aspersions on their discipline. So they said nothing. An important exception to this uncharacteristic reticence has been the unique criticism offered by Peter Boettke and David Prychitko (2004a; 2004b). While expressing considerable sympathy for my commons theory project, they develop a focused and convincing dismissal of my reliance on Adam Smith's concept of unproductive labor. Their criticism is a fair one; economists have, indeed, moved beyond Smith's original (1983 [1776]) treatment of unproductive labor, and it was a false move for me to include it in the earlier version of the theory, even though my intent in doing so wasn't quite as they portray it. The prospect of "reinventing" this feature of classical economics that they attributed to me probably never would have occurred to me had they not raised it. I was mostly intrigued by the similarities between some of Smith's examples of unproductive labor and what have traditionally been treated as public charities. While I find their perspective a provocative one that has led to a number of important revisions in what follows, I can't entirely escape the impression that they read more into my original misstep than I had ever intended. Mostly, I found it interesting that Adam Smith had classified several examples of what now appear to be voluntary action under his heading of "unproductive labor." I was little concerned with the broader economic theoretical implications of that coincidence. And, at the time I was quite aware that until the mid-1980s, macro-economists continued to regard nonprofit expenditures as consumption for purposes of computing national GDP. From that vantage point, the Austrian insistence on nonprofit efforts as productive was a welcome one.

While Boettke and Prychitko are correct that reviving the concept of unproductive labor is not a sound basis for an adequate economic treatment of the non-market phenomena of voluntary action, they did not offer much beyond encouragement. Both are economists of the Austrian School of Ludwig Von Mises and Frederick Hayek, a perspective which sets even higher store on rational individualism, if that is possible, than the mainline neo-classical economics which was the principal foil of much of my early work on commons theory. Nonetheless, it is interesting that some of the principal differences between Austrian and neo-classical economic schools, notably over the role of calculation, are particularly relevant to commons theory. They have also shown me that Lionel Robbins' definition of economics as "the science which studies human behavior as a relationship between given ends and scarce means which have alternative uses" that I have used since the 1992 book as well as several other features of the Austrian perspective are entirely in line with my original critique of an

economics based nonprofit theory (Lohmann, 1990A). That critique is discussed below as the Lettuce Paper. Such criticism has enabled me to inch forward several small steps with formulation of the continuing need for an economics of voluntary action. A number of suggestions along that line are incorporated below.

Some Personal History

For some readers familiar with my work on the new commons theory of voluntary action, this initiative may appear to have begun with my Lettuce paper presented at the Kansas City AVAS meeting in 1987. The project actually goes back 20 years before that, to my involvement in the Community Action Program of the war on poverty where I first encountered some of the challenges and paradoxes of the commons, and where I received my initial grounding in nonprofit law and social policy in the Minnesota Community Action program from Gene Flaten and Larry Gallagher.

Input-Output Modeling

As a graduate student at the Heller School at Brandeis University, I spent more than a year on a dissertation project seeking to develop an input-output model of a set of phenomena that then had no name but has since become known to many as the nonprofit sector. That original effort foundered when I realized that neither my quantitative skills nor the available data were not up to the rigors of input-output modeling. Even so I thought I might contribute a tentative conceptual model of the "social welfare sector". That effort produced two working papers in the early 1970s. The first of these efforts was a conceptual outline of an input-output model using revenue flows among human services organizations, grounded loosely in the analogy of Leontief's input-output economics (Lohmann, 1971A). It was well received by my major professor, Robert Morris, and by other doctoral students who read it, but dismissed by several economists with whom I shared it as a proposal for "mere social accounting". Tom Holland, Sheldon Gelman, Ruth Brandwein and my wife Nancy were among the contemporary nonprofit scholars who were also at Heller at that time and subjected to my musings on this topic. I understand now several of the reasons that they reached this conclusion based on my lack of an adequate general conceptual basis for what later became "sectors" and the absence of any adequate conception of utility among many of us. At the time, of course, it seemed to me to reflect simply hide-bound contrariness. The whole project drew mostly blank stares from the public administrators, social workers and social scientists I saw as the intended audience. I was after all proposing to study the economic organization of something that literally did not exist.

The second paper was an argument for getting beyond the exclusive community focus of nonprofit social services and the need to look more closely at the national networks that were already coalescing into the national nonprofit coalition that formed around Independent Sector in the 1980s (Lohmann, 1971B). As recently as 1976, representatives of nineteen national peak associations could plausibly present themselves as *the* voluntary sector: American Red Cross,

Boy Scouts, Girl Scouts, Campfire Girls, Council of Jewish Federations and Welfare Funds, Family Service Associations, Boys Clubs, Girls Clubs, Goodwill Industries, National Social Welfare Assembly, National Association for Mental Health, National, YMCA, National YWCA, National Conference of Catholic Charities, National Federation of Settlements and Neighborhood Centers, National Urban League, Salvation Army, Travelers' Aid, and United Way (Feldesman & Hughes, 1976)

it emerged a decade later (See also Boulding, 1990). Boulding's distinction of exchange, threat and integrative systems bears an affinity to Amatai Etzioni's distinction of coercive, remunerative and normative compliance in organizations. Together, the two offer early systems and organizational level conceptions pointing toward a "third" (integrative and normative) sector beyond the market (exchange) and the state (threat). A few years later, I used Boulding's work on grant economics (1972; 1981) and Etzioni (1963) as key components of my first book *Breaking Even: Financial Management in Nonprofit Human Services* (1980). Then, as now I believed community level sectors of related services to be more important conceptually and empirically than national sectors.

The Lindblom County Model

In retrospect I got as much wrong with these early efforts as I got right, but this pair of papers represented the beginnings of what has turned out to be a decades-long scholarly project. Enamored at the time with the communitarian potential of community-level social planning, I returned to this theme in a community input-output study of the human services of Knoxville, TN (Lohmann, 1976). This was my first serious attempt to grapple with the notion of sectors of institutions, albeit only in the context of my understanding at the time of human services. This was also the first point at which my interest in technology entered the picture. When I first gained access to the Excel software in 1984, I combined some of these ideas with my equally long-standing interest in Charles Lindblom's incremental decision-making and developed a community-level budget simulation based in part on some simple input-output revenue flow calculations. The original model was written with Multiplan, the Excel predecessor on my 128K (!) Mac. I have been hesitant to mention it in print previously, because record of the project was lost for several years, a casualty of the transition from Multiplan to Excel and the various operating system upgrades that occurred. Recently, a paper printout of the original model surfaced from the depths of the filing cabinet in my office and I can now reconstruct the original model in Excel.

I named the simulation *Lindblom County* in recognition of the incremental logic that it was meant to demonstrate and Charles Lindblom's foundational role in formulating that logic. As someone schooled primarily in the practice literature, I did not know until years later that Lindblom apparently got this notion from the work of the Austrian School economists, and in particular, Frederick Hayek. The Lindblom County model described a fictitious rural county with one "large" community (±25,000 population) and four smaller ones (±1,000), 25 nonprofit

organizations and 10 funding sources. The model used a series of Likert-type scales and some very simple Excel equations to distribute funds from the funders to the agencies. Even so, I still could not solve some of the fundamental conceptual problems of the model. Since then, I have several times begun larger and more elegant models involving different types of nonprofits, foundation and other entities but this project remains incomplete.

At Brandeis, Roland Warren's conceptual pairing of vertical and horizontal integration of community institutions in national networks was also important to my work. Along with Boulding, Warren's (1967) work deserves to be seen as another of the tacit forerunners of the third sector perspective as it came into prominence in the 1980s as Carl Milofsky has written (Milofsky, 2008). There is, in fact, a substantial body of community research and other work by sociologists, social economists, social workers and others prior to 1980 that has been fundamental in this regard, but is seldom recognized as such. In addition to Roland Warren's work which as Carl Milofsky (2008) has noted was at the time of his (Warren's) retirement evolving in yet other interesting directions. There are others worth consideration as well. Associations and what we know as nonprofits are a critically important theme throughout Lloyd Warner's *Yankee City* studies, for example. Studies of voluntary associations for older people by Arnold Rose were not only important for social gerontology, but also figure importantly in his theory of power (1967). As already noted, Kenneth Boulding was one of the important pre-cursors of contemporary third sector studies. I should note also that years prior to his involvement in ARNOVA and ISTR, Ralph Kramer was publishing on the "voluntary sector" in the social work literature, along with Robert Morris (1966; 1977), Alfred Kahn (1959), Violet Sieder (1966), Simon Slavin (1980), David Austin (1983) and other pioneering social work scholars. Among the middle generation between Addams and the 1960s was Eduard C. Lindeman (1936). Warren, Robert Morris, Arnold Gurin and others at the Heller School, as well as Boulding, Amitai Etzioni, and several generations of sociologists from Amos Warner, Lloyd Warner, Arnold Rose, through Nicholas Babchuk down to the present and a number of foundation researchers, as diverse as Leonard Ayers, Shelby Harrison, John Glenn and F. Emerson Andrews all deserve recognition as important precursors of key pieces of the third sector model as it has developed (Milofsky (2007); Warren (1963 [1987]); Warren (1967); Warner and Lunt, 1941; Warner 1963).

In general, my efforts in the early 1970s were personally heuristic but ultimately unsuccessful. Adequate data and models with which to characterize nonprofit and public entities quantitatively were not yet available. At a most fundamental level, the notion of nonprofit production of goods and services was not yet accepted and nonprofit activity was generally regarded as consumption. The implications of this were clear enough: In an industrial society, religion, social service, cultural production and philanthropy were seen reductions of GDP - drains on national resources. The conceptual basis for seeing sectors of production by nonprofit firms in positive national and international terms was still in the future, and the model of community-level voluntary associations as purely social domains of the ineffectual

well-intended remained too strong to see any possibility of aggregating national networks into sectors. Further, in the absence of any genuine typological framework like the NTEE, and various other proposals, including most recently the *Massachusetts Catalog for Philanthropy*, it was difficult to see relations among different types of organizations and yet set any meaningful bounds on Boulding's integrative system. It should be noted that in the case of human service organizations, the United Way UWASIS and UWASIS II typological efforts, led by Russy Sumariwalla and others at United Way of America, were important preliminary steps toward a general nonprofit typology like NTEE, as well as politically important steps leading up to the founding of Independent Sector.

Like other untenured assistant professors, the practical demands of career survival trumped pursuing my real long-term interests for a number of years in the 1970s and early 1980s. Toward that end, I was more successful in the short run in getting work published on a mixed bag of narrow, highly technical applied and methodological problems than in publishing incomplete and tentative work on big, bold (some might say brash) theoretical topics. As a result, further theorizing had to await tenure and promotion. In retrospect, these were all necessary predecessors to my later work on commons theory. But, it was not until the Lettuce paper, presented at AVAS in 1987 and published in 1990 that my interest in commons theory really began to congeal.

Meanwhile, many others in a wide variety of fields were on roughly the same trajectory in pursuing the insights of Hardin's 1968 article on "The Tragedy of the Commons". Researchers in ecology, life sciences, and environmental studies showed far more interest throughout the 70s in this idea than anyone in the social sciences. Recently, business writer Peter Barnes used the commons to convey his ideas on changes in the nature of capitalism that he called Capitalism 3.0 (Barnes, 2006). In the event, he also used the concept of sector in yet another way. "By the *commons sector"* Barnes wrote, "I mean an organized sector of our economy. It embraces some of the gifts we inherit together but not all. In effect it's a subset of *the given commons that we consciously organize according to commons principles*" (Barnes 2006: 6). Emphasis added). Although offering little specific guidance on the matter, Barnes does point toward the sector conception, the importance of gifts and giving, and that commons are part of our collective heritage. Nature, community and culture, he wrote, are "the three forks of the commons river" (Barnes 2006: 5). Like nearly all writers on commons Barnes expresses interest in expanding it. Barnes' notion of the commons sector has immediate application discussed further below in a division of the nonprofit sector into two distinct sectors: the commons sector of nonprofits, nongovernmental, voluntary and social organizations, and the sector of nonprofit firms that David Billis (2010) terms hybrid organizations.

My explorations of commons in third sector studies are found in a series of ARNOVA conference and working papers since 1987 (1987; 1989; 1991A; 1991B; 1992; 1993; 1996; 1997; 2002; 2004A; 2004B; 2006; 2007), papers presented at other conferences (1989; 1995; 1996), journal articles (1990; 1992; 1995A; 1995B; 2005), books (1992; 2002; 2005) and book

chapters (including 2011A and 2011B). I first outlined the implications of viewing voluntary action as treasonous in a 2006 colloquium presentation at the Mandel Center at Case Western Reserve University. While it has been somewhat distinct in ARNOVA, my work on the new commons theory of voluntary action is only one small facet of a much larger mosaic of interdisciplinary commons studies and applications. Much of the work on commons is centered on the International Association for Study of the Commons (IASC). See Lohmann (2008A) and (2008B) for some recent attempts to connect with that commons literature, where perspectives on association and social networks are notably absent. This body of work includes an important component of environmental theory (the line of inquiry initiated by Hardin, 1968), an historical premise of welfare reform theory (Cloward and Pivin, 1971), a vibrant perspective on the new institutional economics (in the hundreds of publications by Elinor and Vincent Ostrom and their Indiana colleagues, some of which are cited here), a highly provocative legal solution to the complex issue of ownership of information in cyberspace, e.g., the Creative Commons initiated by Lawrence Lessig (2001), an equally provocative conceptualization of an entirely new form of "social production" offered by Yochai Benkler, (2004) whose book *The Wealth of Networks* (2006) harkens back to Adam Smith, and untold numbers of euphoniously named "commons" web sites, conferences, reception rooms, apartments, condominiums and real estate subdivisions employing the commons metaphor for its cache. The commons has truly become a very popular idea. Yet the theoretical core of two of Barnes' three forks in the commons river – community and culture – remains almost entirely at the level of Hardin's simple (indeed, simplistic, as we shall see) metaphor.

"The Lettuce Paper"

In 1987, I presented a paper at the Association of Voluntary Action Scholars (AVAS, the organizational predecessor of ARNOVA) conference in Kansas City stating the need for new theoretical perspectives. David Horton Smith has made the same point several times before and since (Smith, 1974; 1981; 1992; 2000; 2006). First identified in the 1960s, that need still exists half a century later. The key image in my 1987 paper (published in 1989) suggested that talk of charitable and philanthropic establishments in terms of the absence of profit made as much sense as characterizing lettuce as a non-mammal. Issues of definition and classification which animated this lettuce paper (later published in 1990 and reprinted several times since) still remain largely unresolved: The rubric of philanthropy as the private production of public goods in Robert Payton's evocative (1988) phrase, accounts for something of major importance, but is only a partial solution. Not all nonprofit production produces public goods and not all philanthropy is in the hands of nonprofits.

It has long been equally clear (Lohmann, 1995) that at least the larger, professionally staffed nonprofit firms engaged in public-goods production form a discernible, measurable corporate nonprofit sector in the U.S and a number of other nations. I have repeatedly tried to make clear, however, that it is a mistake to attribute the full range and scope of third sector activity outside households, governments and markets to this rather narrow sector of

incorporated, professionally staffed nonprofit firms. Nor is it sufficient to take tax-exempt corporations as the definitive or exclusive form of voluntary action. To do so is to submit to the classification anomaly referred to in the lettuce paper. The space outside markets and states, it seems, consists of numerous overlapping sectors of modern organizations each characterized by a single trait: nonprofit, not-for-profit, nongovernmental, social, social or human service, philanthropy, civil society, and others. Recognizing the existence of any one of them does not disprove or nullify the existence of the others. David Horton Smith (1991) first made this point years ago with a paper outlining third, fourth and fifth sectors. What was missing from that view and is still largely missing in the field was a sense of the larger whole of which these sectors are parts. I tried to address this in Lohmann (2013).

Several other points made in the lettuce paper still merit consideration: (1) some unspecified portion of production outside of government and markets remains and probably will always remain unmeasured by macroeconomic metrics associated with the "third sector" notion; (2) the notion that measurable public goods and incommensurable common goods are one and the same thing is simply wrong. Unmeasured and particularly immeasurable common goods, composed principally I argue in what follows of *club goods* and *community goods*, cannot be subsumed under the public goods umbrella and merit separate consideration. Indeed, we are confronted with a second important facet of the classification anomaly. Activities best described in terms of production of club and community goods deserve to be treated as important on their own terms, not as weak sisters or poor relations of measurable production of public goods by nonprofit firms. That was true in 1987 and it remains true today. The full range of productive organizations operating in the third space outside government and the market order produce not only public goods, but also club and community goods.

The lettuce paper contained an outline that I immediately began expanding and in 1992, the book-length *The Commons: New Perspectives on Nonprofit Organizations, Voluntary Action and Philanthropy* was published as part of the Jossey-Bass nonprofit series. The book received (and continues to receive) positive critical attention, but sales were lack-luster and the publisher took it off the market in relatively short order.

That first full expression of what I am now calling a new commons theory of voluntary action outlined what Jon Van Til called "the first definitive, large-scale theory of the nonprofit and voluntary sector." Works by the author and others have continued since that time to further clarify the nature and character of this "third space" (Van Til, 2007) generally agreed to be found alongside markets and states as part of some larger whole. Since that time the concepts of the commons, knowledge commons, creative commons, peer production, and the new commons by Eleanor Ostrom, Charlotte Hess, Peter Barnes, Y. Benkler, Lawrence Lessig and others have evolved in directions that have increasingly clear implications for the third sector. Thus, the time is ripe for a full-scale reconsideration and updating of the new commons theory of voluntary action originally laid out in that 1992 volume. In the ensuing decades, I have

published scattered insights on many aspects of the commons perspective. But all these new developments have not been brought together under a single umbrella until now.

Theory, Word Play and Discourse

Language use and discourse has always been fundamentally important to the commons project, as part of the subject matter and in framing of the discussion. Along with that goes the occasional bit of word play, generally for serious purposes, as in the lettuce paper (Lohmann, 1992A). This attention to words began in observing the tendency of 'nonprofit' literature to pile on negations like *non*- and *not*- and *not-for*- that did not really express negative ideas or contradictions but merely differences. As such, they informed us what voluntary action was not, and in the process presented voluntary action in contrast to what are really unrelated and irrelevant concepts of profit and governance. All of this, as I suggested several decades ago, is quite as absurd as classifying lettuce as a non-mammal:

> Lettuce is a non-fur bearing, non-milk producing, non-child bearing, non-warm-blooded non-animal. Further, as a non-mammal, lettuce is highly ineffective, being sedentary and not warm-blooded. All other mammals are much faster! It is also remarkable non-agile, and not protective of its young. On the whole, lettuce is a miserable excuse for a mammal! (Lohmann, 1989)

To get past that, the word usage woven throughout the new commons theory of voluntary action has been both intentional and strategic: An attempt to try to state, describe and explain clearly and unequivocally what things may be, rather than what they are not. The term endowment for example as it is widely used (i.e., intellectual endowment and the genetic endowment of persons) is useful as a one-word synonym for a common-resource pool of any type. This usage embraces the narrow, legalistic meaning of restricted funds but also opens the possibility of other, more general references. Likewise, I and others have sought to revive the term philanthropology originally used by Amos Warner (1894) to describe the study of, or science of, philanthropy; one, as it were, of the sciences of man (the original, general meaning of anthropology). Both in 1992 and even more here, I have relied heavily on the language device of the portmanteau – the merging of two separate word fragments in terms like smog or, more recently, bankster. One of the most useful terms coined in the original 1992 book was benefactory, grounded in the analogy of the 18th century usage of manufactory, later shortened to factory. A large and important class of common resource pools and a significant number of hybrid nonprofit firms function as factories for the production of benefit to others, thus, benefactories. Likewise, just as an auditorium is a place for hearing, a celebratorium can be said to be a place for celebration and observance – both important common goods.

In this revised statement of the theory, there are a number of additional portmanteaus, adaptations, coinages and borrowed terms that have been added, including adhocracy, baudekin, cafe society, celebratorium, civility covenant, communocracy, dual-dyad exchange, third sector, florescence, focused public, gift economy, good and bad commons, guru

association, hermony, knowl, performatory, philanthropod, posse, scene, and moeuratorium. In addition, the perspective now incorporates a number of important concepts and ideas developed by others, including *asabiya*, autopoiesis, allopoesis, canopy, colonization, conscientization, corporatization, giving circles, honorrea, illfare, imaginarium, interpretive community, *khvost*, knowledge commons, kula cycle, life world, market order, moeur, moral order, moral economy, peak association, peer production, reconciliation, social capital, social economy, social movement, social problem, solidarity, vernacular culture, and the wealth of networks.

A Caveat

It is important to note a caveat here. While contemporary associations, assemblies, civil society, nonprofit organizations, philanthropy and the broader third sector discussed here are world-wide phenomena, the discussion here is framed largely in terms of the U.S; Largely but not exclusively. One major concession to European thinking on this matter is my substitution of the term solidarity, based in the experience of the European civil society movement in place of the 1992 term mutuality, which was grounded in the earlier work of Kropotkin. Although "mutuals" are part of the standard European definition of civil society organizations, in the U.S. mutual, e.g., insurance companies like the many with Mutual in their names are mostly considered part of the business community and not the third sector. There are two reasons for this: First, most of my practice, teaching and life experience have been within the U.S., and this is the area I know best. I can't even claim mine to be a North American perspective, as Evers & Laville (2004) would have it, because while certain aspects of the Canadian third sector experience add luster, color and flavor to the discussion here, there are also important differences that are too subtle to fully explore in this work. Moreover, even though the Eurasian experiences with common property had profound influences in the colonial and early national U.S. experience, and European observers like Tocqueville have always been an important part of the mix, many of the key concepts discussed originated in the U.S. and the U.S. case is distinctive enough to justify exploration on its own merits. Secondly, there is the consideration of personal limits of knowledge: I spent my career in the local social service context of the U.S. and my avocational interests are all primarily local to Usonian (U.S. of North America) society and culture.

Finally, there is the principle of self-determination, which I have labeled hermony: As noted in the 1992 book and throughout what follows, new commons are by law and tradition (and should continue to be) maximally free to define themselves and determine their own fate – their membership, their identity, their resources and their missions. As a longtime participant in new commons in several regions of the U.S. (with a few international experiences as well), I can only write based on that experience. Others, with different experiences in other contexts and cultures will have to comment on how extensive, even universal, these observations may be.

Acknowledgements

No one should ever try to write a book alone, particularly one as long in gestation as this one. Knowingly or not, literally hundreds of people have contributed to this project with conversations, specific suggestions, critiques, examples, opportunities to present, discuss or practice what is preached here, kind words and in numerous other ways. I wish to publicly thank all of those who have helped in a multitude of ways on this project. Initially, I sought to compile a complete list of names but found the task overwhelming and fear greatly that I might leave someone important out. You know who you are, and I hope you know how much I appreciate your help. All four recommended publication, but marketing people at the first press concluded they did not know to market it, and the second press simply dithered on the revised manuscript for many months until I decided to withdraw it.

I would like to thank Jon Van Til and Gene Flaten for their comments on various drafts of this manuscript. In addition, I would like to thank my son, Andrew, John McNutt, Deborah Elizabeth Finn, and Hildy Gottlieb for their various efforts to tutor me on social media. None of these good Samaritans, of course, is responsible for any of the errors and misinterpretations herein, which are mine alone.

We make a living by what we get. We make a life by what we give.
~ Winston Churchill

2. Voluntary Action Lifeworlds

We may be on the verge of important new steps in the advancement of democracy in the present era (Anderson, 2007; Barber, 1984: 117; Bernstein, 1976; 2010) Cohen and Arato, 2000; Cooke, 2000; Fishkin, 1996; Fung, 2003; Gutmann and Thomson, 1996; Habermas, 1996; Joas, 1993; Mansbridge, 1999: 706; Rabinder, 2004; Ryfe, 2005; Selznick, 1995; Vitale, 2006, et. al.). Yet, this hopeful note deserves to be viewed in the context of a range of underlying concerns, including continuing and resurgent autocracy in the world, as well as poverty, violence, environmental degradation, increasing inequality, the growing power of corporations, the loss of legitimacy of public institutions and a range of other concerns. Optimism is not the only contemporary current, although it has been the dominant note in third sector theorizing. There is concern in some quarters that the political world may actually be moving away from democracy entirely in the direction of autocracy or oligarchic trends with names like professionalism (Hodges, 2003) or something termed horizontality (Maeckelbergh 2013). Larry Diamond (2008) asserted in *Foreign Affairs* that the world was experiencing a "democracy recession".

The situation in the United States is similarly perplexing as the Lincolnesque formula of democracy as *government of the people, by the people and for the people* is challenged on many fronts, including political corruption, divided government, resurgent nativism, increasingly vocal claims that the U.S. is not a democracy, but instead a constitutional republic, legal doctrines of "originalism" that attempt to strangle contemporary political expression based in real, alleged and outright fictional traditions, attempts to counter religious pluralism with the claim that the country was founded as a Christian nation, and much more. Whether democracy in the world is expanding or contracting democratic ideals continue to have great appeal for a broad spectrum of thinkers in the third sector. At the same time, the movement away from voluntary associations toward professionally staffed, managed and bureaucratized organizations is not only tolerated but even celebrated.

Despite these diverse and contradictory trends, something approaching a current consensus among American political philosophers in recent decades seems to affirm that the first next step in the developing story of democracy is expected to be movement in the direction of deliberative democracy. Others appear to be holding out strongly for civic republicanism. Several of the authors above, for example, have offered detailed proposals along those lines. Both are positions I respect and support (Lohmann and Van Til 2011). Yet, either would hardly be the end of the story. What is apparent is that, regardless of the directions in which practice and actuality are moving at any given moment, normatively

speaking the past few decades have been an exciting time for the exploration of possibilities and potentialities inherent in the human condition. And theory and practice of the third sector have been prominent in that regard.

In the following pages, we will take an extended look at a related prospect currently receiving insufficient attention. The view of democracy outlined below is quite different from the conventional figure appearing in political and social theory. At least since Hobbes and Locke, and perhaps even since Machiavelli, political theory, with the major exception of Volume Two of Tocqueville's *Democracy in America* has been preoccupied with government as the pre-eminent expression of political society and interested only in cursory glimpses of voluntary association outside of markets and states. There has been a vast resurgence of interest in political theory in the wake of John Rawls' theory of justice, and a strong practical tilt in the direction of civic engagement in the wake of the civil society renaissance amid the declining prospects of socialist idealism. Even so, the actual emergence of an independent third sector as a coherent institutional domain, structured and constituted largely by voluntary action and not just a handmaiden of markets and states has gone largely unremarked in social and political theory. Where it is noted, as in Jean Cohen and Anthony Arato's majestic volume, *Civil Society* (1992), primary attention is still on a rather undifferentiated class of voluntary associations with little recognition of the rapidly growing body of knowledge of the third sector and its distinctive institutions.

Much the same can be said for the economic and managerial idea that the third sector is in some fundamental sense a national rather than local phenomenon, representing part of a shift away from the pluralism of a federal state to a one-dimensional national one. That data on the third sector are aggregated on a national basis currently in the U.S. is beyond dispute. That, however, is purely an artifact of U.S. tax policy and corporate law out of which data collection patterns originated and were first studied. The wider third sector beyond tabulated corporations is an emerging reality, and a great deal more than a data construct. The case is made here for what large numbers of people already know and believe: The third sector, as a space outside markets, governments and households, is predominantly a community phenomenon in a very robust, pluralistic and multi-faceted sense, and national tabulations and peak associations are but one expression of this complex phenomenon.

The view of voluntary action outlined here seeks to take the emphasis off data tabulation and nonprofit corporations engaged in service delivery and call attention instead to the central importance of the political, economic, social and cultural dynamics of voluntary action. The nonprofit model has largely evolved within the narrow confines of the economic and bureaucratic issues of administrative theory and professional service delivery and efforts (Lohmann, 2013). Theoretical discussions of the civil society model in

third sector studies have evolved within similar confines and sought to apply the paradigm of inherited political and social theory, which has little place for voluntary action beyond Tocqueville's oft-quoted but rather attenuated comments. The complex fact is that observations nearly 200 years old should not be used by themselves to explain or justify contemporary happenings, yet a good deal of what this 18th century French aristocrat had to say on the subject does still ring true today. What follows is not merely an effort to describe and characterize the existing wider third sector, however. This is in important respects a normative perspective that seeks to point toward potentialities and capabilities of collective action in the third sector, some of which exist at present, others have emerged at times in the past, or still others could emerge in the future.

A key feature that ties all of the otherwise diverse elements and themes presented here together is the notion of a commons, both as economic organization of collective resources and as social, political and cultural organization of the interpersonal relations of groups and associations. In the agricultural, forest and fishery resources sectors "old commons" have been around for many centuries; largely spontaneous and extra-legal expressions of community regard. The suggestion is made here that as many of the communal functions of these old commons were disrupted and even crushed by rising nation-states in early modern Europe, with very little notice or attention species of entirely new common resource pools began to emerge. They were voluntarily constituted, mission-oriented, and often pooling entirely new and different types of resources including information and knowledge, interpersonal influence, public opinion, prestige and other factors. Beginning in the 17th century, the very novelty of these new commons kept them from emerging as an important figure in political and social theory even as the practices continued to grow there. It was not until the last decades of the 20th century, however, after almost three centuries of scattered and seemingly unrelated examples treated mostly as minor data, that researchers and theorists began to detect the common core and threads of all this and suggest the connections they called the third sector.

Decades ago, Samuel Huntington laid down an important part of the basic challenge to be taken up here by quoting Tocqueville: "If [people] are to remain civilized or to become so, the art of associating together must grow and improve in the same ratio in which the equality of conditions is increased." Tocqueville is usually quoted as writing "men", or in the original French *hommes* but if this statement is to have continuing meaning for us today, "people" meaning both men and women or even *humanité,* seems the more appropriate choice. We need not commit an anachronism by this update as long as it is clear that our concern is not with what the Frenchman wrote in the 19th century, but identifying what continuing meaning this statement can have for us today and in the future. Those who believe that future democratic polities should be restricted to men only, or even men of property should be on notice that their view is not shared here. They will

have to do their own theorizing and form their own associations! The rights of association and assembly apply to all people.

Huntington went on "in much of the world today, equality of political participation is growing much more rapidly than is the 'art of associating together'" (Huntington 1965). In the same period of time, Walter Reuther, head of the U.S. autoworkers' union and the only non-African American speaker at the 1963 March on Washington set the tone for the future with his statement that it was "the beginning of a great moral crusade to arouse America to the unfinished work of American democracy". In fact, that march was probably one of the real beginning points of the U.S. third sector which was in relatively short order joined by the financial and program streams of the War on Poverty, Model Cities, Medicaid, and a host of other public initiatives in such diverse fields as social services, housing and urban development and support for the arts. Many of these were initially tied to what Reuther labeled the "great moral crusade" (now generally known as the civil rights movement) while others – like support for education and the arts – later flew under the same banner of "the unfinished work of American democracy." In Reuther's time, he and many others, including a cohort of those who subsequently became third sector scholars, saw the third sector that emerged as an adjunct of public initiative.

My view is that while this may have been the original intent, it was followed in short order of a period of autonomization and growing independence of third sector institutions (and reduced public subsidies). Regardless of the original intentions of public policy makers then and since, leaders of nonprofit, charitable and philanthropic organizations gradually realized that as a result of mandates built into the policies themselves, public policy makers could not legally control them, and they were free to set their own course.

Huntington's and Reuther's views are altogether consistent with more recent observations that despite massive expansion of the condition of political equality for racial and ethnic minorities and women in most of the world's democracies civic engagement and participation may actually be in decline, in part due to the mitigating influence of television (Putman 2000; but see also Skocpol and Florina 1999). Putnam wrote that only a few years into the age of the Internet and well before the advent of social media and entirely new forms of engagement and participation. Yet, others might argue the measurable declines Putnam noted must be viewed in light of even greater and more significant qualitative declines in the meaning of membership, as nominal "members" in gigantic organizations of thousands and even millions of members create little or no opportunity for participation or engagement beyond the affirmation of joining.

What follows below is a concern for the basic practices – associations, organizations, rules, decisions, methods and approaches – capable of balancing formal

political equality and the institutions and arrangements of participation. We begin, perhaps, with three questions: 1) what are the most important implications of the invention, discovery in recent decades of the third sectors of voluntary action, nonprofit organization, philanthropy, social economy and others; 2) have we, as a result, in the past half-century made any important advances in the art of associating together for civic and social purposes? Further, if those gains have been primarily intellectual, 3) have we made commensurate gains in social and political theory or other forms of the widespread public recognition of our collective abilities? When we look over the published literature, the answer to the second question is pretty clearly yes. To answer the first and third questions is a more complicated challenge to be explored over the chapters that follow. In Appendix A below, I identify more than 30 separate dimensions, spheres and plausible components or sub-sectors of what the mission statement of *Voluntary Sector Review* labels "the wider third sector," ranging from the nonprofit sector, civil society, and social economy, to gift economy, mutual aid, social enterprise and philanthropy. But these have yet to gain any measure of acceptance.

To the extent any democratic transformations are actually underway or take place in the foreseeable future, they will be apparent in our daily life worlds, our collective experiences of living with one another as well as in our theories of the practice of democracy. Certainly, that has been the case in the U.S. during the past half century as the major changes associated with the spread of universal suffrage, the end – or at least the transformation – of racial injustice, deinstitutionalization of the mentally ill and mentally retarded into the larger community, a wide array of women's movements, the collective movements for full recognition of civil, political and social rights of gay, bisexual, lesbian, and transgendered persons, and the waves of new immigrants who have joined communities throughout the post-industrial world, made their homes there and become part of us. The term new social movement has been used by many different sources in several fields as an umbrella term for all of these and other developments. This has also been the case with the many local and national reactionary movements – all those collective 'now, just wait just a minute!' responses – that these changes have engendered from the Ku Klux Klan and the John Birch Society to defeat of the Equal Rights Amendment and the Tea Party, and the assorted 'new Right' movements in France, Hungary and throughout Europe (Della Porta, 2009; Della Porta, Kriesi & Rucht, 2009).

Organized reaction in such cases not only includes white citizen's councils, Southern private schools and national home schooling movements and the 'Southern Strategy' which turned the Republican Party from a national into a mostly regional party, but also radical conservative judicial activism, the "pro-Life" movement, and widespread reactions against gay marriage (Aistrup 1996; Badger 1997; Clark 2006; Kotlowski 1998; Lax & Phillips 2009; Liu & Taylor 2005). Vaguely similar reactions are also to be found

among the professional reservations of members of helping professions like social work, nursing and clinical psychology to the unfettered homelessness, criminal activity and related problems experienced by deinstitutionalized persons turned loose on the streets (Lamb & Bachrach 2001; Stroman 2003) and to assorted proposals to equalize or level the relations between professionals and clients, e.g., through mutual aid and self help groups (Borkman, 1999).

One constant in all of these “progressive” and “reactionary” movements whose labels often mask underlying similarities has been the role of organized voluntary action on the part of people demonstrating the arts of associating together. Civic engagement in democratic society and culture may happen at any of a multitude of levels: through formal memberships in associations, volunteer work in service delivery or advocacy organizations, or simply expression of interest, awareness, and intellectual engagement with others in following, understanding and discussing such movements, events and activities.

Modern democracy is often construed narrowly as the right of citizens to a voice in the composition of their governments. A broader brush is used here. Democracy is treated not as a theory of government but as a distinct approach to society and culture; a way of reconciling the confusion arising where the anarchy of ‘do your own thing’ individualism meets civil society. The nineteenth century American sociologist Lester Ward was an early proponent of something like the view expressed here. The twentieth century sociologist Amitai Etzioni called this *The Active Society* (1968). This expansive vision of democracy accounts not only for polity but also for society, economy and culture and has many antecedents. It is fundamental to Tocqueville’s observation of the uniqueness or exceptional nature of nineteenth century American democracy. We tend to forget that the first epigraph in the table of contents for Book I, Part 1, Chapter 3, of *Democracy in America* is translated in the iconic Reeve-Bowen-Bradley translation as “The striking characteristic of *the social condition of the Anglo-Americans is its essential democracy*.” It goes on to observe, “that the salient point of *the social state of the Anglo-Americans is it’s being essentially democratic*.” (Italics added) Both statements arguably point to conditions much like what Ward termed sociocracy. Since Tocqueville’s time, they have also come to characterize the aspirations of a sizeable portion of the world’s population. Both translations summarize Tocqueville’s conclusion that the “social state” or “social condition” (or what we are more inclined to call society and culture) in 19th century Anglo-America were fundamentally democratic. It is suggested here that, regardless of what is happening with the relations of government, business and nonprofit corporations, large patches of this social and cultural democracy continue to exist and have spread through much of the modern world. Complicating a solid understanding of this perspective is that one important synonym of the term state is “condition”. For this reason, the modern

notion of a "state" sector may be completely absent in Tocqueville and will be left out here. Reference instead is made throughout to government, polity and political system, as appropriate. Numerous ideas and phrases coined by Tocqueville in particular, including "habits of the heart", "self-interest properly understood", association as "the mother of all sciences", and others are well recognized on both the left and right as important benchmarks in contemporary understanding of the role of voluntary action in the democratization of society and culture.

Lester Ward was another 19th century observer in the decades following Tocqueville. He was also the first American sociologist of note and it has been suggested by no less a figure than the historian Henry Steele Commager that Ward was also the intellectual father of the American welfare "state" (Ward & Commager 1967). It is possible to tease out of Ward's writings ideas with important implications for our evolving views of the independent sector and its role in the future of democracy. In *Dynamic Sociology* (1883, as quoted in Martindale 1960: 72) Ward rejected both the anomic individualism of Herbert Spencer and the social utopianism of Auguste Comte, whose term *altruism*e continues to provoke and inspire. Yet, the precise 19th century dualism of individualist utopia vs. social(ist) utopia that Ward found faulty continues as a mainstay of U.S. political rhetoric today in the anarchic utopianism of Sen. Rand Paul and the Tea Partiers against the utopian idealism of, e.g., diverse leaderless Occupy movements and other examples of horizontality (Maeckelbergh 2013). It is also clearly visible in political cleavages in Great Britain, France, Greece, and numerous other examples. The nineteenth century United States may be unique in human history in the number and scale of "individualist utopian" social movements, many of which foundered on their inability to reconcile individual desire with collective necessity. Contemporary anarchists and rugged individualists would do well to heed the lessons of projects like Brook Farm, et. al.

Ward favored the term and strategy he termed *meliorism*, defined as the improvement of social conditions through the application of human intelligence. While Ward was prescient in calling out the individual/social dualism, he probably sabotaged his own distinction in failing to differentiate the institutions of government from those of society and culture, an oversight that continues to plague public conversation today, and that has posed particular difficulties for the arts of association in the independent sector. The prospect of transcending that dualism is one of the most important reasons for use of the term independent sector outlined here. Ward wrote, "There is one form of government that is stronger than autocracy or aristocracy and that is sociocracy." This has often been interpreted as Ward's endorsement of "socialism", in the sense of public ownership and control and that is surely one possible interpretation. Yet, there is another possible interpretation.

Ward went on to write, "The day has come for society *to take affairs into its own hands and shape its own destiny*." (Italics added) Rather than reading this, rather disingenuously it would appear, as an endorsement of socialism in the sense of society under the direction of government, perhaps Ward had something else in mind. It is quite plausible to read Ward's mention of government in the rather specific sense of self-governance and society in the sense of the social interactions, social (not merely formal) organizations, and social institutions of our ordinary daily lives. Thus, to "take affairs into its own hands and shape its own destiny" can be read as an early expression of something akin to the civic republican ideal of self-governing persons in self-governing communities; a thoroughly democratic prospect, but quite beyond the reach of contemporary representative democracies.

Many observers today across the political spectrum appear to find such an interpretation of Ward's meliorism and sociocracy a plausible notion, particularly at the community level. Indeed, something like this may already be happening across a broad sphere of human endeavors, and has been for quite some time. To the extent this is the case, it would constitute a species of genuine improvement in the art of association like that noted by Huntington as well as a real expansion of human freedom and dignity. It is also one of the most important implications of the emergence in recent decades of a third sector beyond households, markets and governments. The notion of a serial ordering of sectors or groupings of institutions (first, second, third sectors) is, at base, a faulty one that leads to some rather silly questions (e.g., which came first, families, governments or markets?). This is a principal reason the terms government, market and family, or intimate sectors, and independent sector are used here. The reasons for calling it an independent, rather than a "nonprofit" sector are explored later in the text.

In contrast to the inherited 19th century dichotomy of individual verses society, it is possible to outline a view today inspired by Ward, Tocqueville and dozens of other social scientists and philosophers that seeks to define ever more clearly this entirely new set of social spaces. Inherent in these emergent new social, political, economic and cultural spaces abstractly bound together as a sector is this potential of the ability of a group or groups of individuals to take affairs into their own hands and shape their own destiny. Where interpretations of Ward's meliorism often go wrong is in equating the ability of individual members of society to control their own destiny – to be self-governing – exclusively with the institutions of democratic government (the state sector). While that idea is important in the idea of democracy, it is not the only possible interpretation. Since Ward time, entirely new additional spheres of human activity have emerged and been recognized as members of society take affairs into their own hands and shaping their own destinies in untold numbers of ways. Such a conception includes, but is not limited to, democratic government in Abraham Lincoln's sense only two decades before Ward, of

"government of the people, by the people, and for the people". Humans have, of course, been engaged in assembling and associating outside of households, markets and governments for thousands of years. For most of that time, however, the sanction and authority of tradition, maintaining established order, obligations to ancestors, heeding divine commands and other similar "external" forces prevailed.

In that context, the notion that a group of people might get together and decide to do something of their own volition is a remarkable, even disruptive modern notion. The prospect of voluntary action sanctioned solely by the authority of the participants themselves is something entirely new and different in the world. It represents a sophisticated and pluralistic form of Ward's sociocracy, in which the self-governance of individuals and their society and culture does not *replace* governments, households, or markets but exists along side them in another, independent, institutional domain. This third sector (or, if you prefer, these independent third sectors) cover a very broad slice of modern life, and include(s) self-governed small groups, modern membership associations complete with formal written rules of self-governance, tax-exempt financial foundations and nonprofit corporations which collectively own and control their own assets and programs, fundraising institutions, "social programs", deliberately and self-consciously created volunteer programs and social movements, assorted assemblies, including meetings, conferences, parades, and pilgrimages, an incredible and growing variety of listservs, blogs, websites, social media and multiple other examples of virtual assembly and a great deal more. Indeed, this whole domain of groups of self-governing persons active together is characterized by nothing quite so much as its variety and diversity.

Ward and Tocqueville were certainly not alone in noting the possibilities of self-organization and action that were already emerging in the late 19th century. Indeed, there is a large body of institutional evidence of these developments before and since. Moreover, this evidence can be found scattered across the traditions of virtually all of the social sciences, humanities, and even the STEM (science, technology, engineering and mathematics) disciplines. Before the 19th century, the possibilities of self-governing associations and assemblies of self-governing individuals were already being glimpsed in the Enlightenment by George Hegel's and Adam Ferguson's models of civil society, Adam Smith's reflections on the role of sympathy, as well as by the American founding fathers who made extensive use of Committees of Correspondence to further their own revolutionary ends. Ward, Tocqueville, and later John Dewey, George Herbert Mead, Jane Addams, Mary Parker Follett, and numerous others engaged in working with foundations, community organizing, federated fundraising, and small groups also saw possibilities here.

For example, Ronald Lippitt and his associates applied this essentially democratic vision to organizations in the "democratic groups" tradition (1939). It can also be found in pioneering studies of association in community life by Ferdinand Tönnies (1955 [1887]),

the community studies by Lloyd Warner (1941). Many of these figures are significant in the political ideologies of New Deal liberalism or social liberalism. In another quite different set of political traditions, several Austrian School economists and political philosophers are also important in contemporary thinking about the third sector. Ludwig von Mises, Frederick Hayek, Richard Cornuelle, Eleanor and Vincent Ostrom, Gus De Zerega and others have seen a number of remarkably similar or compatible things that contribute to a much fuller understanding of a third sector of associating but self-governing individuals capable of an emergent order of collective action.

The pieces of this puzzle are as widespread as they are fragmentary. Jon Van Til (2012) noted the contributions to the notion of a third sector not only of Tocqueville (political and voluntary associations), but also Karl Marx (revolutionary association), Auguste Comte (*altruisme*), Max Weber (bureaucracy), Talcott Parsons (patterned variables), Robert Michels (oligarchy), James Pennock (liberal democracy), and William Kornhauser (mass society). To this list I would add, in no particular order, Marcel Mauss (gift exchange), Bronislaw Malinowski and Marshall Sahlins (gift circles, cycles or networks), Albert Beveridge (voluntary action), L.J. Hanifan (social capital), David Horton Smith (voluntary organization), Amatai Etzioni (normative compliance), Kenneth Boulding (threat, exchange and integrative systems), Burton Weisbrod (nonprofit economics), George Herbert Mead (collective behavior), Hannah Arendt (action, work and labor), Jürgen Habermas (systems and lifeworlds), Benjamin Barber (the sovereignty of the political), David Mathews (public deliberation), Anthony Giddens (third way), Elijah Anderson (cosmopolitan canopy), Harold Saunders (sustained dialogue), John Dryzek (discursive democracy) and Yochai Benkler (internet, social production).

Much like the apocryphal tale of the elephant and the seven blind men, piecing together these and many other contributions yields a fuller picture of a non-market, non-governmental, civil, economic, and political sector of democratic society and culture that has only begun to come fully into focus in recent decades. Even so, the question of whether it is some large complex unity or a large and diverse number of separate but related developments remains open.

No model of democracy can ever be fully realized, of course, and there are at the moment a great many such models: liberal, conservative, socialist, libertarian, social democratic, anarchist, new age, post-modern, millenarian; and a great many others. As noted, most concentrate largely or exclusively on government or "the state" as a unified expression of the public will and the means for attaining unanimity in collective choice. However, voluntary action in some form is a fundamental component of nearly all models of democratic society, economy or culture and when our attention is specifically on the space outside of governments, markets and households, the theoretical across-the-board unanimity of the general will is not an essential consideration; diversity, plurality and

tolerance of difference are far more important. Voluntary action under conditions of diversity, difference and institutionalizing different forms of tolerance is an important complement to each of the governmental, market and household sectors. Because of this, voluntary action is arguably important in any imaginable future transition to greater democracy because of the collective abilities of voluntary actors to act collectively and independently so long as they accept a basic social compact of peaceful, lawful accommodation to other groups and a plurality of possible ways of life. Without such a compact, of course, voluntary action outside government, markets and households has the potential of turning a war of each against all into a war of some against others, as we have seen in "the troubles" in Northern Ireland, and the warlords and militias in failed states from the Boxer Rebellion in early 20th century China to present day Somalia and Syria.

At least since the scientific revolution of the seventeenth century voluntary action, incorporating the disciplines of collective self-governance and peer review, is also an important and dynamic medium for generating new social knowledge and values, as attested by thousands of autonomous scientific, disciplinary, professional, interest and movement associations, conferences and journals. So emblematic is the role of modern science that, in the absence of a viable concept of the entire space discussed here, De Zerega (2011) characterizes science as the third major example of spontaneous order alongside the market order and democratic government. In Chapter 7 below, we will flesh out a very similar insight under the name of knowledge commons.

The late 16th and early 17th centuries constitute a kind of minor axial age in the formation in the formation of this new capacity. This period included collapse of important parts of what can be termed systems of old commons in England, legal enactments such as the Elizabethan Poor Law and the Statute of Charitable Uses both adopted in 1601, and formation of a vast number of royal, aristocratic and municipal literary, artistic, and scientific academies and other institutions across Europe. These and other related developments set in motion what evolved into a spontaneous order of entirely new ways of dealing with the spaces outside of states, markets and households.

A small number of isolated and seminal legal and policy developments including legislation and court rulings intended to reinforce and protect voluntary action have been important components of this evolution at least since 1601. No one, it seems, planned or foresaw this evolutionary sequence; and no one has ever controlled all of it in anything approaching its entirety. In our time, relatively simple but universal declarations traceable to practices that evolved over recent centuries in Europe, the U.S. and the British Commonwealth countries, reinforced by freedoms of association, assembly, speech and religion at the national and international level were eventually extended internationally and now characterize much of the world.

The near-universal norms that resulted have facilitated possibilities of voluntary action for everyone and elaborated models for novel forms of living together peacefully in communities across the planet. While there is reason to doubt the full universality of the nonprofit model, it has an established near-universal presence today. Another of the many interesting bodies of research in this regard is work done in the 1980s and 1990s over the question of whether democracies can co-exist without war. See (Weart, 1998) for a review of this research.

Those who wish may act voluntarily, in concert with others, to fashion their own life worlds, in part or even more or less completely. Certainly, at least some minimal levels of social control by governments and the productive capacities of market economies are necessary conditions for many forms of voluntary action. The capacity to rear children schooled in traditions and practices of voluntary action may also be necessary. But these alone cannot provide the necessary and sufficient conditions for people to make things happen in concert with one another in their daily life worlds. This is the singular province of voluntary action.

Living Together in Community

The term democracy is inadequate for the task to which it is applied here. Yet there is no better term currently available. Perhaps the best we can do is re-define and re-conceptualize this term which reaches back to ancient Greece in new ways that fit contemporary circumstances. Recent suggestions for alternative terms have included such neologisms as polyarchy (Dahl 1956), mutual partisan adjustment (Lindblom, 1965), polycentricity (Ostrom 1997), and spontaneous order (Polanyi 1951) all of which need to be added to the growing list of important precursors of the idea of a sector of voluntary action. Contemporary social and political theory remains incomplete to the extent that it omits reference to the sphere of voluntary action. Families are fundamental to human nurture and socialization. Some minimal level of government is necessary to maintain minimal social control, public order, public safety and security and the enforcement of contracts. Note that Robert Nozick examined that very point in *Anarchy, State and Utopia* (1974) and concluded that some minimal level of state regulation and control was necessary. Observers across the current political spectrum by and large accept his conclusion, although there continues to be great disagreement about where that point is to be found. The principal political debates of recent years in the U.S. has been largely preoccupied with the issue of where that minimum should be set. Richard Cornuelle's introduction of the independent sector was very much a precursor to those discussions, although the implication of his approach chosen here is largely residual; attending to the independent sector as whatever portion of voluntary action is "outside" the sphere of governmental public order and the market order. And markets have proven to be unprecedented engines of economic growth and wealth generation. Yet, there is more to

life than nurturing, governing and trading and modern populations, societies, and cultures stake out a broad range of additional arrangements to facilitate living together. In our contemporary world, they are able to do so through voluntary action.

Democratization of polities, economies, societies and cultures continues to spread in a variety of contemporary settings characterized by a wide variety of formal political and economic systems, all of them claiming the democratic mantle in some variant. While half a century ago there were fewer than thirty self-declared democratic nation-states, today there are more than 100. Yet, fewer and fewer people embrace democracy purely as an abstract set of formal political principles by which they wish to be governed. For growing numbers even in quite authoritarian political regimes 'democracy' has become a reflection of the desire to pursue their own individual, family, group and community life plans in peaceful proximity with others. Indeed, in several respects, democratization of society and culture appear to be overshadowing traditional notions of economic and political democracy as a system of government. This does not mean governmental institutions are becoming less important; it means people are increasingly putting their own notions of democracy into broader perspective in their lives. Even as shrinking minorities may vote in any U.S. election, and traditional civic engagement continues to decline, growing portions of U.S. and the world's population affirm their desire to "do their own thing" and live their own lives in association with others of like mind. This isn't primarily a matter of lifestyle movements, communes, dropping out, alternative lifestyles, or cults although these are certainly part of what is happening. It is also a matter of new forms of religious observance, community theater, Little League baseball, youth soccer and flag football, and the nearly infinite variety of other things that people choose to do together with others. It is one of the aspects of contemporary political democracy that, as often as not, contemporary politicians and bureaucrats may prove to be obstructions or worse rather than facilitators of such popular aspirations.

Living together peacefully with large numbers of others only some of whom view your life plans as you do can present extraordinarily complex challenges involving negotiating assertions of individual rights, group prerogatives, ethnic, language and cultural differences and seemingly unstoppable waves of social, economic, cultural and technological change in familiar, customary and traditional as well as strange, unfamiliar fashionable and faddish ways of doing things. At times of great migration like the present in the Americas and Europe, such strains and tensions can at times seem almost unbearable, and even produce outbursts of violence and terrorism. Large measures of tolerance may be necessary but also difficult to muster. Both those who embrace social change indiscriminately and those who aspire to stand athwart history yelling "stop" at selected initiatives at times grow weary at the prospect.

The metaphor of standing athwart history yelling stop was coined by the late William F. Buckley to characterize contemporary conservatism. Rather than a heroic gesture, simple obstruction like the current U.S. Congress may be a particularly inept response to certain kinds of social change. To those who seek to stand astride her, history may be quite capable of administering swift kicks to the groin! In this context, established methods of adaptation and adjustment within the intimate relations of families and households, the exchange relations of economic markets and the coercive powers of ordering and forbidding by governments have all proven more limited than circumstances demand: Families, whether nuclear or extended, traditional or otherwise, tend to divide the world into those who are and are not entitled to the intimacy of the hearth. In-family solutions tend to be limited to that family. Markets by definition develop around common interests expressed in terms of property, price and prospects, leaving unresolved many issues characterized by indeterminate ownership, unaffordable prices, insufficient demand, inadequate supply, uncertainty and indifference. Liberal democratic governments may genuinely be confounded by the challenges and paradoxes of minority rights and, more importantly, the proper treatment of those bent on the supremacy of their own versions of the public good. In each of these cases, voluntary action offers a range of tools, options and alternatives. In what follows, we will distinguish the coercive (or command and control) powers of "the state", like the power to tax, conduct wars and maintain civil order, from the many "welfare state" programs and services of modern democratic governments at all levels devoted to what conservatives and libertarians refer derisively as "the nanny state"; programs and services devoted to individual flourishing and community development. One of the most difficult, but important, aspects of the perspective presented in this volume is the suggestion that the latter are, in reality, forms of tax-supported voluntary action. I worked with one of my professors in graduate school, Robert Binstock on a concept related to this that he termed *new welfare*. Much work obviously remains to clarify this idea. Mere mention of clichés and labels like *welfare state* and *nanny state* tend to do little more than obscure the real, underlying issues involved.

In subsequent chapters another approach (actually numerous approaches within a diverse institutional domain) to the challenges of living together through democratic society and culture will be outlined and discussed. Unifying themes are voluntary action and the pooling of common resources in the spaces outside of households, markets and government; collective voluntary action outside the intimate imperatives of family life, the price system of markets and the coercive powers of government. The characteristics of organized, collective voluntary action are traced in what follows through the diverse forms of associations, nonprofit and nongovernmental organizations, cooperatives, foundations, mutual aid, self-help groups, organized volunteering and philanthropy, as well as social problems and social movements. The established institutions of the nonprofit sector are characterized as nonprofit firms and considered only minimally.

Basic to this outlook are the concepts of new commons and knowledge commons and the other terms mentioned near the end of the introduction above. Together, these diverse activities form a broad category of informal and formal social organization recognized in law and culture as well as the social organization of important segments of everyday life characterized by voluntary participation, shared purposes and pooled resources. For lack of a better term, we shall call this clustering of new commons and knowledge commons the independent sector. Such associations, groups, formal and social organizations have been fundamental features of contemporary democratic society and culture for some time. Other features of voluntary action have only recently become objects of major interest in social, economic and political theory, while some, such as assemblies, parades and pilgrimages, have failed to generate serious scholarly, scientific or analytical interest, and others, like collective behavior, social problems and social movements have been treated largely as autonomous, self-contained knowledge domains. All of these and more are gathered here under the single heading of new commons.

These and other new commons have proven to be highly adaptable forms of joint or collective voluntary action capable of dealing with many of the complexities, paradoxes and challenges of modern living alongside strangers (Morris & Morris, 1986). Although organized voluntary action may at times take place without legal endorsement or even in the direct face of legal sanctions, the majority of new commons are constituted indigenously by what the U.S. Supreme Court (*NAACP v. Alabama* 1958) characterized as a penumbra of state and provincial, national and international legal infrastructure that has grown up almost unnoticed over several centuries (Fremont-Smith 2004). Legal frameworks governing voluntary action are typically minimal and enabling rather than constitutional or directive. Yet this infrastructure, which is increasingly mirrored in democratic societies and cultures everywhere, provides protection sufficient to enable substantial pooling of money, time, talent and other resources by participants in new commons. Tax incentives and disincentives seek to encourage, discourage, and in other ways attempt to shape and mold behavior as incentives, sanctions and inducements. These have taken diverse forms as common law, permissive legislation, legal precedents, court rulings and administrative rules. Yet the ways, means and effectiveness of such influences on actual behavior in voluntary action remain unclear. Even when they are seemingly quite ridiculous as in the case of the 1888 court ruling that corporations are legal persons (reinvigorated in the equally ridiculous ruling in the 2010 *Citizens United* case), the penumbra of this legal infrastructure has proved sufficient to undergird the formation of unique, powerful and interesting institutions as diverse as charity organization societies, settlement houses, children's home societies, religious denominations, congregations and other bodies, the Public Broadcasting Service (PBS), the Ford Foundation, thousands of colleges, the Children's Television Workshop, the NAACP, and museums as different as the Metropolitan Museum of Art in New York City, the Pennsylvania Farm Museum of Landis

Valley in Lancaster, PA and the American Credit Union Museum in Manchester NH. This same legal infrastructure has proven flexible enough to accommodate protest and other movements, fledgling institutions, and established, bureaucratized and professionalized service firms.

Such formal, incorporated and established entities are well known and recognized. In the U.S., they constitute what is usually known as the nonprofit sector, a configuration that is sometimes mistaken for the entire space outside of governments, markets and households. Also important to the independent sector even when they are less visible are peer and friendship groups, mutual aid and self-help groups, and any number of informal associations, or social organizations, like those associated with political, religious, and social movements, the organized efforts that arise in the social construction and definition of social problems. As a general guideline, we are looking here at any set of informally or formally organized social activities that might seek legal protection of its freedoms of association or assembly under national or international law and isn't directly linked to government, market or household organization.

Scholars have become used to the idea of using the term third sector to distinguish these institutions and organizations from markets and governments, seen as the first two sectors. There is, however, another quite different way to conceive of thirdness and that is to use a common sociological practice and suggest that in institutional terms, the family and institutions of the intimate sphere are primary institutions, and the established, historically enduring institutions of government and market (including formal professional and bureaucratic organizations and the legal infrastructure) are secondary institutions, both of which are distinguishable from the thirdness or tertiary institutions of the innovative, insipient, transitory, and otherwise constantly changing practices and patterns of voluntary action (Lohmann, 1995).

Law, tradition and customary practice combine to enable the establishment and continuous re-creation of freedom of association in a variety of tertiary social spaces apart from families, markets and governments. In such spaces individuals and small groups can, solely by their own actions with others, and with or without the aid of outside sources, produce public and common goods of many different types ranging from concrete individual benefits and services for individual beneficiaries and mass audiences to the production of entirely new values, norms, practices and other instances of what Tocqueville labeled moeurs. That term, which in my middle American pronunciation rhymes with poor. The term is French and used extensively by Alexis de Tocqueville, in *The Old Regime and the Revolution (1998)*, with connotations considerably broader than the contemporary sociological term mores (usually pronounced *more-ayes* like the eel, with perhaps an accent on the second syllable). Regardless of spelling or pronunciation, moeurs in Tocqueville's broader sense figure prominently in the discussion that follows.

What is Voluntary Action?

Voluntary action is defined herein as collective action or group behavior that occurs largely independent of the incentive structure (or price system) of the market order or the rule-making and coercive forces (subtle and otherwise) of government and away from the primary relations and intimate sphere of the family. In *Mapping The Third Sector,* my colleague Jon Van Til focused on a narrower construct of voluntary action: the efforts of volunteers, voluntary associations, and mutual aid and self-help networks (all of which are included within the term as used here). Voluntary effort was defined as anything that feels good or is meaningful and is not biologically compelled, politically coerced or financially remunerated and he noted two additional dimension that are also important: individual voluntary effort; and "[v]oluntary action directed at the long range betterment of society and the general welfare" that, he said "may be the best kind of voluntary action in the eyes of most people" (Smith, Reddy and Baldwin, 1972: 167 as cited by Van Til, 1988: 6).

The American pragmatic philosopher William James first introduced a very broad construction of the term voluntary action in his *Principles of Psychology* (1890). For James, voluntary action was distinguished only from involuntary action (such as the knee-jerk reflex or retching) by its potential for being foreseen or anticipated. William Beveridge (1948) reintroduced the term voluntary action with a new and narrower meaning after World War II. He gave it a more explicitly social meaning emphasizing collective behavior away from government in the context of the launch of the British welfare state and as a term for referring to the residual complex of British voluntary associations, agencies, associations, trusts and individual and group philanthropy capable of acting outside the emerging British welfare state (and, of course, the market order). British third sector scholars still make widespread use of Beveridge's construct, as in the title of the *Voluntary Sector Review.*

Roughly two decades later, David Horton Smith sought to popularize Beveridge's term in the U.S. and Richard Cornuelle introduced the notion of a national sphere of voluntary action distinct from government for which he coined the term "independent sector" (Cornuelle, 1965; Smith, 1999). Cornuelle's work has been subject to a wide variety of ideological scrutiny, and characterized, denounced or ignored by various commentators (many of the most vocal on the political right) as conservative, libertarian, communitarian, as well as not-conservative enough, not libertarian enough, and too communitarian, and numerous other characterizations. (Annunziato, 1993; Lohmann, 2013). Cornuelle wrote an effective and widely read argument for the importance of voluntary action. His analysis was particularly influential among conservatives and Republicans and is believed to be among the influences that prompted rhetoric on voluntary action by Presidents Nixon, Reagan, Bush (41) and Bush (43) regarding privatization, the voluntary sector, a thousand points of light, compassionate

conservatism, and faith-based services. Remarkably, in the 2012 election Republican candidates were completely silent on the subject.

Cornuelle's proposed usage came at about the same time as and was intended to pose a significant alternative to the controversial public-private efforts of Title II of the Johnson Administration's war on poverty to allocate federal funding for a nationwide community action program (CAP) characterized by maximum feasible participation of the poor and other instances of public-private cooperation in the Great Society. Cornuelle and others were concerned at the time that public funding and initiatives would consume the traditional voluntary sector entirely. In hindsight, he need not have worried. In actuality, what happened has been far more complex, not only with community action but well beyond. For example, when the Nixon Administration, following Cornuelle's general outline, subsequently defunded the CAP program, the unexpected happened. Rather than folding their tents as Congress had supposed, the majority of the CAP agencies that had been incorporated as nonprofits, discovered the legal autonomy that came with incorporation and began to pursue other options, giving rise to an early form of what is now generally known as social enterprise. More than 700 of these CAP agencies (almost two thirds) continue to operate today. Each of those developments was important to the still evolving ideal of a sector of voluntary action apart from households, markets and government.

A century earlier in *Democracy in America* Alexis de Tocqueville (1843) drew an important distinction between political and civil associations in the context of American government and society that is fundamental to understanding the range of voluntary action and helps explain why and how those CAP agencies survived. Congress may have intended to create a network of political associations at arms length yet fully dependent on government for resources as a way of avoiding legislative responsibility or culpability for this highly controversial move. By mandating the tax-exempt, tax-deductible nonprofit corporate form, however, what resulted were in every sense of the word civil associations, free to follow or ignore Congressional intent as circumstances dictated. Thus, when the budget cuts came due to shifting political winds, these corporations merely sought other means to their (by now) civil ends.

In this and other ways Tocqueville's distinction between political and civil associations continues to enliven and at times confound contemporary voluntary action. Both Beveridge and Tocqueville wrote in response to the legal context of public charity and philanthropy grounded in the British Poor Laws (1601 and 1834) and Statute of Charitable Uses (1601). There were several continental European correlates and precursors, including the 17th century Dutch associations noted by Sievers (2010), and Jonker (2000) and earlier English, Germanic, and Scandinavian tribal traditions discussed below. Over the course of the decades immediately after Tocqueville, numerous new

forms of voluntary and civil associations for civil, educational, cultural, religious and other purposes laid the groundwork in the U.S., Great Britain, continental Europe and the rest of the urban, industrialized world, for what Lester Salamon (1993) termed the " worldwide association revolution" of the late 20th century.

From early on this has been much more than the voluntary associations usually associated with Tocqueville's name. In an unprecedented development during the 1830s and 1840s, for example, there was a sudden burst of utopian community foundings in American life that was followed a decade or two later by friendly visiting societies in Great Britain and the U.S. and the subsequent Charity Organization movement to organize and rationalize them in "scientific charity" (Carden, 1998; Hicks, 2001; Holloway, 1966; Lewis, 1995; Peterson, 2005; Plant, 1984; Schmidt, 2010; Trattner, 1994). Less noted except by historians were the subsequent efforts by natives and immigrants to the Americas to fashion thousands of "private" colleges and universities, religious hospitals, new forms of mutual insurance and burial societies, employment and training organizations, settlement houses, social clubs and fraternal organizations and such familiar contemporary organizations as Boy Scouts, Girls and Boys Clubs, YWCAs, and literally hundreds of urban symphonies, opera and theater companies, and much more (Axinn & Stern 1988; Beito 2000; Beito, Gordon & Tabarrok 2002; Chaves 1998; Morris 1986; Rauch 1976; Trattner 1994). The genuinely horrid effects of modern warfare in the American Civil War, the Crimean War and World War I were ameliorated to some extent by voluntary associations like the Red Cross, and by entirely new forms of fundraising (Bremner, 1988; Faust, 2008; Trattner 1994; Zunz, Chapter 2). Already by the late decades of the 19th century, people working in charity and philanthropy began to refer in their speeches, articles and letters to an entire complex or "voluntary sector" of independent voluntary action, and produced efforts to characterize and systematize what they fashioned as philanthropy. Prominent among these was Amos Warner's (1988 [1894]) proposal for a science he called philanthropology, or the study of philanthropy. In 1895, the Chicago sociologist Charles R. Henderson may have been the first to examine the "place and function of voluntary associations" as key figures in the recognized domain we are calling the independent sector. Yet, it would be nearly another century before organized studies of voluntary action caught the attention of more than a few individuals in each generation and were organized as a major research enterprise.

The issue of the proper relation of governmental and voluntary action took another major turn away from independence in the late 1920s when Herbert Hoover, an engineer and voluntary organization administrator became President of the U.S. In the White House, Hoover actively promoted his doctrines of "associationism" and "association government", which he envisioned as a regime in which government and associations were partners with government as the senior partner (Hawley 1974; Zunz 2011: Chapter

4). Associationism as a political doctrine was scuttled by events, particularly Hoover's laissez-faire response to the Great Depression between 1929 and 1932 only to resurface again half a century later in the concept of a national nonprofit sector laid out in the Filer Commission Report and proposals for "third party governance" (Brilliant 2000; Filer 1975; Salamon 1987). By that time, a Hooverite, associationist voluntary sector with close (contractual) ties to government was proclaimed by 14 national social service umbrella (or peak) associations that anointed themselves as "the voluntary sector" for purposes of defining the terms for negotiating with the federal government over grants and contracts (Feldesman & Hughes 1976; Gibelman 1990). In a similar move a few years later, a national network of institutions located within the Washington beltway (including most of the same 14 and numerous others) co-opted and redefined Cornuelle's term Independent Sector and projected itself as the representative of all nonprofit organizations in the U.S.

Such efforts proved highly popular with some but also provoked some blowback. From the late 1950s, scattered voices in addition to Cornuelle's were heard within the emerging social work profession, for example, objecting to the growth of federal support for voluntary social services and predicting negative implications for the autonomy of voluntary action even as the rush to federal funding was getting underway (Johnson 1959; Kramer 1981; Levin 1966). As the size and scope of government aid to some nonprofit organizations grew substantially, these voices were largely drowned out, even as many of their concerns were realized. For many community groups, pursuit of pubic funding has proved a very quixotic quest. In this same period, isolated studies of voluntary associations were being published with increasing frequency in sociology and political science journals (Babchuk 1962; Gordon and Babchuk 1959; Jacoby and Babchuk 1953; Likert 1961; Rose 1960).

Cornuelle was concerned enough about the anticipated loss of independent voluntarism to write an influential argument for an independent sector of voluntary action not only separate from but also competing with government (Cornuelle, 1965 [1993]. Cournelle's highly original case for independent voluntary action was misread and dismissed by a number of reviewers, both liberals and conservatives, as conservative agit-prop (see Anunziato, 1993 and Lohmann, 2014). His vision of collective action independent from government ran directly counter to both Hooverite associationism and the "new welfare" thinking of the period and has formed one strand of voluntary action thought ever since (Lohmann, 2012; Schulz & Binstock, 2008). Cornuelle's rather severe independent sector, as that sphere of voluntary action not dependent on or affiliated with government, stands as one of the fundamental distinctions or contrasts in contemporary understanding of voluntary action, along with Tocqueville's political and civil associations, and the Gordon and Babchuk (1959) distinction between instrumental and expressive action. (See also Mason, 1996) Independent voluntary action can be distinguished from

both the government-voluntary (associationist) co-production that arose strongly in the 1960s, and various forms of market-voluntary co-production (often termed social enterprise) arising today. The logic of Cornuelle's argument suggests that such independent voluntary action might qualify for privacy protections and occur within the same "zone of personal liberty in which the government may not enter" staked out for consensual sex in the wording of the *Lawrence v. Texas* (2003) U.S. Supreme Court ruling. This, for example, would be the space occupied in the U.S. by all of the religious organizations and congregations and programs that elect their first amendment right not to formally incorporate or voluntarily file IRS-990 tax returns as exempt entities. It is also the zone of privacy staked out by the Supreme Court in *Boy Scouts of America et al. v. Dale*, (2000) as originally circumscribed or delimited by the "penumbra" of rights of privacy, association, due process prescribed in *NAACP v. Alabama* (1958). When these diverse strands are combined, a very clear conception of distinguishable realms of public voluntary action, divided into political and civil domains, and private voluntary action beyond the reach of the state begins to emerge. However, it is a very complex, multi-level idea not easily reduced to a single sentence definition or clarification.

Civil Society

There are strong links explored below, particularly in Chapter Twelve, between voluntary action in democratic society and culture and what others have termed civil society (c.f. Cohen and Arato 1992; Edwards and Foley 1997; Edwards 1998; Edwards 2004; Ehrenberg 1999; Gellner 1994; McLean, Schultz & Steger 2002; O'Connell and Gardner 1999; Putnam 2000; Seligman 1992; Sievers 2010; Van Til 2007; Walzer 1995; Wagner 2013 and numerous others). Most of this literature, however, pays little head to these distinctions between political and civil associations, instrumental and expressive action, or independent action and what Cohen and Arato term the "pseudo-pluralist and corporatist forms of interest representation and aggregation" of nonprofit firms. (Cohen & Arato, 2000, 462).

The connections of the new commons theory of voluntary action to civil society and to such issues as civic engagement are straightforward and present throughout what follows, even though I make only minimal use of the actual term civil society. In general, I assume throughout that voluntary action occurs "in" or as a critically important dimension of the public and private precincts of civil society and that the foremost expression of modern civil society is located in communities, in the many diverse meanings of that slippery term, but that the topic of civil society encompasses a great deal more than the limited domain of circumscribed by the common resource pooling and the production of common goods of voluntary action.

Much of the significance of the concept of civil society in the hands of analysts like Cohen and Arato, Michael Edwards, Ernest Gellner, Robert Putnam, Jon Van Til, Antonin Wagner and others is to be found in a contrast akin to Cornuelle's of an independent third sector with the kind of strong statist and totalitarian conceptions of social action which perhaps reached their apogee in the first half of the twentieth century. A book review by Marc Plattner, for example, notes, "Gellner (1994) surely is right in attributing [the emergence of civil society theorizing] to a reaction against communism; the experience of a monolithic social order that forbade all independent social activity and opinion understandably sharpened people's appreciation for the freedom and diversity of civil society. But I think that there is more to it than that" (Plattner, 1994). Such historically informed focus is necessarily light years from the original concerns with civil society by Hegel and Ferguson, who could not have even imagined the horrors of 20th century totalitarianism.

“"For partisans of liberty" Plattner (1994) continued, "who believe that the case for universally valid political principles is no longer sustainable, civil society" and we can now add, the subset of an independent sector of voluntary action "can be an especially attractive concept. It is wholly voluntary and is seemingly compatible with the greatest diversity, not only of interests but of principles as well. It is free of the [general] will that is inherent in the state--no matter how liberal or democratic--and it also presents a useful corrective to the materialism and individualism that are among the more questionable fruits of modern liberty." Plattner went on: "As Tocqueville emphasizes, civil associations serve both to remedy the weakness and self-regardingness of individuals and to prevent the excessive growth of state power. Yet despite its undeniable importance, civil society is not the whole or even the essence of modern liberal democracy. It is instead a product of, and a supplement to, the two truly essential features of a liberal democratic order--popular government and the protection of individual rights." This conception of "individual rights" most likely would incorporate the legal enactments and protections of collective action discussed here. We must note in passing without further comment here, however, that this contrast of civil society particularism with "universally valid political principles" contrasts with the idea of universal "principles" of nonprofit organization and reveals an important tension between universal and particular communal values. More will be said about this in the chapter on communities below.

Modernization, Solidarity and Culture

An effort is made in what follows to build upon and move beyond the universalist view of associations that we inherited from Tocqueville and build a case for voluntary action in distinction modern circumstances, moving in different directions than the unmitigated forms of voluntarism implicit in Parsons' view of society as a sort of association of associations and in Habermas' (1987) ideal speech community. In their

massive study of *Civil Society* Cohen and Arato (1992) tell us "The problem of associations, which is excluded from Habermas' analysis, is parallel to that of culture, to which it is linked through the structures of the public sphere." It is precisely those linkages that provide the skeleton tying together the public portion of new commons and the larger public sector. George McCully's treatment of the American Revolution as a philanthropic project gives us some idea of how far this idea might be extended (McCully, 2008). Cohen and Arato continue, "As Durkheim and Gramsci realized, the hostility of the modern state and economy to corporate bodies and associations could not block their reemergence and modernization." Indeed, a remarkable number of modern states, from the Soviet Union, Wilhelmine Prussia, the segregated "Jim Crow" U.S. and apartheid South Africa foundered in the long run in the face of the surprisingly strong normative powers of rights of free speech and association – key "powers of the people" – that have become deeply embedded in democratic culture and were wielded by grassroots associations and networks.

The argument that Cohen and Arato lay out offers a distinct alternative view to the "substitution thesis" laid out by Cornuelle (1965 [1993]) for complete exclusion of the state from charity and philanthropy and substitution of a fully independent sector (see Lohmann, 2014). They support a more pluralist view incorporating both state and associations and allude to the emergence of the nonprofit model. In this context, "the bureaucratization of associations and the reemergence of pseudo-pluralist and corporatist forms of interest representation and aggregation," such as nonprofit organizations that follow from active social and political movement phases are "a key dimension of the fusion argument". Thus, we can conclude that the explanations of the nonprofit sector like those of Anheier, Salamon, et.al., "cannot be considered the only tendency in contemporary associational life." Note that Cohen and Arato are not denying the reality, scale or significance of either a nonprofit sector characterized by hybridity (Billis, 2010) and carrying out the service mission of government by other means, or of an independent sphere of voluntary action in associations. Instead, their argument would appear to point to the possibility of both.

They are thus setting up a powerful case for a more pluralistic outlook. It is precisely these bureaucratized and professionalized hospitals, colleges and social service agencies tied by contract to the modern state and their "pseudo-pluralist and corporatist forms of interest representation and aggregation" that have come to be known today as the nonprofit sector. Cohen and Arato go on to qualify a key provision of the structural case for any major civic significance of the nonprofit sector when they caution that "The existence of an immense number of voluntary associations in all liberal democracies, the emergence of new ones in the context of corporatist bargaining, and their role in citizen initiatives and social movements may not demonstrate the somewhat one-sided Parsonian point that ours is the age of associations and not bureaucracy".

Against both Parsons' vision of society as voluntary association writ large and Gramsci's thesis that the entire third sector is merely a tool for enforcement of a mass society and hegemonic control of society by the state they caution that " . . . it is clear that legitimate left criticisms of a pluralist thesis that occludes the highly differential access of various types of associations to the political system should not close our eyes to the validity of this thesis against all claims of atomization and massification in our societies." From this, they conclude that "The resilience of associations and the periodic revival of their dynamism can be explained through the modernization of the life world and its normative contribution to the scarce resource of solidarity." (Cohen and Arato, 2000, 461-462)

That statement is as important to the case for voluntary action presented here as the Barber quotation on the sovereignty of political knowledge on p. 174 below. Together they solidify the reputation of political philosophers for obscurantist phrasing, but their real importance for the case made here is that, rather than different views of the same phenomena, the nonprofit sector and the sphere of voluntary action in what Cohen and Arato generalize as associations and which we are calling new commons. Like the Barber statement on the contingent sovereignty of political knowledge, however, this one makes a key argument for an "independent sphere" of voluntary action, distinguishable from the nonprofit sector and deeply interwoven with culture.

The essence of the case for voluntary action presented here is found in the capability of associations, assemblies and knowledge commons operating in a sector apart from both markets and governments to realize their own diverse interests and generate and actualize their own non-universal political principles and practices in local communities within an interdependent global community. Recognizing that government does not subsume all of modern democracy, and that voluntary action is only one, albeit an important, dimension of civil society, therefore, let us proceed to examine in the following pages the role of voluntary action in democratic, free, or open societies and cultures. We will closely at the collective dimensions of such action through the lens of commons, common resource pools, and knowledge commons as those terms have been dealt with in the highly specialized literature of commons studies.

What are New Commons?

The term new commons is of relatively recent origin and has not achieved anything approaching widespread use. It is nevertheless useful for these purposes and is explored more fully in Chapter 5. New commons in the sense used here are not merely clusters of pooled resources. They are also associations controlling those resources, distinct forms of collective social behavior and organization that embody distinct elements of interpersonal communication; of people interacting with one another, to realize joint projects. The

phrase new commons is adopted from Charlotte Hess and Eleanor Ostrom (2001; 2007; 2008). Their newness is in contrast with more familiar 'old' commons in agriculture, forestry and other primary industries such as forests and fisheries that are (or were) traditional, customary, of indefinite origin, rural and largely governed within common law and prior to the wave of enclosure movements in the early modern era were largely beyond the reach of law, courts, states and cities. By contrast, new commons are typically urban rather than rural, innovative, intentional and deliberately constitutional rather than traditional or customary, operating within regimes of private property ownership and grounded in increasingly universal legal infrastructures that enable and facilitate their formation and continuity. The expectation in the U.S. that a nonprofit corporation will have both articles of incorporations and bylaws speaks directly to a deeper anticipation that even unincorporated associations will ordinarily have legally-enforceable bylaws or rules of operation (Fremont-Smith, 2004, pp.). Such an expectation can be found internationally, for example, in the case studies of the Workshop on Political Theory and Policy from which Elinor Ostrom derived the design principles discussed below. Where new commons are found, legal protections commonly guarantee a penumbra of freedoms of speech, association, assembly and religion, and facilitate the pooling of shared resources, and, even sometimes structure into public policy incentives and encouragements like tax exemption. The U.S. Supreme Court introduced the term penumbra to characterize the scope of the right of association in NAACP v. Alabama (1958). The full international penumbra protecting collective voluntary action today includes national, state, provincial and district legislation, court rulings and international guidelines from the U.N., World Bank, International Monetary Fund, European Union, and assorted other international bodies.

New commons may be legally constituted as formal organizations or informal associations, trusts, corporations, cooperatives, foundations, networks and coalitions of formal organizations, formal or informal networks of social relations like giving circles, or a complex hodge-podge of other nondescript forms and hybrids. Oftentimes, these diverse formal characteristics are, like the use of *Roberts' Rules of Order*, merely adjustments of ongoing social arrangements and cultural conventions to formal and public necessity, rather than generative in any fundamentally important sense.

In each of these guises, those involved are capable of producing with or without outside assistance diverse public and common goods, including benefits, services, and other outcomes. Under suitable circumstances, they are even capable of fashioning and shaping or transforming entire social or public spaces and fashioning new or unprecedented rules, practices and norms. In Chapter 7, we will examine a particular type of new commons termed a knowledge commons (Ostrom and Hess, 2007), which includes scientific and artistic societies, libraries, social problem-based organizations and other

similar entities as generators of information, knowledge and ultimately culture solely through individual and collective voluntary action. The discussion also points toward diverse forms of common goods production used in new commons including the use of common resource pools for production of common and public spaces capable of sustaining a wide variety of group social activity, and production and reproduction of *moeurs*, a category that includes practices, values, norms and rules, and other distinct types of common knowledge.

Four distinct types of formal and social organization are identified as knowledge commons: some *nonprofit firms*, including some of the hybrid organizations (Billis, 2010) producing or employing common knowledge at the margins of states and markets and three types of others more characteristic of the independent sector: *benefactories* utilizing knowledge and other common pool resources for producing individual and group benefits; *performatories*, utilizing knowledge (including dramatic scripts and musical scores) and common pool resources for staging and enactment of performances; and *moeuratoria*, or new commons specializing in production and reproduction of moeurs. Each of these four is treated in what follows as an ideal type, whose characteristics may be found alone or in combination with any or all of the others.

From the seventeenth century to the present, for example, scientific societies regardless of their level of formal organization or incorporation have been a type of knowledge commons specializing in producing new knowledge, and for much longer theological and philosophical schools have been devoted to the production and reproduction of sanctioned (sacred) religious beliefs and practices. Each of these four basic types also represents a distinct form of voluntary action engaged in gift giving and voluntary labor, and of philanthropy in the distinct sense of individual and group efforts exploring and demonstrating what it means to be human (McCully, 2008, p.).

As noted above, diverse local, national and international legal infrastructures enabling such new commons have also evolved over several centuries. For most of that time, nonprofit, charity, foundation and association law and policy were remote legal backwaters and the moeurs that were generated were of interest only to narrow specialists in tax, corporate, gift and civil liberties law who operated largely outside the view of public affairs, interest or awareness. It was only in the final decades of the 20th century that the full potential of voluntary action grounded in this legal infrastructure for enhancing global democratization of societies and cultures began to become more publicly evident, and politicians and public officials and wealthy merchants began to speak confidently (and misleadingly) of its importance and their roles. In truth, voluntary action has always been a popular project, and the generative role of politicians and business people is, in reality, minimal and marginal.

So sudden and profound has been the realization of the enormity and range of the activities taking place in civil society and private life outside households, markets and government that social science, social theory, and social philosophy are all still struggling to make sense of it. Isolated, narrow and exclusive focus on one of the myriad topics of the field in new sub-disciplines like arts management, social administration and foundation studies, community organization, social movement studies or social problem sociology bring to mind the tale of the seven blind men and the elephant. Except that ours is actually a tale of hundreds of partially sighted observers over many decades, two elephants (named market and state), and indeterminate herds of other fauna as well as flora of which we seek to make sense. In the chapters that follow, the discussion will bring together selected facets of a wide variety of topics under the rubrics of voluntary action and commons as part of that sense-making project.

An idea is a feat of association
~ Robert Frost

3. Democracy in Society

Gus De Zerega (2011) notes the tendency in social science and philosophy to confuse democracy with the sovereign state. To acknowledge and deal with this issue, the terms government and government sector will be used here to characterize what is dealt with in much third sector theory (and the subtitle of this book) as "the state". Democratization of society and culture through voluntary action is important less as an extension of systems of democratic government than for its original capabilities as a generator of multiple life worlds through voluntary action by self-regulating social action in self-governing associations. The term "social democracy" might be less cumbersome here, but that phrase does not ordinarily include the democratization of culture and must be used carefully because it has a variety of other historical connotations and links to organization of the state that do not apply here. Even so, it is used occasionally here to refer to democracy in society and culture. The global world today consists of more than 200 sovereign nation states, some of them considerably smaller than the metropolitan regions of any of the largest nations, and more than 500 major actively spoken languages, each a common pool resource for its speakers. Most contemporary cities are complex composites of multiple ethnic and language groups, religions and diverse ways of living in which new commons are now found in abundance. In the United States alone, there are more than 250 cities classified as major metropolitan areas, each capable of sheltering, thousands of discrete religions, racial, ethnic, language, and cultural groups, life-styles, neighborhoods, associations and assemblies, social movements and recognized social problems.

In the midst of such diversity, how are we to best characterize the idea of democracy in society and culture? As John Dryzek notes, "There are many sites in which democracy can be pursued, and different types of democracy may turn out to be appropriate for different sites" (Dryzek 1996: 15). Thus, the voting and representation that characterize democratic governments may not apply to the sites of voluntary action. Amartya Sen tells us that the sense of democracy that emerged from Europe following World War II was to give "each person not only a vote but also a voice" (Sen 2012). Speaking and listening may be important in many different forms and guises of democracy in society and culture.

Dryzek introduced the concept of democratic concourse as "a place where ideas, positions, opinions, arguments, criticisms, models and theories run together. Within this concourse there is plenty of room for variety in terms of how, when, where, and by whom democracy might be pursued" (Dryzek 1996: 4). For our purposes, such places for concourse may refer to physical, social or cultural spaces (including online and virtual concourses). An examination of the capability of voluntary associations, assemblies and commons to generate and sustain such concourses largely by pooling their own resources is one way of approaching the current project.

Our particular concern here is with the places/spaces for voluntary action. One thread of this involves input of the voice of the people into public policy. As Sen (2012) noted, if the views of policy makers "are to have democratic legitimacy, and not amount to technocratic rule, then they must be subject to a process of evolving public discussion and persuasion, involving arguments, counter-arguments, and counter-counter-arguments." The role of public opinion and of focused publics engaged in voluntary action in shaping, discussing, forming and changing such views is an essential aspect of modern life not only in government but also in democratic society and culture. This idea plays out in many different ways. Thus, the initial reaction of an audience, and not just the aristocracy of critics at the symphony or a Broadway theater to a premier of a new work can have a profound effect on later acceptance of that work. What may be less clear for students of commons and associations are the organized and associative aspects of such opinion formation and expression. Today, these are the specialized knowledge of another knowledge commons: mass communication studies.

Concourses are also found well beyond public governance. Concourse-related notions of democracy in society and culture like those discussed here most likely first arose in the aristocratic and royal scientific concourses in 17th century Europe and North America, not in the context of formal governance of scientific activity but in the fundamental intercourse of scientific discussion, debate, publication among peer groups and reading publics. De Zerega (2011 175-6) characterizes the development of science in a way that shows this clearly to be ". . . a community of equals pursuing a broad common interest whose details are unknown developed gradually a culture of procedural rules ideally applying equally to all, thereby facilitating the efforts of each to discover those details. These rules were shaped by the projects they were devised to facilitate, but, whatever their other traits, they included strong ethical injunctions [or in present terminology, moeurs] in favor of honesty, equal standing, and the importance of voluntary agreement because the entire enterprise rested on persuasion (De Zerega, 2011: 175-6). "The result" he concludes "was something new in human experience." In the 17th century, science stood alone in this regard, as charity, philanthropy, religion, education, the visual and performing arts, amateur athletics and other social and other cultural domains including old commons, remained within the thrall of more traditional and customary medieval norms, worldviews and practices (i.e., moeurs). The democratic society and culture of scientific concourse in which every recognized scientist has a voice continuing right down to the present is characterized by what might be termed peer-to-peer equalities, self-generating and self-regulating social relations and self-correcting knowledge through peer review and commentary. Eventually, similar democratic concourses, adapted to the unique circumstances of other institutional settings, developed also in charity and philanthropy, art, sport, education, and other forms of what U.S. tax law calls "public charities." The Elizabethan Poor Law of 1601 and other similar legislative enactments were the results, not the causes of such dialogue.

Concourse in democratic society and culture can usually be located through Sen's idea of individual voice (or what is sometimes called freedom of expression) within a context of collective behavior. Democratic social and cultural institutions are characterized by high

probabilities that the vast majority of people can, if they choose, have a voice or some control over the conditions and circumstances of their lives, and social institutions can be arranged to facilitate that voice. And, as Hirschman (1981) noted, where they cannot have voice, moderns are ordinarily empowered to protest or exit that situation and engage or initiate another. Voluntary exit and admission are among the more important dimensions of the "mediating" character of voluntary action that Berger, Neuhaus & Novak (1996 [1977]; and Wolfe & Neuhaus (2009) drew from Tocqueville. There is no guarantee of wider consensus, formation of a general public will or lack of conflict. In fact, such things are to be expected along many differences and boundaries. Aesthetic experts in art or music, for example, may hold a particular artist or composer in high regard, but in democratic society everyone else who looks or listens may also get a voice in the matter, in terms of attendance (or not) at concerts or exhibitions, purchase of recordings or reproductions, telling their friends, writing online reviews, and in myriad other ways. Thus, for example, the painter Thomas Kincaid, who died in 2011, was generally held in low esteem by art students, critics, art historians, and other arbiters of artistic taste, but built a huge popular following that still includes fan clubs, web sites, collectors' societies and a range of other associations.

A closely related aspect of democratic concourse in society and culture involves reciprocal accountability, the individual and collective ability of people in democratic society and culture to scrutinize the actions of others, form opinions that matter somewhere and to someone, and to act on the basis of such scrutiny. (Thanks to David Brin for suggesting this idea in an email to the Philanthropic Enterprise e-mail discussion list on April 4, 2012.) Obviously, if concourse is to be preserved and "the tyranny of the majority" is to be avoided, some provision must also be made in democratic society for well-formed institutions protecting individual autonomy and privacy as well as for the collective action of minority factions. In voluntary action, such moeurs cannot ordinarily be legislated. They are constructed collectively by groups themselves within the general legal framework previously laid down.

Other specific institutional domains may also be important in reinforcing such accountability, including economic markets and democratic political institutions that reinforce voice through advertising and marketing, voting and opinion polling, legislatures and courts. The range of voluntary action practices and institutions for evaluative and accountability purposes is truly more vast than today's scholars of markets and states with vested interests in formal, social science methods and procedures have acknowledged and the vast majority of issues and problems will be handled in these ways. These may include norms of science, self-regulating professions and occupations, public opinion (particularly on subjects outside governmental concern and formal opinion polling) and most recently and often crudely but vigorously, the Internet, and social media. Anyone who chooses to speak may comment on many news sites about particular articles, or offer signed or anonymous critiques of articles on Wikipedia and countless other sites. While nobility and hereditary aristocracy may offer their own expressions of such reciprocity in more traditional societies, highly volatile forms of celebrity and notoriety are often associated with such reciprocity in democratic society and culture.

In one of the core values of democratic society and culture, everyone is entitled to their own opinions on how things are and how they ought to be and, although some opinions come to be more valued than others, they begin in roughly the same place and each individual is free to accept or reject the opinions, suggestions and proposals of others. A kind of rough and ready equality is thus one of the starting conditions of much voluntary action. This process may become highly stratified, however, and under modern conditions holders of particular views have an uncanny knack of finding others with whom they share common interests or views. Although we largely take it for granted, this process of forming factions greatly troubled the American Founding Fathers, as evidenced in James Madison's Federalist #10. See Wood, 2011, pp. 127-170 for a historically informed discussion of the issue. Currently, we may at any time be merely one web search away for more than half of the human population. As a result, there is a uniquely important and dramatically expanding set of potential concourses in contemporary democratic society and culture.

In modern circumstances, voice in concourses typically leads to a primitive but universal form of association: opinion leaders and followers. The comments and suggestions of opinion leaders are listened to and followed by others, and such leaders and their followers can quickly and easily form vast networks of voluntary association of the type we will call focused publics. In the cases of both social problems as well as sympathy and support for social movements, such associations often directly produce forms of collective behavior that constitute, in effect, very loose types of voluntary association. All who disagree are free in Hirschman's terms to remain silent, dissent or exit; e.g., change channels or websites, logoff, resign, stop paying dues, withhold donations, and a vast number of other possibilities, including to form or find their own new associations. If no one is left, nothing will happen, but those who remain may also prove capable of considerable feats of imagination, organization and action.

Concourses in democratic society and culture resemble a continuous series of sandlot games of "choose-up sides", as self-anointed leaders choose (and are chosen by) their followers who agree to join the team, form their own team, watch or find a new sandlot. This is altogether consistent with what Tocqueville first saw in the U.S. in the 1830s. What once made American society unique is at present a taken-for-granted condition, to greater or lesser degrees, for much of the human race, although the risks and costs of choosing may be markedly higher in some settings than in others. Even so, the rudiments of the process are much the same everywhere. It is through the dynamics of democratic concourse that the fundamental structure of voluntary action in democratic society is first unveiled. Several decades ago, mass communications researchers termed a key aspect of this process the two-step flow of communications, in which "mass communications" were discovered not to be exclusively direct from medium to audience, but mediated through face-to-face (and now increasingly online) opinion leaders (Lazarsfeld and Katz, 1955). However insightful this finding, the authors dealt only with individuals and failed to note the association, group, collective behavioral (and today, the technological) dimensions) of the social processes that such flows imply. A plethora of examples in the Arab Spring of 2011 and the Occupy movements demonstrated clearly how

mass communication (e.g., television and websites), and point-to-point communication (e.g., cellphones and social media) are now intimately tied to voluntary association and action (e.g., street demonstrations and sit-ins). Marianne Maecklinberg summed up many of these developments: ". . . People across the globe took to the streets as the effects of the global financial crisis became visible at the end of 2008 and especially in early 2009. People in and beyond the Arab world revolted and in some cases occupied public squares to demand the fall of their regimes in 2010 and 2011. A few months later, people all over Spain assembled *en masse* to call for "real democracy now" on May 15th 2011. That same year, the Occupy movement followed suit in the United States by gathering in Zuccotti Park near New York City's Wall Street on September 17th. One month later, at least 951 squares were occupied in over 82 different countries as part of an internationally coordinated "day of rage" on October 15th."

For Maecklinberg (2013), Colin Crouch (2004) and others these events may signal a possible change akin to that anticipated in the very first paragraph of this work, except that they and other mass communication researchers tend to see a condition termed "post-democracy". Maecklinberg sees two possible directions for such developments. One she terms "an increasingly repressive state" while the other she terms horizontality, said to be "a form of radical equality. . . viewed by many as a potential replacement for political systems based on representation and electoral politics."

Concourses definitely need to be added to the list of types of organizations found in the third sector and through which collective action occurs, and concourse formation on the basis of sharing of common pool resources represents a coherent and plausible form of horizontality.

New Commons in Democratic Society

Concourse in democratic societies and cultures in which everyone potentially is both an active contributor and a beneficiary, together with governments that respect the autonomy of democratic concourses are, as Tocqueville noted, a precondition of stable democratic governments whose legitimacy is at least nominally based on universal franchise and equal treatment of all. There is obviously some connection here to the sphere of voluntary action here, but too many explorations of it tend to lead quickly into the familiar territory of traditional political philosophy, with its emphasis on the state and ignore or neglect the themes of non-state voluntary action that are basic to the current discussion.

Such views have sometimes been labeled 'social democracy' as outlined by John Dewey, perhaps the greatest American social philosopher of the 20th century (Bernstein, 2011, pp. xx; Diggins, 1994; Ryan, 1995; Westbrook, 1991). To some extent, Dewey was treading a path previously surveyed by not only Tocqueville but also by John Stuart Mill and Walter Bagahot and congealed a view of democracy as "government by discussion." Dewey linked the democratization of society and culture with a Chicago School of sociology perspective on "social individualism" cognizant of both individuality and social embeddedness. His contemporary, Charles Horton Cooley constructed a view of social organization that fits with and extends many of these same ideas (Cooley, 1909). In this view, the individual is not merely a bundle of

political, civil and social rights, interests and economic wants but more importantly an actor, an agent for herself or others, and a participating member of diverse associations, publics and communities. Dewey perhaps best summed up his early view of democracy beyond the state in *The Public and Its Problems,* (1927): "The idea of democracy is *a wider and fuller idea than can be exemplified in the state even at its best*. To be realized, [such democracy] *must affect all modes of human association*, the family, the school, industry, [and] religion. . . . Regarded as an idea, democracy is not an alternative to other principles of association life. It is the idea of community life itself" (Dewey, 1927: 143, 148 emphasis added).

Jane Addams (Elshtain, 2002), Mary Parker Follett (Follett, 1920; Mattson, 1998) and Eleanor Roosevelt (Glendon, 2002) all Dewey's contemporaries and a broad range of other modernists, community activists and practitioners, also explored differing facets of this idea of democratic society and culture. Some of their important contributions will be taken up below. Until quite recently, Dewey's ideas about voluntary action found their largest and most secure place in education theory and practice, social work education and in a narrow band of social and cultural institutions. For several decades, European philosophers and American conservatives and libertarians were sometimes in competition to display their disdain for Dewey and other American pragmatists, even while some of the products of pragmatic thought were deeply embedded in modern life. Thus, discussions of problem-solving and choice formulations often arise without any explicitly acknowledgement of Dewey's role in seminal formulations of these ideas. Dewey himself was often following paths already well trod by earlier cultural pioneers including Cotton Mather, Benjamin Franklin, Ralph Waldo Emerson as well as Alexis de Tocqueville, the American founding fathers, particularly James Madison, and all those who understood the new and unprecedented social possibilities forged in an America founded as an act of philanthropy; a gift to the 18th century world of totally new forms of society, culture and government (McCully, 2009; Zunz, 2011). Tocqueville's written work, particularly *Democracy in America* and *The Old Regime and the Revolution* constitute major acts of philanthropy in the sense that term is used here. This gift is increasingly not a peculiarly American product, but part of the global fabric of the everyday life world everywhere.

Jane Addams expressed her own broad conception of democracy in society and culture on numerous occasions, folding in a measure of idealism that is only implicit in Dewey's comments. She wrote in *Subjective Necessity*, for example, "The people themselves. . . crave a higher political life" (Knight, 2005: 255), adding elsewhere her belief that they also had the social skill and cultural resources to build such lives, without enumerating those skills and resources. Note that Addams uses the term political here in a broader sense than matters of government or affairs of state. Like Dewey and countless other social reformers of the late 19th and early 20th centuries, Addams linked the further development of democracy to Christianity, albeit in ways that universalize rather than particularize religion (Knight, 2005: 254). Addams was strongly influenced by Abraham Lincoln and, interestingly, by the Italian democratic reformer Guiseppi Mazzini, a contemporary of Tocqueville's who observed that democracy was about helping every citizen become "better than he is" (Knight, 2005: 142-3) and who

counseled "[I]f you wish to attain [democracy], let man[sic] commune with the greatest possible number of his fellows" (Knight, 2005: 143) Mazzini's sentiment applies even more fully if we neuter his male pronouns and apply it to the full population, as Ms. Addams undoubtedly would have.

Perspectives on democratic society and culture like those of Tocqueville, Ward, Dewey, Addams and Mazzini have long been the workaday basis for a variety of community problem-solving skills and practices in disciplines like social work, community sociology, public health, public administration, community arts and a wide variety of other applied social sciences engaged in voluntary action practice (Briggs, 2008; Milofsky, 2008; Warren, 1968). Many of these moeurs evolved directly within 20th century forms of community practice, involving community schools, community problem-solving community organizations and other community institutions in which common pool resources were an essential element. Whether or not one finds any of these particular institutions, programs or organizations commendable, their underlying common commitment to democratizing society and culture must be recognized.

Mary Dietz, a contemporary political philosopher captured a key aspect of Dewey's view that was shared by Addams and others: a robust model of citizenship that reaches well beyond the act of voting. "[C]itizenship, as the people's power. . . transform[s] the individual . . . into a political being. . . endowed with the capacity to speak, act, organize and potentially change the world" (Knight, 2005: 268-9). The power of such citizens is only partially realized in their voting and engagement with government. Equally important is the additional empowerment that comes from being a 'citizen' in the company of others who are also full participants and contributors to their own shared social and cultural life. This revised sense of "the individual" as a political being defined by abstract rights and mutual interests *and* a social and cultural being linked to others through engagement and social interaction is perhaps the most fundamental assumption of the new commons theory of voluntary action laid out below.

In the last quarter of the 20th century and the beginning decades of the 21st century other, similar models of social democracy have been set forth, often under the umbrella of civil society and the quite separate umbrella of commons. The derivative model of the new commons outlined below is in the process of being articulated into practice not only in the U.S., but in many locales throughout the world by, among others, international nongovernmental organizations (INGOs) and agencies of the United Nations, World Bank, and International Monetary Fund (Fisher, 2012). Apart from its canonical status in economic theory, in the 21st century few thinking persons, apart from a few originalists and contrarians, fully embrace anomic individualism in anything like the way that doctrine first took shape in the 18th and 19th centuries. The Deweyian view of "individual in society" noted above is only one of several ways of locating a bone fide view of individuals in the vast territory between Emersonian anomie and an over-socialized view. Even so, full and sufficient awareness of the implications for democracy of society and culture faces powerful rivals and interesting challenges, including those explored in the final chapter below.

Follett and Local Community

Mary Parker Follett was of the same generation of American political philosophers to share and extend Dewey's and Addams' perspectives on democratic society and culture at a time when other American intellectuals often saw the future in dramatically different terms. More recent concerns with mass society, industrial society, post-modernism or post industrial "social systems" and similarly abstract notions have dulled and obscured our understandings of Follett's vision and perhaps clouded our lens of social and cultural democracy, making it at times appear irrelevant to the contemporary world. In *The New State* (1920) Follett endorsed her own distinct conception of democratic society and culture with particular attention to the role of groups (or associations) and group participation. At the end of World War I and during the end game of the Progressive Era she posited that future democratic reform efforts should focus, not on further institutional reforms of government, but explicitly on nurturing political associations among adult citizens. (Mattson, 2001: li) So strong was her reasoning that Dewey himself modified his earlier views and embrace Follett's vision a decade later in the afore-mentioned essay *The Public and Its Problems*. In particular, "Follett believed the association of citizens in local publics could transform the American political system and American conceptions of democracy" (Mattson, 2001: lii). Interestingly, although nearly a century old, Follett's visionary view of democracy still offers a vibrantly current model of voluntary action that fits well with contemporary ideals, especially proposals for participatory and deliberative democracy.

Uncounted scores of field trials of Follett's ideal have been undertaken in diverse neighborhoods and communities everywhere from 1918 to the present (c.f. Anderson, 2011; Briggs, 2008; Safford, 2009). Although they have often taken a backseat to other more boisterous or more easily publicized visions of democracy, her ideals of democratic society and culture have never disappeared completely, and today are in a kind of new florescence among political philosophers. Follett's contributions will be explored more fully below.

Also among the best recent analyses, critiques and proposals is the work of the Australian political philosopher John Dryzek (1996; 2000; 2006) already briefly noted above. In his first book, *Deliberative Democracy (1996)* Dryzek lays out a profile that fits well with voluntary action and new commons and raises a variety of additional perspectives and insights. His book is a critique of instrumental rationality and objectivism in political institutions, public policy and the discipline of political science. Dryzek's resulting critical theory offers a matrix, argued at a philosophical level, that ties together social movements, pluralism, social problems, voluntary action in civil society and communicative rationality, akin to that featured in the theorizing of the Chicago sociologists, Dewey, Mead, and a range of Europeans including Alfred Schutz, Jürgen Habermas and Hans Joas. Although presented largely in the political science language of government and the state, Dryzek's ideas are easily applied to the voluntary action context as well.

Democracy as Production

Democracy in society, culture and community constitutes a form of social production in a dual economic and a dramaturgical sense of the use of resources (means) to produce goods (ends) largely through interaction and enactment. Let me phrase that another way: democracy is not merely a set of political, social and cultural institutions. Those institutions set the stage for an ongoing economic and dramaturgical production of a vast range of social action in the daily life of every modern society. Communicative rationality is the active ingredient that brings these two senses together in voluntary action. The production of democracy as a collective way of living together – democratic civilization - through voluntary action, is not fundamentally dependent upon formal organizations, corporations or firms which are often as much product as cause, nor upon public grants, acts of legislation or judicial decrees, nor upon the executive or bureaucratic arms of government, although all of these may be involved. Democratic society and culture are also not natural or objective conditions. They are the productions of people in association acting together for common, shared purposes. Although public grants, legislation, regulations and other *acts of state* may serve to enhance, or impede democracy in society and culture they are not in any fundamental sense causal agents.

Nor is the production of democratic society and culture necessarily dependent upon particular modes of market production, distribution or exchange. The production and reproduction of democratic society and culture, are however highly dependent upon these assorted social organizations, the focused publics which are an important dimension of public opinion, and other forms of social organization occurring in the secondary spaces (or non-intimate spheres) outside formal governmental and market public sphere. This is an important reason for looking beyond the narrow, constricted model of organizations in the current nonprofit model. Take the example of religion, which accounts for roughly half of the revenue of what is fashioned the U.S. nonprofit sector. The point of including social and cultural, as well as formal, organization is evident there. In considering religious production, both economic and dramaturgical, the distinction can be drawn between churches as formal organizations and ministries as the network of proponents and opponents, listeners and speakers, to whom a particular minister, priest, rabbi, imam or other cleric ministers. Any approach that hopes to fully understand and explain the production of religion must also take the latter into account. Protestant clergy people, in this manner, often speak of (and distinguish) "the Church", "our congregation" and "my ministry". Ministry in this sense can be a unique, individually-centered, situation-specific organization or network combining beliefs, theology, social service, public speaking, friendly visiting in homes and hospitals, and numerous additional elements.

Verses Aristocratic Society & Culture

Perhaps the idea of democratic society and culture used here might be clearer with introduction of two contrast terms: democratic society and culture can be contrasted both to the aristocratic society and culture of European and Asian pasts, characterized primarily by

hierarchy, deference and oversight, and to modern tyrannical society and culture characterized primarily by fear, repression and prohibition. This three-part distinction is grounded in Aristotle's three-way characterization of political societies as democracy, aristocracy or tyranny (or what some label monarchy). Medieval Europe, Japan and China all offer important examples of the first type. Certain periods are even named for the particular aristocratic configurations involved: Medici Florence, Restoration England, Wilhelmine Germany, Meiji Japan and Yangban China, for example. The Soviet Empire (1917-1989), Nazi Germany (1933-1943) and Maoist China (1945-1989) and numerous more recent examples illustrate the latter. In all these cases, the vast majority of people were not free to build the kind of daily lives they wished to live in association with others of like mind. This three-part distinction of democratic, hieratic and tyrannical social conditions is an ideal type. We need to look more closely now at the conditions and circumstances that characterize democratic society and culture, in particular.

Varieties of Democratic Society and Culture

Jon Van Til laid out a range of optional views of democratic society in chapter 3 of *Mapping the Third Sector (1988)*. This book is a capstone on the legacy of voluntary action theory arising out of AVAS, the Association of Voluntary Action Scholars, founded in 1972 and sponsor of an annual conference each year until 1988, when it was succeeded by ARNOVA, the Association for Research on Nonprofit Organizations and Voluntary Action. For many readers of this work, the nonprofit organizations/nonprofit management paradigm prevailed in that reorganization and voluntary action was relegated to an historically interesting footnote. The present work and much of my earlier writing is, in contrast to that view, intended to be a testament to the enduring legacy of the voluntary action paradigm as it has been transformed by more recent work on civil society and philanthropy. In many ways, that view is stronger (and more nuanced) today than it was in 1989. Van Til (1988) identified five distinct strains of democratic theory that he termed populism, idealism, pluralism, social democracy and neo-corporatism. He linked these and their distinct "sectoral maps" with the perspectives of John Dewey, Max Weber, Alexis de Tocqueville, Emile Durkheim, Robert Michels, Karl Marx and others (Van Til, 1988: 41-45). Although each of these authors had important things to say for (and against) democratic government, it is worth noting that Tocqueville was the only one of them to deal directly and explicitly with voluntary action. Although Karl Marx, for example, had an extended career as a practitioner in associations and social movements his thoughts were elsewhere. For the others, insight into democratic society and culture must be read into or inferred from their work as Van Til has done.

Populism, Van Til wrote "stands almost as a critical perspective on other forms of democratic theory, primarily pluralism" (Van Til, 1988: 41). That was certainly the case with historical populisms like assorted Southern and Midwestern populisms, the 19th century "No Nothing" movement and it's modern day sequel the Tea Party that stands alongside earlier as fundamentally critical a broad range of existing policies and institutions. Idealists, Van Til's

categorization of Dewey and Follett, are said to "view politics. . . as a genuine community in which people fulfill themselves by performing the humanizing activity of political participation" which is not mere bargaining and the reciprocal advancement of self interests of individuals and interest groups but a mutual process of education and the creation of community (Van Til, 1988: 42). Viewing "politics" in the light of democratizing society and culture suggested here rather than the narrower conventional reading frames that statement in an entirely different light. His reading of pluralism emphasized "mutual partisan adjustment" among community groups, a notion particularly associated with Robert Dahl and the other mid-20th century American "pluralist" political scientists and sociologists. (Note: Other strains of pluralism, including German and British variants and the contemporary revival in the wake of Rawls' theory of justice [1970] are discussed in Chapter 7.) In Van Til's reading, social democracy is identified with critique in the writings of the numerous critics of mid-century political science pluralism, whose response to the weaknesses of democracy, he noted, was simply more democracy. Several social movements of the last half-century including most recently the Occupy Wall Street movement have been animated in part by their own distinct visions of social democracy with similarly strong overtones of naïve idealism, but also of the post-democratic radical egalitarianism that Maecklinberg (2013) calls horizontality. Finally, neo-corporatism is, according to Van Til "armed with the contention that the concerns of pluralism are passé and that contemporary political realities involve the balancing of the only three interests that matter in the world: government, business and labor" (Van Til, 1988: 44). When one looks at the American national government today, it is hard to avoid the conclusion that what matters has now shrunk to the two sectors of government and business.

Voluntary action might be approached from any of these five perspectives or the combination of several. The new commons theory of voluntary action weaves together a range of views of democracy in society and culture from what Van Til labeled the idealist, pluralist and social democratic options. It is also possible to broach populist concerns indirectly by focusing on social movements and to pose an altogether different corporatist perspective from the one noted by Van Til: Instead of addressing the medieval concerns of the original corporatists or the labor-centered concerns of the neo-corporatists of the 1940s and 1950s, the theory will examine what might be called the neo-neo-corporatism of some nonprofit organization/third sector scholars who seem to regard publicly funded, professionally staffed, tax-exempt nonprofit corporations as the dominant, exclusive, or ultimate form of voluntary action. Such a nonprofit sector with close ties to government and business and the associationism of government grants and contracting constitutes an even more distinctive contemporary form of neo-corporatism which leaves little room for other forms of collective voluntary action.

In the following chapters, these multiple perspectives on democracy are treated as strategic options that tend to shade over and into one another in actual practice. Thus

populism, in the form of widespread participation is often one of the signature elements of democratization in communities. Likewise, since 1988 we have moved from emphasizing the direct juxtaposition of the distributed power perspective of the mid-century pluralists and the concentrated power perspective of the neo-corporatists and concentrated on the underlying issues. Three of those issues of particular interest to voluntary action involve diversity, pluralism and federation.

Diversity, Pluralism and Federation in Voluntary Action

In much of the world today, voluntary action is a component of the quest for the good life in community under contemporary conditions. The term contemporary may sound rather pallid here, but it is used advisedly to explicitly recognize the multiplicity of perspectives suggested by the numerous meanings of terms like "modern", "post-modern," "urban-industrial," "post-industrial", "developed," "post-patriarchal" "global," and the like, with their numerous implications of something-arising-after-something else. Perhaps nothing signals the diverse, self-aware nature of the current human condition more clearly than inability to agree upon the age in which we live. In the context of recent major changes in ethnic, racial and gender relations, understanding of voluntary action is enriched if we blend contemporary concerns about diversity (e.g. Taylor, 1992; 1996a; 1996b) into the rich and recently renewed legacy of civil society, the historic Tocquevillian vision of voluntary association, and the "democratic community" visions of Follett, Addams, Dewey, et. al. noted above and finally with a concern for tolerance of difference like that which first arose in 16th century Amsterdam (Siever, 2009, pp.) and became a newly revitalized issue (and dimension of third sectors) only recently.

Diversity was identified as one of the characteristics of urban neighborhoods even before Mary Parker Follett made it a key concern in *The New State* (1921) (Mattson, 1998: xlvii). In *Hull House Maps and Papers* (1895 [1970]), Jane Addams and her collaborators identified more than 100 distinct ethnic and language groups in the Hull House neighborhood of Chicago in 1895. Such local diversity was not viewed as a patchwork of medieval European *gemeinschaften* – the tightly woven communities of old-world kinship, custom, tradition, but also hierarchy and patrimony (Walker, 1998; Mattson, 1998: xlvii; Tönnies, 1988 [1955]). In elaborating his gemeinschaft/gesellschaft dichotomy, Tönnies makes reference to markets, states and families but no explicit reference to any component of a third or independent sector or sphere, although his discussion includes many matters noted throughout this discussion, including social relationships, conversations, fellowship, religion, and others. We can conclude from this, and the date of publication that Tönnies dichotomy is part of a now-dated understanding of the world of the old commons. Proximity of diverse groups to one another in the modern urban society examined by Addams, Follett followed by decades of urban studies that characterize something entirely new and different: A world of us-and-others (as opposed to us-or-them) made up of people living in close and mostly peaceful proximity to those who were different – sometimes radically different – from themselves. At times this still gives rise to

group conflict, as with many examples up through "the troubles" in Northern Ireland. Yet, contemporary self-aware voluntary action practices contain within themselves the tools for dealing with such conflicts. Best of all, there is an established track record of voluntary action for problem solving, good will and canny leadership combined with durable association and relationship building overcoming many such problems at all levels (Lohmann & Van Til, 2011). And where association-between has proven unworkable, organization-within remains a durable strategy for defense and group protection. A growing number of conflicts that do occur are, in all likelihood, the result of willfully ignoring or rejecting this impressive record.

Subcultures (including co-cultures, club cultures and countercultures, et.al) are generally understood as different or dissident groups within a larger culture that are considered and consider himself or herself apart from the main or majority culture. Because of the interwoven ideas of difference and majority involved, subcultures are particularly important constituents in democratic cultures, where the accent is most often on tolerating, protecting and perhaps even nurturing them, rather than repressing, persecuting and even eliminating them, although with counter-cultures this may prove particularly difficult. Whether such subcultures are based in ethnic, religious, political, life-style or other differences, associations, assemblies, organizations and other forms of new commons are vitally important - forming and refreshing what Thornton (1995) termed their subcultural capital, particularly what are termed "non-domestic forms of belonging."

In recent years, the diverse ethnic, racial and religious composition of cities nearly everywhere has diversified and internationalized already pluralistic urban communities. Faced with such ubiquitous diversity, questions of the relation between the heterogeneous urban whole and the fractious diverse parts within are of vital importance. This presents an entirely different context and new levels of complexity to the American motto "e pluribus unum" – out of the many, one. In a certain sense, that represents a challenge for all collective action. "...(M)ore and more it is evident" as Follett wrote in 1918, 'that the real question of freedom in our day [and worldwide today] is the freedom of smaller unions to live within the whole" (Mattson, 1998: xlvii). And not just in Follett's day. Like the current international order, and problems such as Iraq, Afghanistan and Syria, this may be one more aspect of the post World War I world order with which we are still struggling.

Follett's phrase smaller unions will be reminiscent for some readers of Edmund Burke's famous 'little platoons'. Burke wrote "To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed toward a love to our country, and to mankind. The interest of that portion of social arrangement is a trust in the hands of all those who compose it; and as none but bad men would justify it in abuse, none but traitors would barter it away for their own personal advantage" (Burke 1790; retrieved from http://www.bartleby.com/24/3/4.html, March 18, 2013). Not everyone finds Burke's "little

platoons" notion a particularly coherent or useful notion. Adam Gopnik (2013), speaking for at least a portion of the academic community writes, "Burke is more a badge to be worn than a book to be read." Currently, the most general and widely found examples of such 'smaller unions' include religious and neighborhood associations, groups and clubs, voluntary and membership associations and an almost untold variety of other peaceable assemblies and ways of living. Only some of these are the kind of professionally staffed, incorporated, nonprofit firms that have absorbed so much interest and attention among nonprofit sector scholars.

Not only diversity but genuine pluralism is fundamental to voluntary action (Hewitt 1996; Lohmann 1992). Charles Taylor, Canadian philosopher and a past member of the Quebec parliament during the separatist debates has been at the forefront of those who proclaim the present an age of pluralism (Taylor, Tully and Weinstock, 1994). Contemporary pluralism provokes the need not only for association with those who are like us but also for association with those who are different, providing a matrix for enhanced group and inter-group communication (Lohmann and Van Til, 2011). Mary Parker Follett understood the connection of diversity and the need for deliberation to democratization nearly a century ago (as Mattson, 1998 summarized her view): "While liberal democracy based itself on the private act of voting and mass majority rule - what Follett cleverly called the 'reign of numbers' (Follett, 1918: 142) - the new democracy would stress public deliberation and decision-making at the local level. Democracy grew not, as liberals believed, out of national legislative bodies, but out of the contention and integration of local communities" (Mattson, 1998: xlvi). In other words, we can say out of voluntary action. Whether the focus is overcoming loneliness and social isolation or dealing with neighborhood violence, this is as true in London and Berlin today as it was for Follett in Boston in 1918, or for Addams in Chicago in 1895. In contemporary cities, difference, diversity and pluralism of existence give rise to voluntary action and new commons.

Conclusion

Democracy may, as many suspect, be ready for another great move forward. If so, one of the major building blocks for such advancement would be greater recognition of diversity, plurality, tolerance and community and the tools for the realization of democracy in society and culture that are already available through voluntary action in the independent sector, or social spaces that can be created outside government, markets and the intimate sphere of the family. In the chapters that follow, the model of voluntary action termed the new commons is identified, defined and its role in contributing to such democratization is outlined.

We can find meaning and reward by serving some higher purpose than ourselves, a shining purpose, the illumination of a Thousand Points of Light. . . . We all have something to give.

~ George H.W. Bush

4. A Third Sector Imaginary[1]

The term nonprofit, whether as a modifier of organization or sector, has always been troublesome. Originally the province of the esoteric world of legal and tax specialists, it began to achieve wider recognition as an object of attention in the age of public grants that got underway in the 1960s. Beginning in the late 1980's a variety of management scientists in the U.S. specializing in tax exempt entities touted the supposedly greater accuracy of the modifier "not-for-profit" while social scientists in many countries outside the U.S. sought other alternative terms, choosing not markets but states to contrast with, and coining the terms nongovernmental organization and sector. Despite the formidable ideological role of the state in this view, the term non-state sector never seems to have caught on. Suddenly in the 1990s each of these was eclipsed by the sudden, meteoric reemergence of the term civil society, which provoked a large number of suggestions that nonprofit or nongovernmental sectors either were another names for, or essential components of civil society (Anheier, 2005; Van Til, 2007). The term commons arose within roughly this same timeframe but its applicability to voluntary action was considerably less dramatic, although its fortunes continue to rise. Others have toyed with a wide variety of other terms like social sector, caring sector, societal sector, philanthropic sector and others none of which have ever been widely used.

A basic theoretical challenge for third sector scholars today is to speak in general and consistent terms about the institutional and normative orders forming in numerous countries, regions and urban centers around the world in recent decades. In one recent example, Huang (2014) traces the emergence of what is termed a nonprofit sector in contemporary China, even as they note substantial caveats and deviations from conventional thinking about what constitutes nonprofitness. Like many others before them, these authors work hard to shoehorn the facts of the situation in China into the received categories of the nonprofit model. The approach in this chapter is a slightly different, more critical, one. It proceeds from the position that the theorist's job is "to speculate and to interpret the facts as he [*sic*] sees them" (Pennock, 1969: 285-286, quoted by Van Til, 2013).

The third sectors of the world have formed in the social, economic, political and cultural spaces apart from (variously also said to be outside or between) markets, governments and households in light of a range of distinctive local conditions, including history, culture, law and other factors. A growing international group of scholars has produced a convincing, although

[1] This chapter is a revised version of a paper presented at the *Workshop on Theoretical Variations in Voluntary Sector Organizing*, Queens University, Kingston Ontario, October 20, 2012.

more limited and partial than they will admit, model of a third sector based in the linked concepts of nonprofit organization, nonprofit sector and nondistribution constraints (Salamon, 2003; Hall, 2013; Wagner, 2012). This nonprofit model is an impressive and unprecedented intellectual achievement, yet it is only one of a number of institutional frames to enter the collective imagination of theorists, researchers, practitioners and policy makers in recent decades. One approach to this spreading proliferation of models is to treat them as contenders or competitions for a single right answer. The approach taken here is quite different from that; to suggest that several, perhaps even all of these models are in fact complementary and refer to distinct, but overlapping ideal types meant to characterize empirical realities.

Although it serves many purposes, the nonprofit model is too narrowly cast to give a full account of the rich diversity of events, activities and institutions that occur in the empirical, institutional and historical reality of the spaces outside governments, markets and households. The nonprofit model fails to give an adequate account in particular of those dimensions that are not formally organized, not legally recognized as corporations, or that occur beyond the legal, historical, geographical and normative bounds presumed by the model. This includes a broad range of activities, institutions and organizations that are tentative, preliminary or short-lived and those that are primarily "informal" social and cultural institutions and practices.

One ongoing objective of third sector theorizing in the recent past that is threatened by the growing hegemony of the nonprofit model is surveying and building a *wunderkammer,* or encyclopedic collection of diverse findings and concepts exploring the range and outer limits of the third sector. We should pay great heed to the diversity and complexity of this newly invented sector in its full range before we can expect to succeed in describing and explaining it more systematically as has already been done with the family, market and government. Arbitrarily using the nonprofit model to cut off such explorations does not serve that end.

The Nonprofit Model

The third sector is a term increasingly used by politicians, researchers and activists to describe at least partly the social, economic, political and cultural spaces outside the intimate sphere of households, the public sphere of command and control in government and the price-guided exchanges of the market order. The nonprofit model of the third sector posits nonprofit organizations as composing *the* third sector or *the* civil society (Anheier, 2005; Hall, 2013; Salamon, various publications). I have no quarrel with the descriptive and explanatory claims made by either of these authors or others about the nonprofit sector. My main concerns go to the issue of whether either does justice to the range and scope of the global third sector or ties it convincingly to liberal democracy. I am convinced critics of this idea are correct that it does not. This nonprofit sector model has been an important success in the U.S. where it originally arose and in a number of other locations around the world. It appears to recently have converged with a voluntary sector model that originally emerged in Great Britain (Beveridge, 1948; Billis, 2010) and is still in widespread use in Canada (Elson, 2011; La Forest, 2011) and elsewhere. Its very success as a research paradigm has reinforced an endogenous theoretical

perspective that is scientifically sound, although more limited than its most ardent supporters admit.

The third sector offers an account of reality that both researchers and those involved in nonprofit organizations appear to find convincing and are able to locate themselves within, regardless of other differences of mission or program. The nonprofit sector model is explicitly framed within but as an expansion of the pluralistic post-WWII development model of markets and states (Anheier, 1987; Lindblom, 1977) and is, in part a critical response to the "crisis of the welfare state" (Cohen & Arato, 1992; Evers & LaVille, 2004; Evers, 2005; Evers, 2010; Evers, 2013).

In less than four decades, the idea of a third sector of legal, social, economic, political and cultural institutions distinct and apart from households, governments and markets has captured the imagination of a broad variety of researchers, politicians and practitioners across the globe. Over that time, the nonprofit model has gone from a novelty to the unofficial regnant paradigm for third sector studies, receiving at least lip service from a wide variety of authoritative institutions. It is an approach characterized by multi-method and multi-disciplinary studies of local, regional, national and international nonprofit organizations, nonprofit corporations, nonprofit management, the macro-economic and statistical environments of national nonprofit sectors and institutional governance and leadership issues faced by nonprofit entities. Much of the credit for initially shaping and forming the nonprofit model belongs to a small network of scholars associated with AVAS/ARNOVA, an institutional group centered around Lester Salamon, Johns Hopkins University, a working group that began at INDEPENDENT SECTOR in Washington DC and a working group led by David Billis at the London School of Economics and Political Science (whose very name enshrines what is here termed the two-sector model).

By the nonprofit model, I include any research design or conceptual perspective or model organized around three principal structural terms: nonprofit corporation, nonprofit organization, and nonprofit sector; and a crucial legal and economic parameter, the nondistribution constraint. The nonprofit model is typically also focused on governance, management and leadership as key economic, political, and to a lesser extent social and cultural processes.

Within the nonprofit model, management and leadership are typically treated as instrumental principal-agent relations between CEO's, governing boards, other managers, staff and draws sharp distinctions between limited categories of actors or roles. Boards of governors or directors are responsible for the overall organization from positions seen as largely outside "the organization" itself, while staff or personnel are paid employees who constitute or are 'inside' the organization. Staff, and in some instances, volunteers, are said to "deliver" services to designated clients or beneficiaries who are generally viewed as passive receptors rather than

active agents and "outside" the organization. Particular attention in the nonprofit model is paid to these and other social roles that are conceived as groups who are collectively labeled stakeholders. In the nonprofit model, the sociological term nonprofit organization is used more or less interchangeably with the legal term nonprofit corporation, and both are theorized as distinct species of *formal* organizations and distinctive third sector institutions. Social relations in the nonprofit model are treated largely in rational, instrumental mission and program terms as strategic, goal- and outcome-oriented. Other merely social relations are characterized as "informal" or simply ignored. Five principal characteristics are said to uniquely define nonprofit organizations. They are formally organized, private (not governmental or public), self-governing entities, that do not distribute surpluses or profits to shareholders, and are characterized by voluntary participation (Salamon 2003; Anheier, 2005:38ff).

A widely-shared assumption among researchers working within the nonprofit model is that insights regarding organization and management studies adopted from business management and public administration can be extended to the third sector along at least two dimensions: First, third sector institutions are to be understood by analogy with existing knowledge of public bureaux and private firms (particularly corporations). Thus, social, political, economic and cultural dynamics in the other two sectors are expected to apply also to the third sector with suitable notations and explanations of exceptions that arise.

This successful and convincing model has been the predominant one in leading journals and research organizations like ARNOVA for more than 30 years. The year 1989 offers a useful and convenient, if only slightly arbitrary, demarcation point for this purpose. It was when the European civil society revolutions got underway, ARNOVA was created through a re-organization of the earlier Association for Voluntary Action Scholas (AVAS) and at least two major journals devoted to the third sector were founded. The dissemination of the nonprofit model has influenced the naming and mission of other journals, notably *Nonprofit Management and Leadership*, *Nonprofit Management,* and *The Nonprofit Quarterly,* and has proliferated in nonprofit special interest sections in the Academy of Management, the American Society for Public Administration, the American Economics Association, and numerous other professional associations. As an indicator of the maturity of the nonprofit model in the U.S., several textbooks have recently been published to aid in teaching the nonprofit model to students, thus assuring its continuity for at least another generation (Anheier, 2005; Holland and Ritvo 2008; Worth 2009; Young 2007; Zietlow 2007).

The nonprofit model first coalesced theoretically in the late 1970s and was already pretty much *theoretically* complete by the first decade of the 21st century. While a great deal of work continues there have been no major new terms introduced in recent years, no major new reformulations of the model, no major new hypotheses suggested, and the perspective no longer seems to provoke major "ah ha" moments (that is, the excitement of the truly novel) or talk of "paradigm shifts" among its leading adherents. This is certainly not to suggest, however,

that the research program of the nonprofit model has been completed; Only that it has attained a certain level of maturity. As the Kuhnian paradigm change paradigm would suggest, the nonprofit model of the third sector is also accumulating a growing congeries of anomalies, exceptions and deviations suggestive of a possible future paradigm shift (Kuhn, 1970).

A Critique

We can expect the nonprofit model to be a source of ongoing research for many decades to come, due to such factors as constant variation in the number of organizations established and eliminated, the number and size of donations, and other important empirical and measurable questions. That is hardly the whole story, however. As a model of the third sector, the nonprofit model privileges a narrow set of corporations and mainstream institutions that are the most highly organized, best funded and institutionally closest to and most like existing business corporations and government bureaux. In so doing, the nonprofit model omits or downplays a vast range of economic, social, political and cultural phenomena that are less closely tied to established political and economic interests, less easily tabulated and thus less clearly observable.

The nonprofit model also fails to provide a sufficiently comprehensive or convincing account of the full range of activities occurring outside of markets, states and households, including not only some nonprofit corporations, but also cooperative and mutual organizations, many foundations and considerable portions of philanthropy. It also miscasts philanthropy as simply fundraising and foundations and totally ignores all manner of volunteering, mutual, self-help, social, recreational, educational, cultural, religious and artistic activities as well as most types of individual initiative other than the entrepreneurial and leadership behavior of nonprofit CEOs, and various forms of collective behavior, including religion, advocacy, political association, civil engagement and voluntary action. A full and complete paradigm of the third sector would not leave all of this out.

Legal treatments have long left a place for individual initiative and informal associations in charity law, the law of trusts, doctrines of corporate 'personality', and other matters of third sector law, but the nonprofit model places great stock in the idea of incorporation, privileging, in particular, the importance of nondistribution constraints (Anheier, 2005; Hansmann, 1980; Hansmann, 1981). The nonprofit model also makes no provision whatever for 'peaceful assembly', an important legal concept in the U.S. Constitution, the Canadian Charter of Rights and Freedoms, the United Nations' Universal Declaration of Human Rights, and similar legal and constitutional documents in other democratic nations.

Paradoxically, although they account for a considerable portion of all formal nonprofit corporations, whether measured by revenue or by organization or personnel counts, the actual, highly complex and multidimensional organizational nature of universities, hospitals, and religious organizations may be vastly understated by the statistical approach to the nonprofit

model. In what sense is a university or a church a single organization or enterprise as opposed to a network or community consisting of multiple entities? Is a university a single organizational entity in name only? Is Harvard, or Oxford, or West Virginia University one organization, or a network of numerous organizations and hundreds of groups? Are they not vast and complex congeries of diverse smaller entities; work groups, corporations, trusts, networks and other arrangements in some semblance of economic, political and social order under a common identity? Likewise, to argue that any given religion (e.g., Catholic, Baptist, Jewish, Islamic, Buddhist or Mormon) is a single organized entity in some objective sense appears to fly in the face of reality and ride roughshod over important theological distinctions (e.g., the Parish, Synagogue or Presbytery). It also tends to prejudge and attempt to settle by definition longstanding issues and questions that are, more properly, left to the determination of those involved.

Likewise, the informal or social organizational dimensions of social movements and even social problems receive inadequate coverage in the nonprofit model. Social movements and the organized social action and cultural institutions associated with social problems are often neglected or ignored until they provoke formal organizations or corporations. Yet they are treated in the nonprofit model (when they are treated at all) as preludes: precursors of more formal organizational mission and institution building; incidental or preliminary stages of informal organization destined either to fail or result in formalization. Thus, for example, the nonprofit model has been at a loss to adequately describe, explain or account for protest movements like the worldwide outburst of "Occupy" movements, since they have produced so few formal organizations to date. Maecklinberg (2013, p. 75) says "Large-scale protests have engulfed the world over the past few years. People across the globe took to the streets as the effects of the global financial crisis became visible at the end of 2008 and especially in early 2009. People in and beyond the Arab world revolted and in some cases occupied public squares to demand the fall of their regimes in 2010 and 2011. A few months later, people all over Spain assembled en masse to call for "real democracy now" on May 15th 2011. That same year, the Occupy movement followed suit in the United States by gathering in Zuccotti Park near New York City's Wall Street on September 17th. One month later, at least 951 squares were occupied in over 82 different countries as part of an internationally coordinated "day of rage" on October 15th." The spontaneous anti-corporate uprisings in many nations associated with the "Occupy" movement have attracted only minimal attention among third sector scholars. Both social problems and social movements have been historically important to the contemporary third sector, and both movements and social problems routinely display a shifting variety of organizational forms including assemblies, focused publics and audiences. The same is true of important aspects of Islamic populism, including the Arab street (Palmer, 2011).

Altogether, the narrow focus of the nonprofit model has clarified a great deal about one part of the third sector. It is also the case that much of a genuinely meaningful third sector is

omitted, downplayed or misrepresented in its narrow lens. Thus, a primary task for future theorizing of the third sector should be to bring these and other neglected dimensions of the third sector into the light and more fully into theoretical focus in order to understand more clearly how they relate to and differ from the organizations privileged by the nonprofit model, and from one another, as well as to elaborate more clearly their relations to markets, governments and the intimate sphere.

Policy and History

In the academic milieu, the predominant theoretical narrative out of which the nonprofit model arose and that continues to give it legitimacy is found at the interface of market economics and liberal democracy as characterized by the two-sector model of private markets and public states (c.f., Lindblom 1977; Salamon 2003). This implicitly normative perspective is more historically and geographically situated than may generally be acknowledged by its most prominent advocates. In practical political terms, the entire ideological conflict known as the Cold War was at its most general levels often posed as conflict between the same twin polarities: Marxist-Leninism offering "statism" on the one side and "free market capitalism" offering the virtues of the market order on the other with a pluralist ad mixture of the two in the variations of the welfare state. From this perspective, the end of the Cold War opened a gaping theoretical space that was quickly occupied and colonized by advocates of the civil society and nonprofit models (Wagner, 2012). Other contending perspectives were in distant third and must be reconciled in some fashion

Deconstructing the regime dominated by the two-sector model and weaving in additional third sector possibilities has been a pervasive master narrative not just in third sector studies but also in public life in the advanced democracies of the developed world. This study is among the more far-reaching such perspectives. The two-sector narrative contrasting private and public sectors and its underlying rationality of self-interest, has been foundational to a fairly broad range of modern social science disciplines including not only economics and political science, but also management science, public administration, public health, accounting, tax theory, corporate law social policy, and several other fields. It is a mistake, however, to see merely adding in the public/private nonprofit sector as an adequate solution to the third sector problem.

The two-sector model is but one of a number of contending narratives of modernism (Taylor, 2004; Taylor, 2007) Other models of modern society and culture not built upon the dualisms of public/private, economics/politics, market/state dichotomies emerged during the long 19th century in anthropology, history, sociology, social work, philosophy and the humanities and cultural disciplines, all of which have consistently embraced alternative master narratives of modernity. Modern meanings of altruism, charity, community, mutuality, philanthropy, solidarity and numerous other key third sector terms are all embedded, in whole or in part, in these alternative perspectives. Even public, private and self-interest have broader connotations

than political and economic rationalism will allow. Scholars working within the rationalism and dualism of the two-sector model have had to devote considerable effort – without notable success – to reconciling these ideas to their worldview.

Achieving at least a limited degree of practical reconciliation (a "working consensus") between these multiple, divergent outlooks has been one of the most remarkable contributions of third sector theory with its model of four distinct sectors. Continued tolerance for variation, diversity and difference in the sector is at least as important at this juncture as concern for reasoned consistency that seems to have driven the two-sector model. Further accommodation of these differences should continue to be a major challenge of further third sector theorizing.

For a broad variety of disciplinary specialists in economic, political, social, cultural and legal fields amendments and departures from the two-sector model continue to offer a rich, meaningful, and powerful multi-disciplinary context for ongoing conceptualization and conversation about the nonprofit sector as a third sector without disturbing the basic, public-private dichotomy. Only a portion of work on social capital, for example, has been conducted within the political economic disciplinary matrix, working with exact definitions of capital. Others see social capital or human capital in exclusively social psychological, social structural, or cultural terms (Cairns, Van Til & Williamson, 2003; Coleman, 1998; Edwards & Foley, 1998; Onyx, 2000A; Onyx, 2000B; Robinson, 2011). Conceptions of philanthropy as private action for the public good have also tried to to take note of the paradoxical nature of the third sector without directly challenging the private-public dichotomy or self-interest (Payton, 1988).

The nonprofit model with its rationalist underpinnings has become so pervasive in our field that those interested in third sector studies in dissenting fields have been forced to embrace it nominally or acknowledge it regardless of their concerns about its limits. From the intellectual revolution after 1992 that followed from the political revolutions of 1989-1991, the two-sector model with the addition of a third, or nonprofit, sector fashioned largely from the outsourcing of the two has functioned as a research and teaching paradigm (Anheier, 2005; Kuhn 1970; Wagner, 2012). Antonin Wagner (2013) has argued that, for teaching purposes, the field currently has two major paradigms – nonprofit organization and civil society. Although his perspective may be too limited, his observations on those two 'paradigms' are nonetheless very interesting (See also, Billis, 2013; Gidron, 2013; Kuti, 2013; Lohmann, 2013 and Wagner's response in the same issue). In this vein, civil society and philanthropy adherents has sometimes sought to frame what they see as alternative paradigms on roughly the same ground with approximately the same conceptual base; i.e., "civil society organizations". The two sector model has furnished the background and contextual assumptions for virtually all of the main political, legal and policy strategies regarding the formation, maintenance and development of nonprofit organizations, and many of the social and cultural program developments fostered by those organizations – including many embraced by large national foundations and international agencies – that have sought to characterize national third sectors over the past half century.

In the decades after World War II the two-sector narrative, coined modern liberalism and later new or neo-liberalism, was gradually adapted to embrace the idea of a third sector of either nonprofit or nongovernmental organizations of mixed private/public provenance, swept along by an unprecedented wave of affluence and other factors. This theoretical and conceptual process was aided a great deal by increased public funding of nonprofits on the one hand (Boris and Steuerle, 2006; Lipsky and Smith, 1989), and continued pressure for nonprofits to "be more businesslike" on the other (Beatty, 1998; Cordes and Steuerle, 2009; Drucker, 1964). Incredible as it may seem, there have been *no* calls in recent public life (outside academic writing, that is) for third sector institutions to be themselves or to do what they are capable of doing best.

In the long wave of postwar economic advancement, the original two-sector model spread widely and popularized the dichotomy of economic and political systems characterized by initiatives of private capital and economic growth contrasted with the regulation, planning, stimulus and counter-cyclical activity of the public sector (Lindblom 1977; Tomás-Carpi 1997, cited in Monzon and Chaves 2008). In this political-economic worldview, the particular concerns of distinctive third sector missions, whether voluntary charity, education, arts and culture, religion, or even assembly for purposes of public conversation or advocacy, have never been dominant foci. It has often been easy to see the thirdness of this sector as, in some way derivative from the first two, as in the assorted "failure theory" claims that sprouted in the 1980s (Anheier, 2005, pp. XX; Salamon, 1987). The "welfare state", mixed economy, counter-cyclical policy, anti-poverty policy and numerous other topics that have framed the nonprofit as the third sector have generally sought to blend economic growth with social welfare, particularly in the anti-statist decades following the "civil society revolutions" of 1989-1992. But, above all, the role of the activist state has been central, and independent voluntary action has been seen as supportive, enabling and facilitating.

Particularly after 1989 references to the third, nonprofit, nongovernmental or civil society sector began regularly appearing in discussions of the master narrative and have been embraced by various international bodies including the United Nations, the World Bank and the European Union. Multi-sector strategies for health care, education, work training and employment, and anti-poverty programs implemented by a third nonprofit sector have become widespread. However, a variety of alternative policy approaches, notably post-Thatcher and post-Reagan privatization, civil society and social enterprise schemes, as well as recent observations regarding sectoral convergence and hybridization (Billis, 2011) that highlight the independence or autonomy of the increasingly visible third sector have not fit especially well within the bi-polar limits of this narrative. They may, in fact pose theoretical time bombs threatening to burst the current three sector model entirely at some point in the future. It is not clear, for example, why elected and appointed representatives in a democracy or business executives in large corporations should have privileged positions or greater say in the activities of "civil society" or "social economy" programs than the ordinary citizens who plan, organize,

carry out, and seek stable funding for such third sector activities. The cynical expression of a new golden rule – those that have the gold make the rules – is often heard in today's nonprofits and points up certain moral limits of the present configuration. These and other heretical thoughts underlie notions of the third sector as an equal or autonomous sector partner with business or government.

Kramer (2004) elaborates a number of distinctive features of the sector concept as viewed through the lens of the nonprofit model. "Typically," he says "it emphasizes the rapid institutionalization of the third sector as the core of civil society, as the state's primary partner in the provision of human services and the promotion of culture and the arts." We need not concern ourselves at this point with the long list of third sector institutions missing from this list. We are instead concerned here with his critique of the sector concept itself. Kramer cites three reasons to question the sector model based on ownership: Sector convergence stemming from growing dependence of government funding; privatization of government; and the establishment of nonprofit subsidiaries by businesses. To this we might respond that while largely accurate at the current moment in U.S. history none of these claims offers any reason, in principle, for rejecting the possibility of a third sector of voluntary action largely or completely outside government, business, or for that matter, the intimate sphere. It may, as Kramer suggests, give us reasons to doubt the veracity of a model of an autonomous third sector of nonprofit organizations distinguished solely by ownership. (On this point, see also, Billis, 2013)

A Plurality of Similar Institutions

The approach to the concept of sector taken here is different from the approach based solely on ownership differences, and for the reasons noted by Kramer and Billis. We can distinguish sectors as differing types of institutional configurations. Before doing so, however, we need a clearer understanding of what is meant by that term. "Institutions are generally defined as stable sets of norms, rules and principles that serve two functions in shaping social relations," according to Christian Reus-Smit (1999, 12), "[T]hey constitute actors as knowledgeable social agents, and they regulate behavior." In a conception that aligns closely with new commons, Robert Hawkins elaborated the basic stance of the Bloomington School: ""Institutions embody the basic rules that govern all public and private actions - from individual property rights to the ways in which communities deal with public goods. They affect distribution of income, efficiency of resource allocation, and the development of human resources. These rules in their power to enable self-governing impulses to be enacted and find support in the society, constitute a vital public resource. True public life, in contrast to what is either narrowly private or dominated by government authority, needs vigorous institutions. They are an essential element of what it means to be public." Elinor Ostrom was even more explicit tying this idea to the sector perspective, noting that institutions are "the prescriptions humans use to organize all forms of repetitive and structured interactions including those within families, neighborhoods, markets, firms, sports leagues, churches, private associations

and governments at all scales" (Ostrom, 2005, 3).

Thus, from an institutional perspective sectors may be distinguished by differences in norms, rules, principles, roles, and memes (e.g., advocacy, protest tactics and other forms of practical knowledge) possessed by actors engaged in particular roles (e.g., philanthropist) and other forms of regulating repetitive and structured interactions (e.g., redistributing income or self-governing).

The current nonprofit sector model also highlights and tends to valorize the roles of CEO's, governing boards and professionals (as true or real "leadership") and downplays the importance of citizenship, other participants, volunteers, and clients. In the current model, for example, nonprofit organizations of paid staff are seen as dealing externally with volunteers, clients, publics, and even board members, rather than as truly corporate entities that include these others within the organization. Such a view is possible only by emphasizing the distinct but arbitrary boundaries of the nonprofit model as expressed in current managerial and legal views and ignoring the real networks of political and social interaction and cultural exchange involved. Despite its formidable presence and great success, the nonprofit model thus offers numerous reasons for believing that it accounts for and explains only a portion of the entire space outside of households, markets and governments. Now that the model is more-or-less complete and its research program stable and continuing, third sector scholars ought to take the occasion to ask seriously what else there is in this space we call the third sector?

The Third Sector Imaginary

One of the larger projects for third sector scholars in recent decades has been the efforts to try to imagine the full menagerie of institutional arrangements in the wider third sector. One suitable place to begin more fulsome consideration of the third sector is with a notion first outlined by one of the leading Canadian social philosophers of the past century. In a charming little volume entitled *The Social Imaginary* (2004) Charles Taylor called attention to the role of imagination in social behavior and theory, introducing a term he called the social imaginary. What is a social imaginary? In Chapter 2 Taylor defines this as "the ways people imagine their social existence, how they fit together and how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations" (Taylor, 2004:23). The social imaginary in Taylor's sense offers an interesting way to begin the task of reconciling the many divergent perspectives of the third sector, and furthering the complex challenge of imagining an entirely new institutional realm of human affairs in both practical and theoretical senses that began with the nonprofit model. The third sector offers an interesting example of undirected voluntary action in a collective project by researchers, theorists and practitioners imagining an entire new sphere of human activity into existence and order. As recently as a few decades ago, there were only isolated, vague and occasional references to nonprofit or voluntary sectors scattered across the world's published social science literature and no one ever bothered to offer a coherent definition or systematic conceptualization of what that phrase might mean.

There are numerous precedents in the social sciences for what has gone on since. Among the most widely known of these would be Adam Smith's distillation of the market order in the industrial dynamics of his day. Equally significant are the imaginings of Hobbes, and many others of the nature of the modern nation state. And then there is the vast imaginary of modern socialism. Beginning with Henri de Saint-Simon's coinage of the term socialism to contrast with *laissez-faire* individualism, the various utopian, anarchistic, democratic, Christian, Marxian and other socialisms as well as the various reactions they provoked over the long 19th century, also offered a large and multi-faceted succession of social imaginings of how society should be arranged and changed. From a quite different angle, Adam Smith, Adam Ferguson and the Scottish moralists initiated a quite different chain of imaginings involving the nature of modern morality. From the standpoint of social theory, the current social imaginary of the third sector theory represents an important branching in both of those long successions. And these are just a few of the many social imaginaries that have shaped and molded modern social science theory and understandings.

Since the 1970s, a large number of people have similarly and collectively imagined into existence an empirical institutional realm and theoretical figure never before seen or understood and that they and, increasingly, we all call "the third sector". Some have tied their imaginings directly to an earlier 18th century social construct called civil society (see Cohen & Arato, 1992; Wagner, 2012). These new images and institutions imagined by not only theorists, but also researchers and practitioners willing to act on their imaginings, together with associated evidence and data have outlined in great and increasing detail "how things go on between them and their fellows" with greater and greater attention to the "deeper normative notions and images that underlie these expectations". What a provocative way the social imaginary offers to summarize what has actually been happening in third sector studies in recent decades!

In an organizational sense, Taylor's social imaginary offers up a description of the social space for collective rethinking and reworking of just about any social realities. The social imaginary might be seen as yet another reworking of the society/individual or public/private dichotomies; in this case, asocial reconfiguration of Bergson's *elan vitale* placing greater emphasis on the context of interpersonal relations and less on the solipsist exploration of the workings of the inner self. At any rate, both current and future models of the third sector, as well as a host of related ideas like social capital, philanthropy, and social enterprise can be seen as products recently emerging from our third sector social imaginary; the gradual convergence of the social imaginings of many different sources. This does not imply that such imaginaries are in any important sense fictions, like characters in a novel, or fantasies like a six-year old's fantasies of fairies, trolls and unicorns). Most are intended to be rigorously empirical, and solid evidence of their existence is one of the acid tests for the viability of such imaginings. Taylor's social imaginary is more on the order of the visioning and scenario-building exercises popular

in some nonprofit management circles.

Social imagining, in Taylor's terms, is a reality-based, complex social process in which selected realities – including organizations, institutions, and social relations not previously noted or understood - are visualized, formulated or reconfigured as plausible, realistic, empirical and researchable constructs; the most creative parts of research design and theory building. Social imagining is a multi-dimensional process involving naming, identifying characteristics, and linking new constructs to other known concepts. A remarkable period of social imagining accurately describes what has been happening with regard to the third sector for the past forty years, and in a less intense sense, for more than two centuries, since Hegel and Ferguson first imagined their quite different constructs and images of civil society (Cohen and Arato, 1992, pp. 83-116).

Another more current example would be assembly, a legal and constitutional term with many empirical referents in meetings, public lectures, concerts, conferences, parades, pilgrimages like the annual Islamic *haj,* and popular assemblies such as garage bands, jam sessions, rock concerts, flashmobs, and many other comparable gatherings. Apart from the organizing committees and other formal organizations governing some assemblies, the organized nature of this important form of social organization seems to have garnered no attention among researchers interested in the third sector, and the suggestion that assemblies are an important part of the third sector probably would be quite controversial. We will explore this very question in Chapter Eight below.

Imagining the *Wunderkammer*

Theoretical discussions in the social sciences generally tend to neglect or downplay the important role of imagining new ways to configure known or emerging social realities. However, in the case of the emerging third sector, we might arbitrarily begin a brief review of the social imaginings which together brought us the idea of a third sector with George Hegel, whose re-imagining of his social world in terms of civil society embodies vigorous antecedents of our current notions of households, markets, states (Cohen and Arato, 2000). From there others can also be credited: Alexis de Tocqueville (political and voluntary associations), Karl Marx (revolutionary association), Auguste Comte (*altruisme*), Max Weber (bureaucracy), Robert Michels (oligarchy), Talcott Parsons (his AGIL pattern variables approximate one view of the division among sectors), James Pennock (liberal democracy), and William Kornhauser (mass society) (Van Til, 2012). To this list I would also add, in no particular order, the creative imaginings of Marcel Mauss (gift exchange), Bronislaw Malinowski and Marshall Sahlins (gift circles, cycles or networks), Albert Beveridge (voluntary action), L.J. Hanifan and Robert Putnam (social capital), David Horton Smith (voluntary and grassroots organization), Amatai Etzioni (normative compliance), Kenneth Boulding (threat, exchange and integrative systems), Elinor Ostrom (common resource pools and knowledge commons), Vincent Ostrom (polycentricity and constitutional order), John Dewey (democratic society and culture), Mary

Parker Follett (groups in democracy), Kurt Lewin & Ronald Lippitt (democratic group leadership), Richard Cornuelle (independent sector), Burton Weisbrod (nonprofit economics), George Herbert Mead (collective behavior), Hannah Arendt (the distinction of action, work and labor), Jürgen Habermas (systems and lifeworlds), Benjamin Barber (the sovereignty of the political), David Mathews (public deliberation), Anthony Giddens (third way), Elijah Anderson (cosmopolitan canopy), Harold Saunders (sustained dialogue), John Dryzek (discursive democracy), Yochai Benkler (social production) and a great many others including certain concepts of the internet and social media that are still evolving. Without the collective impact of these various imaginings, the modern third sector is literally unimaginable.

Each of these and many other contributions have imagined important bits and pieces added to the increasingly robust idea of a third sector. We can readily add the names of dozens of active ARNOVAns to this list for their social imaginings – their intuitions, insights and metaphors that serve as contributions to the study of formal organizations and a third sector of institutions. Collectively and imaginatively, all of these people have conceptualized multiple bits and pieces adding to our current understanding of the institutional space(s) outside the household and apart from the market order and government. That is, to the third sector. And what they have suggested to us collectively adds up to a great deal more than simply the important but limited notion of nonprofit organizations and nondistribution constraints.

The emergence and acceptance of the very idea of the third sector has been a collective production of the very type we seek to account for and explain. My own preferred term for describing and summing up such production processes would be *knowledge commons* (Hess and Ostrom, 2007), as elaborated in Chapter Ten. No one legislated the third sector, commanded it or demanded it. It has no price structure although political and economic systems are quite willing to exploit its relative advantages when it suits their purposes. The practical efforts we call the third sector have been a collective production and our evolving collective understandings – our knowledge – of the third sector are also a collective product. That is not mere metaphor. The idea of a third sector simply did not exist in any form sixty years ago, and now it stands as a major institutional product of modern life in many different communities, countries and regions. Yet, within the narrow theoretical terms set out by the nonprofit model, there is no meaningful way to recognize the entirety of this major production.

In seeing the third sector as a recent and still incomplete act of collective practical, theoretical and legal social imagination – we are concerned with a variety of very real things, an entirely new set of ideas constructing or, in the case of older concepts like civil society, re-constructing, an entirely new way of viewing important parts of our collective human experience – what it means to be human. The third sector imaginary has been created out of virtually no prior materials except shared experiences in daily living. The interconnected phenomena of gifts and donations, voluntary association and pooling of common resources in grants, funds, endowments and the like, together with all of the organizations and other

phenomena associated with the third sector construct register only as details and data. They have had no essential role in the social, economic, political and cultural ideas held together under the broad heading of social and political theory until the past few years. A survey of social and political theory by Kimmel & Stephen (1998) for example, speaks only of state, market and society.

Currently, thanks to the nonprofit model, the basic theoretical paradigm sufficient for understanding nonprofit organizations as *a* (not *the*) third sector is *theoretically speaking* fairly complete, and there are numerous civil society models that deal with citizenship and civic engagement questions. Even so, no adequate general model defines, encompasses or outlines the rest of the third sector or brings it together with the nonprofit sector or civil society perspectives. Unlike 1914 or 1964 when the term nonprofit already existed but no research, theoretical or practice model of any third sector could have been found, by 2014 there is broad, widespread agreement on the basic terms which render nonprofit research intelligible. These dates are arbitrary and selected merely as 100 years ago and 50 years ago. The American Institute of Graphic Arts, to take one of many possible examples, was founded in 1914, and the Organization of Afro-American Unity, was founded in 1964 as one component of the overall civil rights movement of the time. Neither founding is particularly well or convincingly explained by the nonprofit model. Even so, policy-makers schooled in the two-sector model still find it altogether too easy to overlook some or all of the third sectors. E.g., see Eisenberg (2013) for a recent example. Something similar can be said for each of a range of other middle-range topics that have received attention in third sector studies, including philanthropy, social capital, voluntary associations, foundations, social movements, collective behavior, citizen participation, social problems, commons, mutual aid, self help, giving, fundraising, social production, organized religion, civic and political action by citizens, interest groups, and a number of other specific topics, organizations and institutions. Specific, detailed research work within each of these areas can be expected to be ongoing in the future as it is at present. However, there is no reason to expect that a more adequate general model of the third sector will arise from that research. Like the other theoretical figures mentioned, such a wider third sector has yet to be imagined in its entirety.

The Third Sector Paradigm

Part of what we currently lack is a sufficiently robust theoretical paradigm of the institutions of the third sector beyond nonprofit organizations. We need to find ways to make the notion of the spaces between households, markets and governments coherent, meaningful or to relate all of these diverse topics together within a genuine three-sector model in something more than a purely cursory manner. Robert Merton's sociological thesis of "theories of the middle range" has made accommodation or at least lip service to the master narrative phrase third sector relatively easy and painless without actually solving anything. By de-emphasizing the role and importance of any "grand theory" of the composition of the full third

sector the middle range approach makes it possible to justify just about any narrower focus on any immediate, narrow issue or practical problem or topic. Through Merton's hypothesis, we can all, it seems, agree to go our own ways: Even those who reject the institutional pluralism of the three sector model including *Kathedersozialisten,* or academic socialists suspicious of any notion of 'civil society' and market fetishists ready to see price and cost dynamics everywhere can equip themselves to contribute to the multi-disciplinary conversation over the nonprofit third sector without the inconvenience of disruptive contradictions.

To be sure, critical voices from left and right have been concerned with critiquing specific aspects of the liberal democratic sector narrative. Leftist critics following in the footsteps of Gramsci have addressed the hegemonic nature of civil society on the one hand and sought to valorize the instrumental role of government in sector formation and development. At the same time, conservatives and libertarians have raised specific issues of taxation, bureaucratization, and professionalization, and sought to valorize the role of the market order and spontaneous order in general (Brooks 2000; Boettke and Prychitko, 2004; Cornuelle 1965; Ealy 2011). Yet, such monism from any quarter seems misplaced. The fundamental plurality of the mixed economy of markets, states and third sectors remains one of the most essential features of liberal democracy.

In the wake of the collapse of the Soviet empire after 1989, theorists across the political spectrum have sought to frame their own versions of "civil society" as a third institutional sector between the predominant private/market and public/government sectors (E.g., Cohen and Arato 1992; Gellner 1994; Seligman 1992; Srubar 1996). Efforts to revive 18th century ideas of civil society and to accommodate them with the nonprofit sector have been ongoing (Van Til 2007; Wagner 2013), and more recently, others have sought greater attention to another revival, the "social economy" (Lohmann 2007; Monzon and Chaves 2008; Quarter, Mook, and Armstrong, 2009; Vaillancourt 2009).

The European Critique

A group of European third sector scholars have over the past decade focused and sharpened what is to date the most extensive criticism of the nonprofit model of the third sector, which they term the "North American Model" (Evers and LaVille, 2004; LaVille, 2011). The 2011 statement by LaVille outlines five principal concerns with the nonprofit model:

- It privileges trust as a nonprofit activity, when in reality many other organizations and institutions that are not nonprofits are equally capable of engendering trust.

- It overstates the theoretical centrality of the nondistribution constraint, which is really only important in some legal systems.

- It places excessive reliance on instrumental rationality

- It is largely conflict averse (e.g., has nothing meaningful to say about Tea Party & Occupy movements)

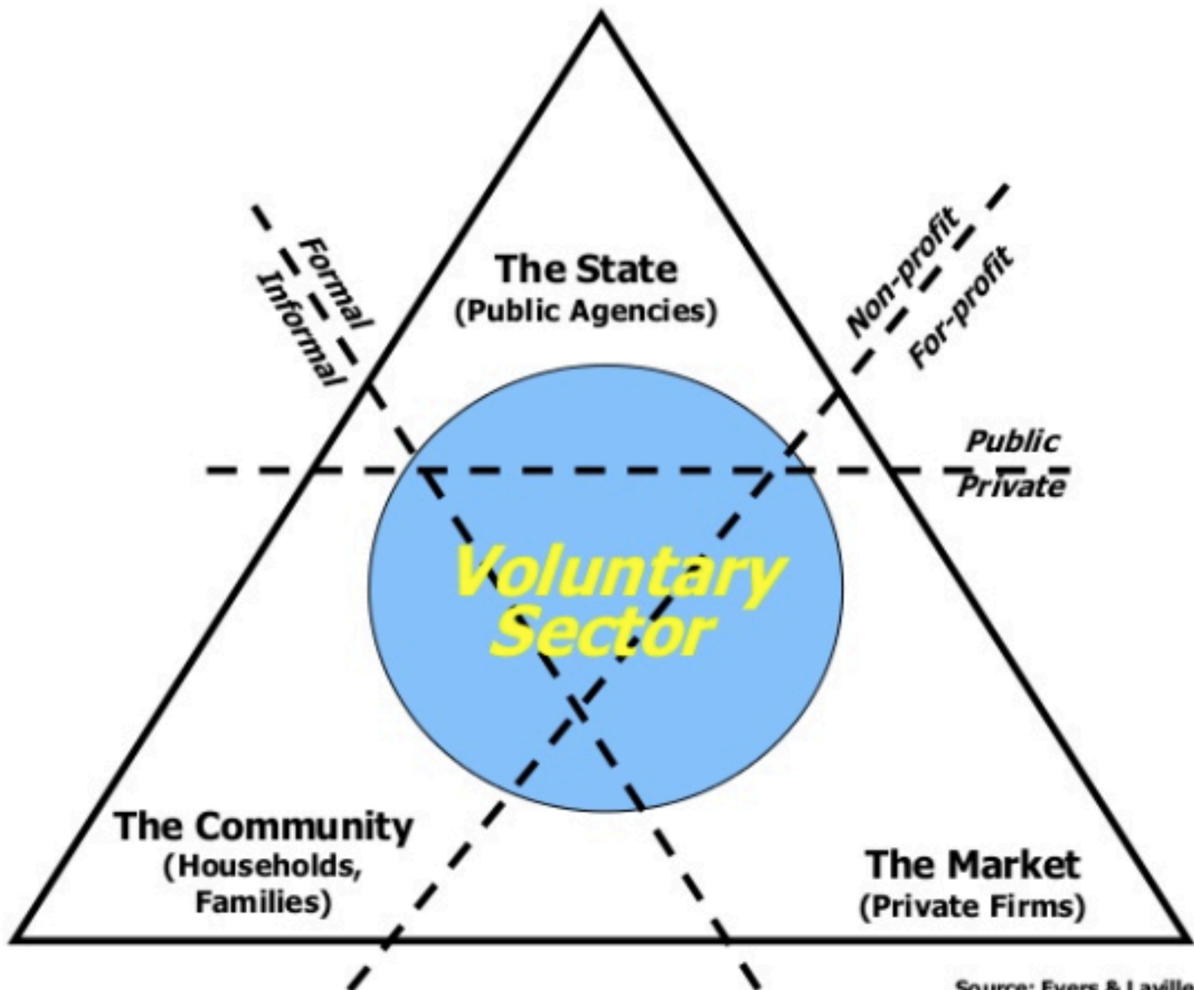
-It incorporates an implied hierarchy placing the third sector in a secondary or derivative status (e.g., third sector is derived residually from market failure or government failure)

Each of these offers an important criticism of the nonprofit model. The first three statements together offer an alternative entre or rationale for the view expressed here that there is more to the third sector than nonprofit organizations. Religions, social movements, assemblies and a variety of other organized activities and institutions that are not formal organizations have been quite capable of engendering trust among their participants for many centuries before the formal nondistribution constraints of nonprofit corporations were devised. Just as importantly, governments and market oriented firms are also capable of engendering trust among their citizens and customers. The final two points speak directly to the often-apolitical nature of the "civic" nonprofit model and the circumstances under which the present nonprofit sector arose out of the circumstances of post-war politics and economics, in which denial of fundamental conflicts was often a major consideration.

We should note first that the continental critique is really only directed at the U.S. version of the nonprofit model which is in no real sense a North American one since the Canadian and Mexican nonprofit sectors are both quite different from the U.S. one. The real target of the critique appears to be rather directly what they perceive as the intellectual imperialism of the Johns Hopkins Comparative studies.

As part of their critique, Evers and Laville (2004) reproduced the venerable "Pestoff triangle" graphic view (shown in Figure 4.1) of the relation between market, state and third (voluntary) sector (Pestoff, 1998).

Figure 4.1
The Pestoff Triangle



The Pestoff schematic has several advantages and illustrates numerous important points. It demands, however, a higher standard of rigorous logic than is usually applied. The schematic is in no sense a portrait of reality; it is purely a logical construct; an ideal type. In addition, it is not drawn to scale and one cannot make any inferences or draw any conclusions about the size or importance of any of the sectors from it. Nevertheless, we can recognized that it attempts to portray the totality of the four-sectors within the boundaries of the greater triangle, and their (logical) proximity to one another. The major problems with the Pestoff triangle (and perhaps the largely unstated vantage point of the broader European critique) are that it portrays a four sector view that appears to completely subsume the third sector (identified in Figure 4.1 as a circle labeled the voluntary sector) entirely subsumed within the greater triangle formed by the apexes of three "more basic" market, state and households

(identified in Figure 4.1 as the community). Is this a mere accident, or is it a reflection of a broader theoretical outlook? We can't know for sure. Perhaps it is purely an irony that the chart also sets the third sector apart from the community; both points I tried to convey in an exchange with Wagner (Lohmann, 2013; Wagner, 2013) in *Voluntary Sector Review*. In the graphic, the circular Voluntary Sector is clearly of a different geometric order riding atop the six triangles formed by the solid and dotted lines, but we get no hint of whether that difference is theoretically significant or not.

There is also the suggestion within the logic of the figure of additional institutional possibilities beyond the basic four sectors (or pure types) but we have no labels to suggest what they may be. I believe they represent instances of what Billis, et. al. (2010) term "hybridity". Somewhat subversively perhaps, the dotted lines extending beyond the boundaries of the main triangle appear to suggest that there may be something beyond the bounds of the four sectors: the three triangles and the overlaid circle. Additional sectors, perhaps? There is no indication in Pestoff (1989), Evers and Laville (2004) or anywhere else that I am aware of what that something else might be.

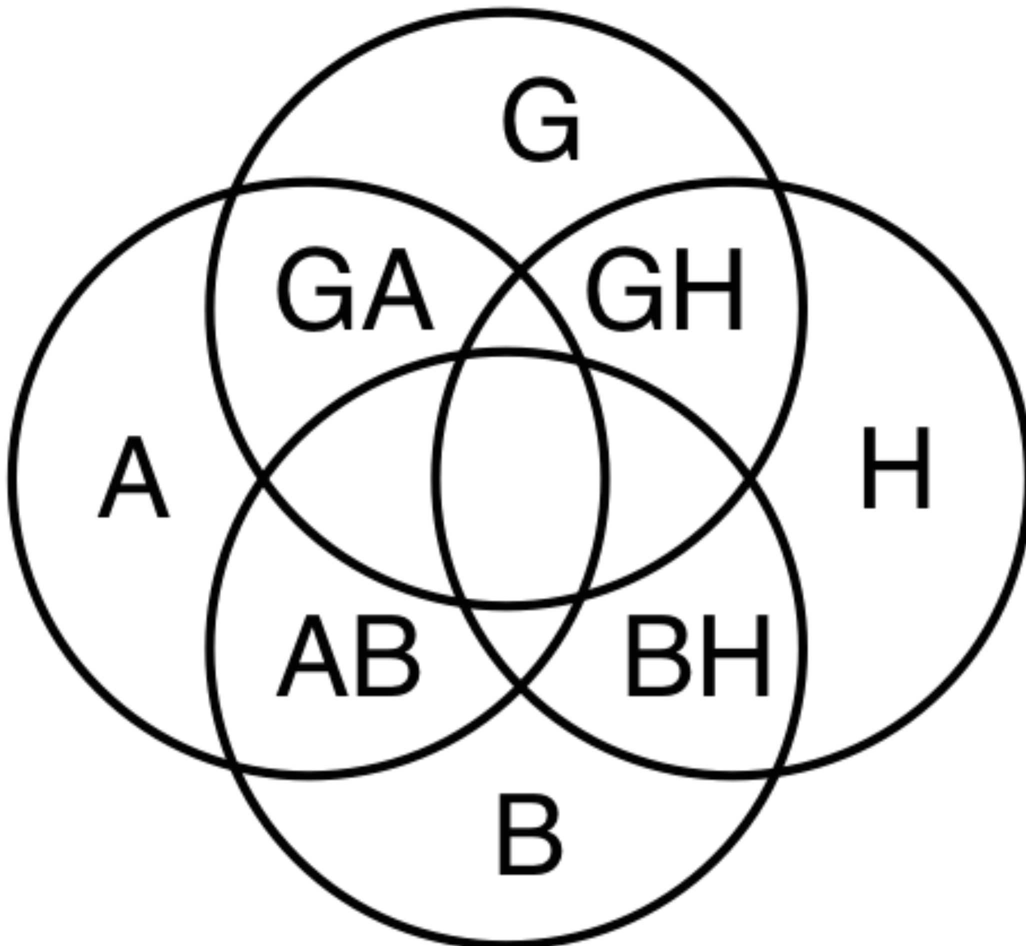
Figure 4.1. has the virtue of noting several dimensions and possibilities beyond the dyad of public and private. Of particular note are the three unlabeled triangles (each broken into two parts by arcs of circle) that seem to portray something akin to what in an unpublished paper (Lohmann, 2002A) I labeled the intersectors.

Using the terms and logic of the chart, we can identify these as the informal public sector (on the left), for-profit public sector (on the right), and informal for-profit sector (at the bottom). In many respects, the final space (in Pestoff's chart, the triangle subsumed entirely within the blue circle) may be the most interesting intersector for our purposes. Within the logic of the figure, it corresponds closely to what is here labeled the independent sector as a pure type, entirely outside the bounds of market, state and households.

If we employ one of the conventions of mathematical graph theory – that geometric shape is unimportant – we can redraw the Pestoff triangle as a set of intersecting circles as in Figure 4.2 without losing any of its essential information. In this revised drawing the outer ring of letters represent the pure, or ideal-typical sectors of the state or government (G), market (B, for business), third sector (A, for associations) and intimate sphere, or household sector (H). At the center of Figure 4.2 are five unlabeled intersectors composed of logical possibilities of combining three and all four of the basic types (GAH, ABH, GAB, GHB and AGHB). All together, this makes for a total of thirteen logical combinations of the original four ideal types, or intersectors. In all likelihood, it is the empirical combinations that correspond to these intersectors that some commentators have misread as evidence of sector convergences. While this may at first appear curious, even slightly absurd, closer examination is likely to prove fruitful: Thus, for example, a type of "converged" association of interest to the third sector that might encompass all four sectors (AGHB) would be a social club (A) of retired military

officers(G), who live together (H) and sell memorabilia and insignia to support their shared household (B). Surely, this is not a highly probable or frequent total convergence, but it is also not at all out of the realm of possibility. It serves to illustrate the underlying premise that the thirteen logical combinations shown in Figure 4.2 may be used as a typology to account for or classify all, or nearly all, existing organizations by sector.

Figure 4.2
Thirteen Logical Sectors and Intersectors



Is it also possible to be any more specific about differences between these sectors as ideal types? I think so. Figure 4.3 shows a conception of three sectors as ideal types included in *The Commons* (1992), with some minor adjustments. (The reader will note that the "fourth sector" – a.k.a., the intimate sphere – is not included in this conception, but is included in Figure 4.2 (the circles marked with an H, for household.)

Figure 4.3
Four Sectors as Ideal Types

	Commons	Market	State
Participation	Uncoerced	Uncoerced	Coercive
Purpose	Shared	Maximization	Authoritative
Resources	Common	Private	Public
Goods	Common Goods	Private Goods	Public Good
Reciprocity	Mutuality	*Quid pro quo*	Equity
Social Relations	Fairness	*Caveat Emptor*	Law

Source: Lohmann, *The Commons* (1992), p. 60.

In another, more recent analysis, Antonin Wagner attributes the nonprofit model directly to Lester Salamon and the Johns Hopkins program and concludes: "It is tailored to serve an economic purpose, namely to gather data on:

- resources (funds, employees, volunteers) obtained by certain organisations and allocated to the provision of goods and services;
- the organisations from which these resources are obtained;
- the division of labor established between different kinds of organisations in providing the services;
- the households to which these services are delivered." (Wagner, 2012, 313)

Given the widespread acceptance of the Nonprofit Model in the U.S. and elsewhere, it hardly seems fair to single out a single institution, particular individuals, or group of researchers. So, let us assume that debate over the nonprofit organization model of the third sector should be conducted only in part as a debate over applicability to countries, nations and cultures. From that perspective, there should be no doubt that the current nonprofit model provides a highly viable account of the nonprofit corporate sector in the U.S. (c.f., Hall, 2013) and that the questions it raises are of more general interest in the various international third sector research communities alluded to in Appendix A. From this light, LaVille's critiques might more appropriately be rephrased as the following questions:

1. What institutions and forms of organization are found outside markets, governments and households? And, how do they engender identity, solidarity, trust and social capital?
2. Do any other social, cultural and political arrangements serve the same purposes or social functions (notably, engendering identity, solidarity, trust and social capital formation) as tax exemption, tax deductions and legal nondistribution constraints?
3. What alternatives to instrumental rationality are evident in understanding the full range and scope of the third sector?
4. What is the appropriate theoretical role for conflict in third sector institutions largely built largely on trust, cooperation and social harmony?
5. Can the third sector be reframed for policy-makers and other adherents of the two-sector model in ways that pose more plausible views of the full sector as something more than just nonprofits?

The Wider Third Sector

Some might suggest that we limit our vision to the nonprofit sector and civil society alternatives. In doing so there is insufficient acknowledgement of the numerous other research paradigms or disciplinary matrices currently extant in third sector studies that are arguably as significant as those two. There is no room to consider the equally seminal concepts and cumulative contributions to understanding the totality of the contemporary wider third sector.

When we encounter the full range and scope of a list of all the possible elements of the third sector like the one in Appendix A, we come up against a paradox: All of these diverse perspectives currently have significant research and/or practice communities in place willing to defend their veracity and centrality. However, the wider third sector currently has no research community currently. Thus, it is relatively easy for anyone to make and defend the claim that any one of these 'paradigms' can adequately define the third sector. Thus, for example, the claim that nonprofit organization and civil society are the two dominant paradigms and all others are merely terms, concepts or components of those two views is as plausible as the opposite claim that they are merely parts of any of the other paradigms. A full, genuine and mature third sector paradigm will need to find ways and build research and practice communities that take all of these and perhaps more into account. This may be the foremost challenge currently facing the field of third sector studies, and the contents of this volume offer only one small start in that direction.

Conclusion: 'And' Not 'Or'

What are the implications of accepting the view presented here that the nonprofit sector is *a* third sector, not the sum and substance of *the* wider third sector? However, there is one,

largely methodological implication that appears to offer an important starting point. That would be to abandon – or more importantly – to adapt the futile search for a "first principle" or primary construct from which the entire nature of the third sector can be deduced, and instead embrace the notion that the third sector is truly polycentric and pluralistic in character. This follows directly from the notion of a sector of self-defining, self-governing entities. Each of what appear at present to be its multiple theoretical cores should be treated as if it has something important to contribute, whether that contribution is derived from traditional academic disciplines like economics, history and sociology, the newer practice disciplines like social work and public administration, specialty fields like art history and sports management, or practice domains with no or very limited academic bases, like volunteering, fundraising and philanthropy.

In this regard, purportedly umbrella concepts like nonprofit organization, civil society, commons, social economy, the social sector, et. al. will continue to offer in the future. But their various advocates (including this author) should agree to abandon any pretense of claims that any particular term or concept holds the key to understanding the wider third sector, or even offers a suitable starting point from which to deduce the order or character of the entire sector.

It has become clearer each year, for example, since the concept of the commons was introduced to third sector studies (Lohmann, 1991; Lohmann, 1992) that the idea of common resource pools controlled by their governing boards but not 'owned' by anyone in the full sense legal and philosophical sense of that term, are important parts of the third sector. But, nothing in the idea of common resource pooling should be read as requiring or demanding abandonment, or worse rejection, of similar insights about voluntary associations, nonprofit sectors, philanthropy, nongovernmental sectors, foundation sectors, civil societies, social economies, social sectors, voluntary action, social production, altruistics, or any of the other candidates for a keystone term. A substantive name for the third sector as a whole is only one of the many questions still to be answered, and far from the most important. So long as adherents of these diverse perspectives can continue producing useful and interesting results, the general field of third sector studies will continue to benefit from such plural outlooks, and representatives of multiple disciplines will find reasons to continue to contribute. Our attitude toward such perspectives should continue to be not which view is correct, but rather so what? If we accept your view that your perspective is important, what insights and understandings does it yield?

Of course there will come a time (or more likely several times) when choices must be made, insights must be consolidated and our plural foci will narrow somewhat. It is important to recognize, however, that such consolidations are not exclusively matters of logic and theory. That is one of several important implications of LaVille's suggestion above that we get beyond exclusive preoccupation with instrumental reason. There are also importantly social and political processes and cultural dynamics and particularities involved here, and it would be

rather foolish of a group of social scientists and humanists to ignore that. Thus, the particular events that went into the formation of ARNOVA in 1988-1989 and the past or future entry of researchers and scholars from each discipline, country and cultural system into the fertile mix of third sector studies have had major implications growing out of that particular decision to re-define the field from an earlier academic and practice focus on small groups and voluntary action to “nonprofit organizations *and* voluntary action” (the NOVA of the name).

Ultimately, perhaps the most important exogenous impact that the cacophony of third sector studies can reasonably be expected to produce is adjustment or modification in the basic two-sector model itself. To date, these modifications have been limited to a few such adjustments. National economic data, for example, now routinely take into account nonprofit unemployment. However, in several other respects the three-sector model remains a pride of two lions and one rather easily ignored mouse. Most researchers, theorists and practitioners in third sector studies continue to believe that our mouse is roaring but mostly at an acoustic level that is still well above the range of the lions’ ears.

I have resolved to open a new route, which has not yet been followed by anyone, and may prove difficult and troublesome.

~ Niccolo Machiavelli, *Discourses*. Introduction to Book One

5. New Commons

In this chapter we will explore three inter-related themes more fully: Specifically we will introduce the concept of the new commons and draw a distinction between new and old commons, deeply embedded in existing communal institutions of rural life, and new commons, which must forge their own communal nexus in urban settings. In addition, we will set out to distinguish between the old common pool resources of shared property in primary industries like agriculture, forestry and fishing, and new common pool resources beyond simply information *and also* social relations outside families, markets and states. Further, we will attempt to sketch the case for a necessary connection between new commons and voluntary action. Then finally, we will introduce an example, the suburban commons. Not a part of a traditional or sedimentary society and established practice, such a commons can only be created through voluntary action.

Voluntary association and collective action can occur anywhere. In this and the following chapters we will explore the special role of new commons in modern voluntary action of different types in a distinct modern circumstance; voluntary associations, groups and assemblies organized outside markets or governments within a supportive legal environment of freedom of association and assembly and characterized by voluntary participation, shared purposes and shared resources. The phrase new commons as used here is a term of art intended to cover a wide variety of related instances that will be detailed in subsequent chapters.

New Commons: A Bricolagé

Bricolagé is a term of art for a collection of objects made from available materials. The commons theory of voluntary action, like voluntary action and the third sector, are such collections, made from an assortment of known and accepted insights stemming from a wide variety of different traditions, cultures, practices, disciplines and professions. The term 'new commons' was coined by Charlotte Hess and the late Elinor Ostrom to refer to "various types of shared resources that have recently evolved *or have been recognized as commons. . . without pre-existing rules or clear institutional arrangements*" (Hess, 2008: 1. Emphasis added). Commons, in their sense, refer to common resource pools or CRPs, together with rules that govern flows into and out of those common pools, and assumed agents to regulate such flows. Much of the new commons theory of voluntary action is concerned with spelling out further information about the particular character of agentry in a distinct class of new commons and associated rule-making procedures. Hess is a professional librarian instrumental in establishing the Digital

Library of the Commons online (http://dlc.dlib.indiana.edu/dlc/). Ostrom is a co-founder of the Indiana University Workshop on Political Theory and Policy Analysis and a Nobel Prize laureate. New commons in their sense are closely interwoven in the following pages with another of their terms, knowledge commons (Hess & Ostrom, 2007) with the intent of elaborating on both. The latter term, as the name suggests, is particularly concerned with knowledge as a common pool resource. Knowledge commons are the particular focus of Chapter 7 below. Hess and Ostrom, et. al. use the term new commons to encompass a great deal that is familiar to third sector scholars and some things that are not. Their listing includes: "scientific knowledge, voluntary associations, climate change, community gardens, wikipedias, cultural treasures, plant seeds, and the electromagnetic spectrum". In what follows, a number of additional species of the genus new commons are added to this listing as well. Their focus is largely on "the physical resources, the user communities, the literature, and some of the major collective action activities" of such efforts (Hess, 2008: 1) but straining toward inclusion also of a broad range of non-physical entities and social and cultural resource pools; (Lohmann, 1992). Their list of examples above is something of a mélange, including topics characterized variously by the resources involved, by agents and by outcomes. Yet, each of their types of new commons is also concerned with voluntary action in the sense used here. Elaborating the character of that connection between voluntary action is a fundamental purpose of this entire volume. Use of the term new commons in the specific context of the third sector is compatible with the Hess-Ostrom definition, but different from their typical focus. It deliberately highlights the groups and associations, assemblies and voluntary action involved and elaborates the production of non-universal common goods, a concept that is examined more fully in Chapter 5 below.

Scientific knowledge, climate change activities, the design, construction and use of wikis, community gardening and knowledge of the electromagnetic spectrum do not exist in some metaphysical dimensions of their own, and they are not physical resources, although some physical objects may be involved. Each of these is a subject embedded in the conscious projects of particular individuals and groups, invoking or implying researchers, theorists, practitioners and students. They are all of interest here as the shared cognitive constructs or knowledge commons of people engaged in associations and assemblies who use their shared or pooled knowledge as resources in pursuit of diverse projects they imagine, structure and carry out (Taylor, 2004). Groups of scientists, technicians, activists, gardeners, engineers and others voluntarily associate with one another because of their shared interests and their desire for such knowledge pooling.

The particular focus on the association and assembly here is not intended as a critique of other approaches to the explorations of commons studies or of contemporary nonprofit studies. It is, in fact, supplemental to both. As Hess (2008: 3) notes, "The difficulty in writing about new commons is its seemingly limitless diversity". The present work strives only to deal with selected aspects of that diversity by limiting the scope of immediate concern to collective

human social interaction. For example, studies that focus exclusively on the electromagnetic spectrum as a common resource pool or public property domain, apart from the interactions of the associations of engineers and scientists who share an understanding of the resource are not an immediate concern here. Similarly, the protracted conflicts that may arise are proper subjects for deviance research or conflict studies, but also are not the central focus here. We are interested primarily in the social, political, economic and cultural dynamics of cooperation and collaboration in voluntary action as an ideal type.

Hess and Ostrom (2007) call attention to the recent evolution of new commons, but offer little in the way of explanation of why or when new commons evolved, nor connect it with the larger themes of democracy in society and culture discussed above. New commons are presented here as crescive or invented political and cultural institutions: creatures of interaction in daily life, law and policy. The origins of new commons can be located, in part, in the historic enclosures in England and elsewhere. The underlying attitudes and practices are to be found in a philanthropy that developed first in ancient Athens and in the communal nature of the Italian city states (a subject explored in Chapter Eleven), the shared, collective aspects of the American colonial and frontier experiences, tribal and village life in ancient and medieval Europe. However, it was particularly in the adaptations of modern legally sanctioned institutions and practices to intentionally constitute establish, maintain and enforce the freedoms of association and assembly while protecting collectively held resources, that the real origins of new commons are found. This discovery reaches to some strange places, including U.S. tax policy. None of these influences are definitive; yet all were influential in some way. The Magna Carta (1215) and the Statute of Charitable Uses in Great Britain (1601), German, British and other Statutes of Apprentices; the Mayflower Compact (1620), the U.S. First Amendment (1789), the Dartmouth College case (1834), Section 501 of the Internal Revenue Act (1935), *Boy Scouts of America v. Dale* (2000) and the Citizens United decision of the U.S. Supreme Court in 2010 are among the most important of these gradual, cumulative changes in the specific legal climate of voluntary action in the U.S. Quite different and distinct patterns of legal sanction and prescription are evident in other nations.

The general modern trend toward the legal recognition and enabling of new commons has not until very recently, been an effort for the planned constituting of a third sector. It was instead a response to the rise, clarity and refinement of the governmental institutions of the nation state, the rise of individualism and humanitarianism, and partial, fragmentary efforts to protect communal and collective resources in the face of the nearly universal institutionalization of Lockean systems of public law protecting private property. In such systems, every thing is property and all property belongs to someone, whether an individual person, institution, corporate or public entity. This inevitably raises the question characteristic of private property regimes: to whom do the commons belong? One standard answer to that question is further privatization (or enclosure). In recent centuries, a vast number of common

lands and properties of vague, indefinite or undetermined ownership were brought within property regimes and subsequently enclosed and privatized. These enclosure processes along with industrialization frequently brought about major disruptions of entire traditional communities, practices, occupations and ways of life, This was already clear in the 18th century, e.g. in Oliver Goldsmith's poem, *The Deserted Village.* Enclosure also brought to the fore the issue of ownership and the legal status of common properties and common goods. In the U.S. yet another type of new commons, municipal corporations were apparently also one of the developments to come out of such clarifying exercises. Awareness of enclosure-related losses of common resources – many of which have sometimes been summarized as part of a more general "loss of community" – has been continuous and ongoing, and provoked many counter-measures, most notably legal protections of economic resources (financial assets), entirely new institutionalized practices to invent and protect freedoms of speech, religion, public charity, and philanthropy, and new or reorganized forms of collective behavior in associations and assemblies).

Because the third sector in its full character is only a recent emergence, and an object of study and analysis, the full implications of the transformation from commons to new commons has yet to come completely into focus, as noted in Chapter 3. The rise of the modern political state and the market order are extensively studied and clearly theorized (e.g., Lindblom, 1977). In comparison, the emergence of the third sector of institutions built around new commons has received limited attention. While the older commons of village greens, common fields and woodlands served multiple purposes as common pool resources for largely agricultural people living in close proximity to one another, today multiple, separate organizations, association and assemblies stand ready to serve similar purposes for urban and suburban residents. This emergence is truly momentous but has been easy for theorists to overlook in part because it has been an ongoing gradual development over several centuries, yet so close to our daily lives as to be almost invisible. Over and beyond this, many of the volunteer and professional practitioners who have actually worked out the institutional details of new commons are often protective of their creations and suspicious or even antagonistic toward academics and theorists and uninterested in characterizing or explaining them. This is relatively easy to observe in the U.S., for example, in the disciplines of nonprofit management, fundraising and foundation management, and many other fields where new commons are found. National and sub-national legislatures and courts in many nations responded to the profound disruptions of society and culture occasioned by the enclosures of common lands with legislation to protect and benefit the poor, in particular, in other ways (e.g., the Elizabethan Poor Laws of 1601 and 1834) to protect collective pooled assets and their donors (e.g., the British Statute of Charitable Uses, also of 1601 and Section 501 of the U.S. Internal Revenue Service code, adopted in 1935), and to establish and protect freedoms of religion, speech, association and assembly (e.g., the U.S. First Amendment adopted in 1789 and more recently the U.N Declaration of Human Rights, in 1948). These and many more national examples were enacted to enable and restore resources and

functions disrupted by the enclosure of commons (see Emerson, 1965; Fremont-Smith, 2004). That is to say, many new associations appear to have been motivated by enclosure, enacted, or intentionally created and not established by legislative act or formal ratification, but created on the basis of the voluntary association of autonomous, self-governing persons ("individuals") under existing law, customs, social conventions and other moeurs. Such new commons are grounded in what Tocqueville was the first to recognize: that 19th century Americans, and subsequently citizens of democratic civil societies, and sometimes even those who only aspire to the democratic condition, possess enormous latent powers of association and self organization that may erupt at any time in the 'spontaneous' formation of assemblies, groups and voluntary associations. Their enforcement by governments suspicious or envious of the protections provided, as noted by Cohen and Arato (1992) in Chapter 2, has often resulted in a rather lax legal environment and loose, even baggy, enforcement on both sides: Outside critics note that new commons get by with too much questionable behavior, while other critics question the need for any legal strictures at all.

From the very earliest onset, formation of a new sector or space was in no measure a deliberate act or trend; the entire development was entirely unforeseen and has been essentially a latent function or unintended consequence of other changes. No legislature or court ever set out, for example, to actually create or establish a third sector. At most, public officials may have sought to establish specific, individual new commons as entities like state mental hospitals, land-grant universities, or the International Red Cross, or in some cases, merely to enable categories or types of entities, like tax-exempt public charities or cooperatives. Developments like the recent embrace of the third sector and of nongovernmental organizations by various national governments and international bodies like the U.N. and the World Bank are more in the nature of *faits accompli* than constitutional acts. National third sectors as a whole are from a public policy perspective mostly statistical artifacts tabulating institutions arising as unintended consequences of public policy. Yet, looking back over recent centuries, it seems evident that, constitutional and statutory law and administrative regulation have supplanted and reinforced community traditions, local cultures and traditional customs as the basis for the protection of the common pool resources that enable voluntary action in communities. This shift from tradition to policy has, also largely without intent to do so, greatly expanded the contemporary range of possibilities for collective action. Along the way some very important gains were registered. In this distant past of "old" commons, groups and gatherings in communities could often engage only in those actions that escaped the notice of, were matters of indifference to, or had the tacit approval of authorities and the aristocratic "betters". The British practice of royal and aristocratic patrons of diverse charitable and philanthropic endeavors, for example, survives as a remnant of what once was a universal essential for some endeavors. It would be interesting to know more of the differences between British associations with patrons and those without. In this context, old commons without patronage or sanction frequently could only resolve disputes over resource sharing through their own agreements,

and operating rules, at times reinforced by the uncertain course of common law. The discussion of sergeants at arms as a type of association official, along with presidents, secretaries and treasurers, in earlier editions of *Robert's Rules of Order* points to a time when associations, assemblies and other old commons sometimes had to look to their own devises, rather than civil authorities, to discipline truly unruly members. Robert's Rules of Order is no longer a single publication, but rather a category of similar catalogs of meeting rules, available in many editions from numerous different publishers. Thus it is impossible to speak definitively of what it (they) does (do) or do not contain. And given the original edition from the rather idiosyncratic and headstrong Gen. Roberts, whether sergeants at arms were ever actually necessary or a fabrication by the author remains a relatively unanswerable question. In this context, self-governing might also mean self-policing. Today, extensive constitutional, legal and administrative arrangements deeply grounded in past experience exist to protect, clarify and reinforce such action and initiatives in most countries. They indirectly give shape and form to the still evolving national third sectors of the world.

Universal Norms of Free Association

Among the most remarkable legal and political developments of recent decades has been the nearly universal embrace of norms of free association and assembly in nations and societies around the globe, symbolized by the Universal Declaration of Human Rights, first adopted by the United Nations in 1948. This is not to suggest that adoption and implementation of these freedoms of speech, religion, association, and assembly have been completely smooth and unproblematic anywhere. However, it is indisputable that the norms are there and increasingly global in scope. This may be the single most important universal enabler of the global development that Lester Salamon (1993) termed "the association revolution." In particular since the late 1980s nonprofit corporations, informal and formally structured associations, foundations, mutual benefit societies and self-help groups, nongovernmental organizations (both NGOs and INGOs), cooperatives, and a vast assortment of other civil society organizations (CSOs) have proliferated at unprecedented rates throughout so much of the world that they have become a factor in international relations (Allen 1997; Boris 2006). Basic descriptions of these developments are readily available, but theoretical and conceptual understandings have generally not kept pace.

Prior Usonian, North American, British and Commonwealth experience with new commons over several centuries have been exemplary, even totemic in this international spread and references to Alexis de Tocqueville's rudimentary remarks on political and civil associations in mid-19th century America and the associated doctrines of mediation serve an important normative, theoretical role (Wagner, 2012). While the extensive record of legislative innovation and "grassroots" voluntary action in Great Britain and the former British colonies, including the U.S., Canada, New Zealand, Australia, South Africa and India are fundamentally important, there is also a very extensive history of comparable experience in Germany and

continental Europe that has gone too much unnoticed in the English-speaking world. The legal roots of this tradition were outlined in a 4-volume study of associations in German law, *Das deutsche Genossenschaftsrecht* by Tocqueville's near-contemporary Otto von Gierke the first volume of which was published in 1868 (see Gierke and Heiman 1977; Gierke, Troelsch and Barker 2001; Gierke, 2007; and numerous other publications).

One reason for neglect of the implications of new commons may be that the narrow intellectual world of contemporary political and social theory has left little room for voluntary action. Di Zerega (2011) summarized a key aspect of this exclusion as a casualty of the changing fortunes of liberty, equality and fraternity in the generations after John Locke. These three values, he says, united and equally valued in Locke's estimation became detached from one another. "For some 'freedom' became the essence of liberal thought. Others gave the laurel to equality. Fraternity tended to disappear altogether" (De Zerega, 2011: 8). Fraternity in this statement is a good proxy for all of the values of voluntary action, which were already well known to the ancient and medieval sources. What was not available to them were the modern legal protections and the institutional order they enable. It has really only been in recent decades that voluntary action, which as we will see below frames a key institutional locale for fraternization (sometimes also called civic friendship) for all genders has become the focus of any appreciable amount of serious study and comment. Yet the major theoretical lacuna remains only partially filled by recent work on nonprofit organizations and civil society.

In the past half-century in particular, the norms of freedom of association and assembly have achieved nearly universal cultural acceptance in all major democracies of the world. Actual practice has followed suit, sometimes more slowly, and the resulting variances are one of the reasons that the third sector may be increasingly studied. To say that elements of a wider third sector have recently emerged on the world stage, however, is not the same as saying that the actual practice of free, unfettered voluntary action has only recently arisen. Nor is free association a reality everywhere in the world today. Many fetters and limits remain, as examples make clear daily in North Korea, China, Burma, Syria, Egypt and even in parts of the U.S., Britain and elsewhere. However, free association, and its corollaries of free speech and freedom of religion and associated rights of cultural self-determination are universal global aspirations today to a greater extent than they have ever been before, due in particular to the global embrace of the principles of the 1948 Universal Declaration of Human Rights. This particular legal instrument may be best known and accepted outside the United States even though American actors (in particular, Eleanor Roosevelt) were in the front rank of its advocates. While many U.S. politicians continue not to take the U.N. Declaration seriously, the legal literature of Universal Declaration and First Amendment has undergone a comparatively recent emergence from a set of obscure principles to enforceable legal principles and it has become an active agent in social and political theory, often under the banner of human rights (Amar, 1998; Murphy, 1991).

A cognate international development has been the recent proliferation of international nongovernmental organizations (INGOs) in political, agricultural, charitable, religious, philanthropic, cultural and even foreign relations and international business contexts. The origins of such efforts may originally have involved the transfer of knowledge and practice from the developed world to under-developed nations. Today, the situation is much more complex. An international nongovernmental organization like BRAC, founded and headquartered in Bangladesh can establish outreach efforts to countries in Asia, Africa, and even Europe and the United States (Mannan 2009). As a result, what once were relatively exclusive concerns in the North Atlantic community and British Commonwealth countries are today a broad international chorus of local voices in a global choir.

A Very Old Idea

Voluntary action outside of government, the price system and the intimate sphere of families figures importantly in human history at least from the first agricultural revolution and quite possibly from well before that. The origins of voluntary action in the human community may be traceable in part to religious ritual and gift giving practices that evolved before the agricultural revolution or, perhaps, to some archaic transition from societies organized by bands of hunter-gatherers and composed principally of related family members and friends, to systems of voluntary cooperation within early tribal and village organizations. Story telling, myth making and retelling legends are all consummate examples of voluntary action, and the stories, myths and legends that are told, like the languages in which they are encoded, constitute important common pool resources of cultures.

Peter Kropotkin (2006 [1902]) may have been essentially correct in his assessment of the possibility of mutual aid as a factor in human evolution, even though he treated mutual aid as an isolated, autonomous, practice while today we are more inclined to link it to other equally important aspects of voluntary action that were already becoming familiar in his time, including gift exchange, resource pooling, voluntary association, and assembly. The human capacity to voluntarily and peacefully form tribal and village associations for these and other purposes including agricultural and other old commons could be a hallmark in human cultural development, fully comparable to language, tool-making, food preparation as positive steps in human advance. Even so, the voluntary nature of organized action in the absence of coercion or incentives other than the social pressures of living together and the necessity of dealing with village cultures other than one's own is a complex issue and great care is required in offering coherent explanations of these developments.

We can get tantalizing clues about this from Vico (1999 [1725]), Gierke (1977; 1990 [1868-1881]), Henry Sumner Maine (1876; 1890) and others that suggest that at least by the time of the Roman Empire the Germanic tribes of northern Europe and the British Isles may already have developed a range of distinct, indigenous forms of association, assembly, gift-giving and voluntary action even as they developed practices like common field agriculture. In addition, Wikipedia is not generally recognized as an adequate scholarly source. Nonetheless, a

number of sufficiently plausible, sufficiently accurate and interesting articles on this subject are to be found there, as well as in a variety of very old and very arcane and difficult to locate sources now available through Google Books. Although compiled by anonymous authors, articles on this topic were either written by experts or by authors with an amazingly detailed sense of fiction, parody and myth. Entries on Things (Germanic and Scandinavian tribal assemblies) and the Old English Witenagemot, or meetings of wise men or tribal elders are good examples.

It seems fairly clear that the 'philosophical schools' of classical Athens, Baghdad, Alexandria, and the thousands of temples, shrines, and other architectural monuments in the Mediterranean region, and all across Asia were operated (as they often are today) by priestly and monastic associations and assemblies and were linked by ritual and other gift exchanges of various types. In this respect, the Pacific Island *kula* and other gift cycles discovered by Malinowski (1934) may be part of a genuinely global culture complex as universal as Mauss' (1905) musings on gift exchange. That such associations were seldom democratic or collaborative hardly needs to be said. Yet, in documents like the *Rule of St. Augustine* (Van Bavel, 1984), dating at least to the 8th or 9th century C.E., one can already see something of the tension between autocratic, democratic and laissez-fair group relations between leaders and followers analyzed by Lippitt, et. al., (1939) or the coercive, exchange and normative compliance characterized by Etzioni (1963). Framing these in the context of old and new commons at least offers a way to begin to think universally about such questions.

Even so, sorting out how such 'voluntary action' in the past resembles and differs from more familiar contemporary variants remains a complex and challenging task made more difficult by the occurrences of obscure forms of priestly, royal and aristocratic forms of patronage, resource control and other contextual factors that may or may not bear some similarity to contemporary philanthropy, and occurring within unfamiliar class and stratification systems, and a range of other intervening variables (Halpern, 2012). The underlying point not to be lost here is that vast reserves of specialized knowledge are already available to us in the reports, articles and monographs of specialists in such fields as ancient and medieval history, archeology, anthropology and other fields.

What's New About Commons?

In seeking to describe and explore the long record of such developments, volunteers, donors, activists, practitioners, journalists, researchers, lawyers and others have developed an increasingly rich, complex and challenging vocabulary filled with terms like nonprofit, civil, social, eleemosynary, philanthropic, and voluntary and acronyms like NGO, CSO, INGO and QUANGO. The richness of this polyglot knowledge base is often hidden from nonspecialists. One challenge facing our field may be to transform all of this lexical richness into a genuine knowledge commons. For example, Michael McGinnis, a political scientist, observed at a colloquium at the University of Indiana in November, 2012 that there are many case studies

among the papers of the Ostrom Center for Institutions, Population and Environmental Change (CIPEC) that involve groups, voluntary associations and nonprofit organizations managing common pool resources, few of which are known to third sector scholars. The same maybe said for numerous other fields.

In order to explore further this focal idea of new commons and what it signals or connotes, we can next look a bit further at the distinction between what have already been termed old commons and new commons. Whether old or new, a commons will be defined as a pool of recognized resources, control of which is shared among a group of 'allocators' or commoners acting on their own behalf or as agents for others, who are capable of drawing resources from the pool or adding to it for some recognizable and agreed upon reasons. In many contemporary forms of commons theory like those dealing with biological and life sciences, the human qualifier and the distinction of old and new commons are not included or necessary; the meaning is clear in context. These qualifiers are included here in light of the roles of language, culture, social interaction as human artifacts in voluntary action. Thus, the perspective outlined here has no applicability to the otherwise interesting topics of bee colonies or mold spores as commons, for example. On the other hand, it is fully applicable to the associations of scientists and investigators interested in such commons.

Old Commons

Old commons are fascinating institutions in their own right. They include contemporary common irrigation practices existing for centuries in Indonesia, China and elsewhere whether used in connection with common field agriculture or independently (Chander, 2004; Grantham, 1980; Olai, 2004; Olsson and Svensson, 2009; Svensson, 2008; Yu, 2007A; Yu, 2007B).

Because of the extensive distribution of old commons throughout Eurasia, the English language term commons probably has cognate terms in numerous other languages, but those terms would also have accumulated diverse local connotations. No attempt is made to identify these terms or to deal with their nuances and connotations here. In fact, I have been unable to identify any source that has dealt with multi-language commons terminology. Old commons also include a broad range of communal practices of monastic and other religious communities. In fact, it may have been the inherent tensions of communal living that gave rise to the various Rules of religious orders noted above. Thus, for example, at least part of that history is available in the more than 500 articles on irrigation practices in the Digital Library of the Commons (http://dlc.dlib.indiana.edu/dlc/). Among commentators, any connection between old commons and voluntary action appears to have suffered from the strangeness of the commonplace. Students of voluntary action in the U.S. have long used rural examples like 'barn raisings' and collective activities like the threshing of grain as indicators of early voluntary association. Yet, no one appears to have drawn any connection between discussion of such cooperative action and the common resource pooling and collaboration of common field agriculture, wood gathering, fishing or irrigation.

The most likely explanation for the apparent failure to draw this connection is not that it was unfamiliar or not understood, but rather that it was all too obvious and immediate in daily experience to remark upon; one of the most "natural" or taken for granted aspects of daily life. Like eating, it was simply too ordinary and commonplace to be worthy of special attention or comment. Ironically, in the hundreds of years during which old commons were widely distributed, they appear to have drawn little interest from the scholastics, Neo-Platonists, Aristotelians, Confucians and other heritage associations of scholars who dominated medieval knowledge commons. Before anthropology and sociology and other social sciences interested in studying the daily lives or ordinary people were established in the 19th and 20th centuries, these ancient and archaic practices were already largely enclosed, literally too common to attract attention. Only as old, traditional commons were threatened with enclosure or simply vanished did these become topics for study and published comment and then mostly in property law. Extending the term commons beyond physical resources like land, woods, or water to human resources like pooled labor in barn raisings or threshing bees appears not to have happened.

New Commons vs. Old

The English language term commons has a long and rich history to support this and other usages. In the sense of systems of shared provision or expense, the term dates at least from 1373. These dates are from the documented first usages noted in the Oxford English Dictionary. The connotation of eating or living together *in common*, for example, dates from 1510 and references to village-based systems of common field agriculture can be traced at least from 1539, where communities of farmers allocated crop fields and pastures and voluntarily divided up rights to gather wood, hunt and fish and assorted other resources among themselves. A host of other related connotations of the term common and its derivatives, including *common bruit* as a term for public talk, have comparably long histories.

Although the exact origins of old commons will probably always remain unclear, it seems plausible that common resource pooling first arose as practical, common-sense solutions, whether among the cultures of hunter-gatherers and early agricultural peoples or later and given their widespread distribution perhaps even as part of the original African diaspora. At any rate, such ideas are more deeply embedded in many traditional cultures than any current notions of market exchange that seek to explain voluntary action as profitable exchange or the exercise of self-interest. Voluntarily working together with one's neighbors, gift exchanges and rural neighborhood assemblies or gatherings to reinforce social solidarity, and a broad range of such practices are so deeply woven into the fabric of daily life that few observers paused to take note of their profound significance for the human condition, of what it means to be human. This particular phrase figures importantly in the definition of philanthropy, as we shall see below.

The practices of fair distribution among equals, sharing of tasks, labor and products (as in collective gathering or grain threshing), and gift giving may well have been as much a part of the human record as command and control practices of kings and principalities or the profitable exchange of merchants. As we shall see further on, development of such norms and practice offer examples of the more general of formation of moeurs. They also should not be romanticized or glorified, for as Kropotkin (1902 [2006]) noted, such institutions of mutual aid were likely necessary to individual and group survival in a difficult and unpredictable world. Yet they may also have offered only weak or unreliable protection, particularly for ordinary folk who did not have the advantages and protections of aristocracy and nobility.

One of the provocative implications of juxtaposing old and new commons in this way is to point up the role of both as countervailing (but often unremarked) forces against centralized power and authority. They are not only nonprofit (or nonmarket) relations. They are also nongovernmental, and indeed non-central. They offer empowering relations (however limited) for the non-powerful as well. We can infer this in part from the frequency with which autocrats throughout history have sought to limit or eliminate the rights and prerogatives associated with freedoms of assembly and association. Whether among a group of medieval peasants gathered on the village commons or contemporary crowds of Egyptian or Chinese dissidents gathered in a public square, there is an equalizing dimension of such associations and assemblies that puts the weak at least temporarily beyond the reach of the state and fully capable of generating their own independent social and political spaces, including public spheres that remain partly or completely beyond the reach of the state. There are many examples of this. One of the most far-reaching and instructive in recent memory was the development of illicit networks of reading publics and *samizdat* literature beyond the reach of the Soviet state prior to its collapse in the early 1990s. The fact that such associations and assemblies frequently end badly, at least in the short run, should not blind us to the very real common spaces they open even under highly adverse circumstances.

Expressions of state power in early modern nation states, like Henry VIII's dissolution of the English monasteries in 1538, or the French Revolutionary ban on private associations which lasted officially until the early 20th century, are sometimes associated with "modernist" movements to enclose old, traditional agricultural commons. Just as private property has been seen as a refuge from the state in Lockean liberal terms, commons and common resource pooling may have served a comparable role for ordinary people in earlier times.

The most important difference for our purposes, however, is not in a categorical distinction between new and old property commons but in the options these terms suggest for the associations and assemblies that are the venues of collective action. Although studies of this historic transformation have focused largely on what Charles Tilly termed "repertories of contestation" the social and cultural processes Tilly discovered are broader and more general. Prior to the 19th century, according to Sidney Tarrow (1993) the "tools" of protest and

contestation were, like old commons, direct, narrow, parochial and institutionally 'attached'. Later, protesters began to utilize newer, more generalized, cosmopolitan techniques like public meetings, strikes, demonstrations and boycotts that can be taught, learned, and applied across a wide range of differing situations. Much the same is true of non-protest activities more recently added to the repertories of association like petitions and civil lawsuits, membership drives, fundraising campaigns, business meetings, educational and advertising strategies, annual meetings, federated fundraising and a wide variety of additional generalized 'methods' added to the generally-available repertory of modern association and assembly.

Finally, due in part to the neglect of both voluntary action and commons among scholarly disciplines until recently, legend, myth and history still blend easily in the general culture. The examples cited here are parts of the "common stock" of Anglophile culture. They were selected on the expectation that most readers would be familiar with them, but given the intent of the book such ethnocentrism is also a potential criticism. A future project might be to identify comparable examples from Spanish, Islamic, Germanic, and other sources and from traditional Indian, Buddhist, and other mythologies, as well as the histories and legends of many other "folk" (or local) cultures.

Commons in Mythology, History and Culture

Garrett Hardin's 20th century fable of "the tragedy of the commons" first applied to environmental issues, for example, became the agent that first brought the issue of commons into focus in the early 1970s. Prior to Hardin's essay published in *Science*, the only discussions of commons were to be found in obscure, 19th century historical legal discussions, notable by the esteemed Henry Sumner Maine and Otto von Gierke. Commons are not exclusively a matter of historical concern. Forms of new commons and voluntary action can be seen deeply embedded in mythology. The earliest origins of philanthropy, for example, are located not in practice but in the ancient Greek myth of Prometheus, which predates the Athenian polis (McCully 2008). In the Arthuriad, the Knights of the Round Table formed what we might call a dominant protective association (as detailed by Nozick, 1974) for Camelot around their king and patron, Arthur. In the legend, as in reality, this dominant protective association was precursor of the Arthurian state – of such a term may be used. In the conventional telling, that association and the protection it provides, akin perhaps to modern neighborhood associations or turf-minded street gangs, is fundamental to the success of the community of Camelot, which is ultimately destroyed by an entirely different sort of tragedy of the commons.

In an intersection of more conventional history and political mythology, it seems likely that when the English King John agreed to the Magna Carta in 1215 C.E., he may have been responding less to the brute force of any individual baron than to the threat that all the nobles together could form an association or coalition to oppose or even depose him. Leading power brokers in the Holy Roman Empire in association were called Electors for a reason. The Mayflower Compact among the initial group of Puritans arriving in New England is often held

up as an example of the earliest American association and an explicit voluntary social contract. McCully (2008; 2011) has written in detail of the philanthropic contributions of the American founding fathers. Although he does not discuss them explicitly, political associations like the Sons of Liberty and Committees of Correspondence figured importantly in that collective act of philanthropy. Prometheus, Hardin's tragedy, Maine, Camelot, King John, the Mayflower Compact and the organizations of the American Revolution are all pieces of the same cultural puzzle, although it may at first seem less than obvious that they are related. These and myriad other examples illustrate the range and power of the simple metaphor of the commons: voluntarily sharing resources for agreed-upon shared purposes. Simple as it may be, the commons metaphor has also proved to be profound. As we will see below, the juxtaposition of the concepts of commons and voluntary action supply explanation of both the resources and the agentry involved.

The reach of the commons idea is not limited to English speakers by any means. For example, *khvost* is a Russian term that might be used as a synonym for new commons. It has connotations somewhere between a group and a clique, with additional connotations of an entourage, when there is a clear, identified leader. Perhaps we might think of this as an association situated within a power structure. Josef Stalin, for example, was said to have risen to power as a member of a *khvost* of trusted confidants and colleagues from the same area in Georgia. (This insight is from the usually reliable historical novelist Alan Furst, in *Dark Star* (1991, 6).)

In *The Commons* (1992), I incorporated the Jewish term *tzedekah*, with its connotations of charity-with-justice, and the Islamic term *zakat,* one of the five pillars of Islam. Several indigenous concepts can be added to this as further insights into new commons and the wider third sector. In Arabic, the term *hima* means "inviolate place" and refers to a protected place, or reserved pasture, where trees and grazing lands are protected from indiscriminate harvest on a temporary or permanent basis (Gari, 2006). In other words, a commons. Gari (2002; 2006) and Kilani, Serhal and Llewlyn (2007) track the idea to similarly ancient origins and detail its transformation under the influence of the Prophet Mohammed from a preserve under the exclusive control of tribal chieftains to something like a medieval English commons. *Himas* were once found from South Africa to Indonesia and were culturally integral to a way of life like that surrounding the medieval European old commons (Kilani, Serhal and Llewlyn, 2007). They also track the decline in recent decades of *hima* acreage in Saudi Arabia, but also note attempts to revive the idea, which parallel contemporary interest in commons in important respects and have been particularly successful in Lebanon. Another related Arabic term, *haram,* can mean either forbidden place or sacred place, referring in particular to a holy place of particular importance or significance. A third term from the same Arabic *H-R-M* root is the English term harem that shares connotations of restriction or prohibition. *Haram* has long been used in Islamic city planning, and finds contemporary applications in the restricted zones (places for

Muslims only) around the sacred cities of Mecca and Medina (Al Jallad, 2008). The Arabic term for the Temple Mount in Jerusalem, for example, is *al-haram al-sharif* (Friedland, 1991; Luz, 2009). Among the traditional uses of such restricted spaces were as zones for dispute or conflict resolution, a theme that resonates well with several of the themes identified here.

Enclosure and Substitution

One insight arising with bringing common resources and associations together in this way is to highlight the historical coincidence that as old commons were increasingly enclosed, we begin to see positive action by the English state and local communities in many different settings establishing the legal conditions for new commons. This may be coincidence, or a reconfiguration of valued social functions transferred from one set of institutions to another. Although English enclosure movements are perhaps best known and most studied, the phenomenon can also be traced to France, Germany, Russia, Scandinavia and across Europe, with instances as far east as Japan, India and Malaysia Although it doesn't, strictly speaking, fit the definition of old commons, in the United States the entire western frontier initially functioned, even though it was not referred to, as a commons, and the entire purpose of numerous federal land grant and homesteading programs can be summed u as enclosures. One bit of evidence to support this view is found in the famous announcement by the Superintendent of the Census that by 1890 the American frontier had been (en)'closed' a change which American historians since Frederick Jackson Turner generally agree had a marked impact on American society and culture. This was followed three years later, in 1893, by the more famous thesis of the historian Frederick Jackson Turner's that it was the frontier – or, one might say, the American commons - that had given the U.S. its special character. The implications of Turner's claim, and the divide it suggests between Tocqueville's America and our own contemporary world, for voluntary action has yet to be fully explored in these terms. In an interesting historical reversal, recent depopulation of parts of the Midwest may be causing some reversion back to that status (Anderson and Hill, 1983; Turner and Faragher, 1998).

Historical enclosure of land in England and Europe created ongoing dislocations and problems in land use and comparable efforts at enclosure of intellectual property are creating similar problems at present (Boyle, 2001). Most American intellectuals are aware of the implications for the common man of the massive land redistributions of the 19th century not only for individual landowners but also for states through a series of federal land grants.

The enclosure of common land was also an important factor in the development of modern public policy in the U.S., e.g., through the 1854 Peirce veto of land grants allowing creation of state hospitals for treatment of mental illness and the 1863 Morrill Act creating land grants for universities. As Piven and Cloward (1993 [1971]) and others have argued, enclosure of common lands in England, Ireland and Wales during the Tudor period likewise precipitated a crisis by displacing into poverty assorted landless persons who lost the only resources they had and were no longer able to sustain themselves as they had by grazing animals, fishing, collecting

wood or gardening on what had been common lands. Instead, these suddenly poor "vagabonds" whose status was created by enclosures became a major social problem and the focus of decades of public legislative experiment and improvisation, not only in England, but also in the Netherlands, Germany and finally leading to the Elizabethan Poor Law of 1601 (See Crew, 1998; Hannock, 2007; Mau, 2003). And along with enclosure of common lands, which undercut traditional mutual aid and self-help, the dissolution of the monasteries eliminated another important source of sustenance for the poor.

In the "new worlds" of the United States, Canada, Australia, New Zealand and the rest of the modern colonial world, European immigration brought even more complex patterns of enclosure as native, indigenous populations accustomed to Lockean "states of nature" and with little or no prior experience of private property were displaced from their traditional and often common lands (ranges or territories are perhaps more accurate terms), compounded on reservations and in the process too often dispossessed of their traditional cultures and ways of life as well. In the event, what Europeans saw as 'native peoples' in China, India, Japan and elsewhere were – and are – far more able than others to resist the European cultural incursions and attempted enclosures. In either case, however, the sheer scale of physical, cultural and legal enclosures ("privatization") over the past four centuries must be accounted among the reasons land and property-based commons continue to be a rich and interesting topic, and the literature in commons research is large and continuing to grow.

What this history shows is that no common pool resources can ever be completely free from threat of privatization. Enclosure in the legal sense of alienating common resources to individual, or private use or control is an existential possibility for all commons. Some of the reasons for this are outlined in the discussion of Mancur Olson's provocative argument below. This lesson may also have been clear to our forebears. Thus the need to prevent, forestall or limit the scope of the possible consequences of enclosure and privatization of commonly held natural and cultural resource pools offers one possible set of explanations for the rise of legal rights of association, assembly, incorporation, tax exemption, foundations, trusts and nonprofit incorporations. It is hardly an accident that environmental groups like the Nature Conservancy, Ducks Unlimited and Greenpeace gravitate to the use of nonprofit incorporation and trusts to stave off enclosure.

In recent decades increased understanding of a wide range of legally enabled new commons has emerged alongside older, traditional forms of common property in the comparatively new field of commons studies. It is increasingly clear that new commons offer a class of general solutions to several related problems in economics, politics, culture and society. Elinor Ostrom could easily have been speaking of voluntary action and the third sector when she wrote: "Although the theory of the firm and the theory of the state can resolve these problems, no equivalently well developed and generally accepted theory provides a coherent account of how a set of principals, faced with a collective action problem can solve (1) the

problem of creating a new set of institutions; (2) the problem of making credible commitments and (3) the problem of mutual monitoring" of resources (Ostrom, 1990: 42). The reader should note that Ostrom frames the issue here in terms of collective action rather than collective choice. The importance of this distinction will become clear in the discussion below. When Ostrom says, "can resolve these [collective action] problems" this can be understood to mean as an intellectual or theoretical solution, but it also applies in a second sense to practical solutions. The actual practice of common pool solutions for new commons is somewhat less certain than the theory for those working in actual communities, but here too things have been happening. The three criteria noted by Ostrom outline a fundamental basis for the practice of voluntary action: creation of new institutions through pooling of resources, based on the credible commitments of voluntary participants and the establishment of suitable forms of mutual monitoring – public, contractual, and most important of all, voluntary interpersonal commitments – dimensions usually treated in the current third sector literature as accountability (Ebrahim, 2003; Ebrahim and Weisband, 2007; Steinberg, 2008;).

The Commons in Your Backyard

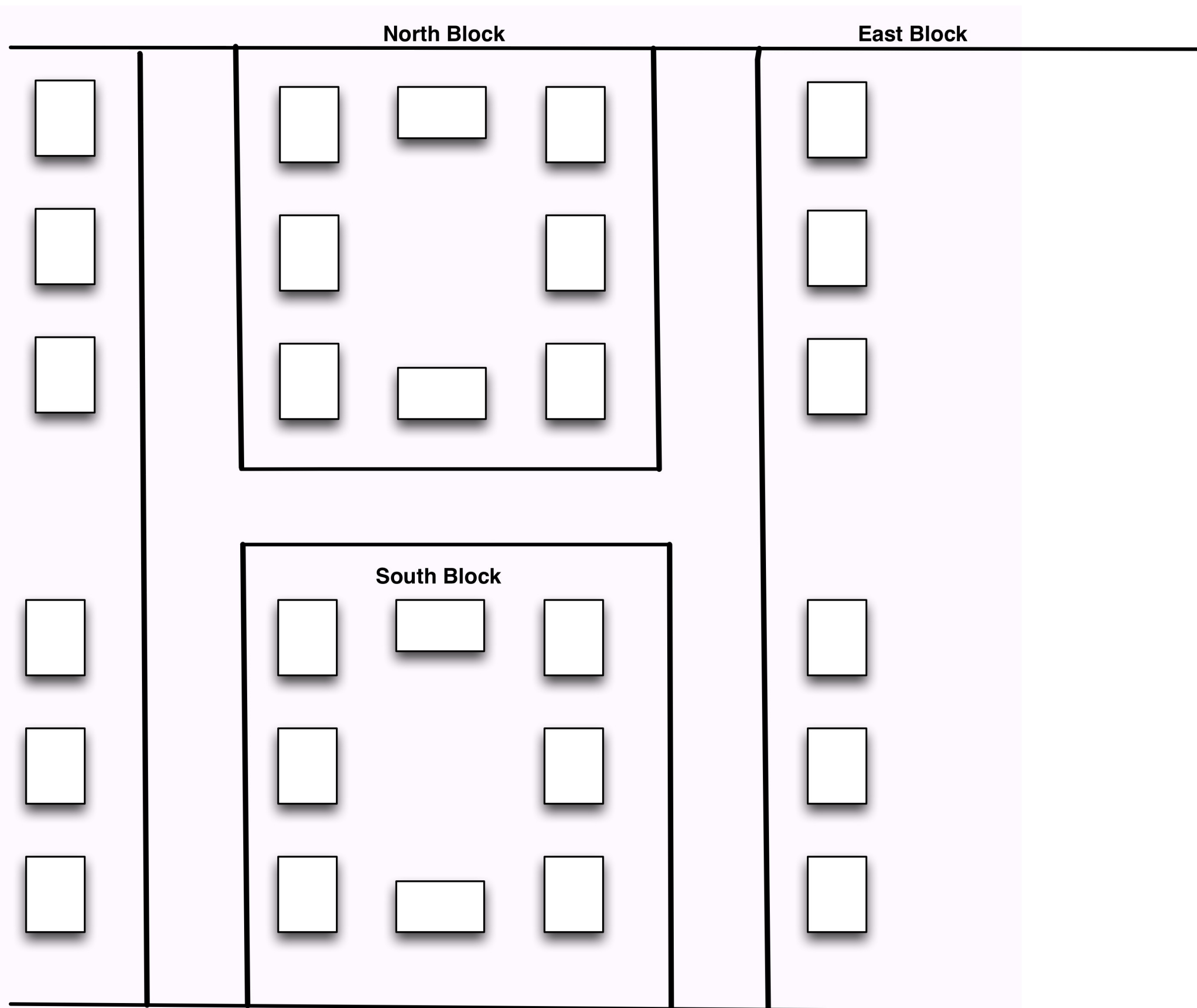
It is possible to illustrate a number of things about new commons and clarify the ties between voluntary action and common pool resources with a relatively simple example. One of the most valuable aspects of old commons for understanding voluntary action is the visualization of common space represented by visual images of common property, whether shared fields, irrigation ditches, fishing streams, woodlots or village greens. By designating particular physical spaces as private, public or common, we can physically locate the three sectors and find them, so to speak, in our own back yards. The massive growth of suburbs in the decades immediately after World War II carried with it a kind of enclosure movement. Simple, but major opportunities were missed for establishing common space in nearly every suburban neighborhood and in the everyday lives of large portions of the population. Instead, everyone who moved to the suburbs was part of one of the most massive and least recognized property enclosure movements of modern times. (C.f. http://sfbackyard.wordpress.com/tag/backyard-commons/ or http://www.treehugger.com/culture/start-your-own-cul-de-sac-commune.html)

Most of 20th century suburban development was grounded in the exclusive dichotomy of public or private property. (For a unique slant on the origins of new meanings of private/intimate behavior see Faramerz Dabhoiwala, *The Origin of Sex*. (2012), which links the modern meaning of private to broader cultural changes during the English Enlightenment.) In the typical post-Levittown suburb large tracts of land were routinely sub-divided entirely into individual lots or parcels with only a few, odd scraps, often of the least commercial value, dedicated to common use usually for strictly utilitarian purposes like drainage, street signage, bus stops, and the like. This is seldom related to one of the many criticisms of suburbanization: the lack of community. Creating genuine community life requires more than just individual, private spaces (my property, your property and other individuals' properties) and universal,

public (everyone's) property. Physical community also demands common spaces that are ours together with our neighbors but yet no everyone's. Such spaces are necessary for members of the community to interact with one another and share a common life. One evidence of this is that neighborhood associations are ubiquitous in suburbia (Dilger, 1992; Fischel, 2003; Nelson, 2003; Nelson, 2004; Nelson, 2005) yet the typical neighborhood association must meet in the living rooms, basements, backyards or garages of members' homes because no dedicated space exists in the typical suburb for neighbors' to assemble and associate for any other common purpose. Suburbs that are planned and built on the basis of the private/public dichotomy have no room for commons to facilitate community.

One simple way that common spaces might have occurred routinely in suburban developments would be through dedication or reservation of such spaces in the original site plans. Yet, this did not occur. In recent decades and particularly in more upscale subdivisions, reservations of common land for playgrounds, tennis courts, swimming pools, community buildings, exercise facilities and other shared resources have become more frequent. Dedicated spaces for voluntary action were a customary feature of suburban plans like Greenbelt MD, and "new towns" like Columbia MD and Reston VA, and the visionary work of urban planners like Frank Lloyd Wright's "Broadacre City" and the work of Ebenezer Howard. However, most contemporary suburban planning is the result of efforts by real estate development firms fully committed to the public/private dichotomy, where there is often no distinction between common and "waste" (or wilderness) space. Typically, this involves dedication of one or more lots to common use. In reality, the common spaces that exist are often designed to require lock and key, becoming just one more private space. Such reserved spaces, however, are not the most compelling or interesting examples of where commons might be developed in the existing physical space of the suburbs. By far, the more pervasive example involves the "natural" commons inherent in the flowing spaces of front, and in particular, back yards that naturally connect and flow from one property into one another (or once did). To see this, it is only necessary to look at (or fly over) a typical new suburb, with its sweeping curved streets and odd angle intersections, or the familiar rectangular grid (Figure 5.1).

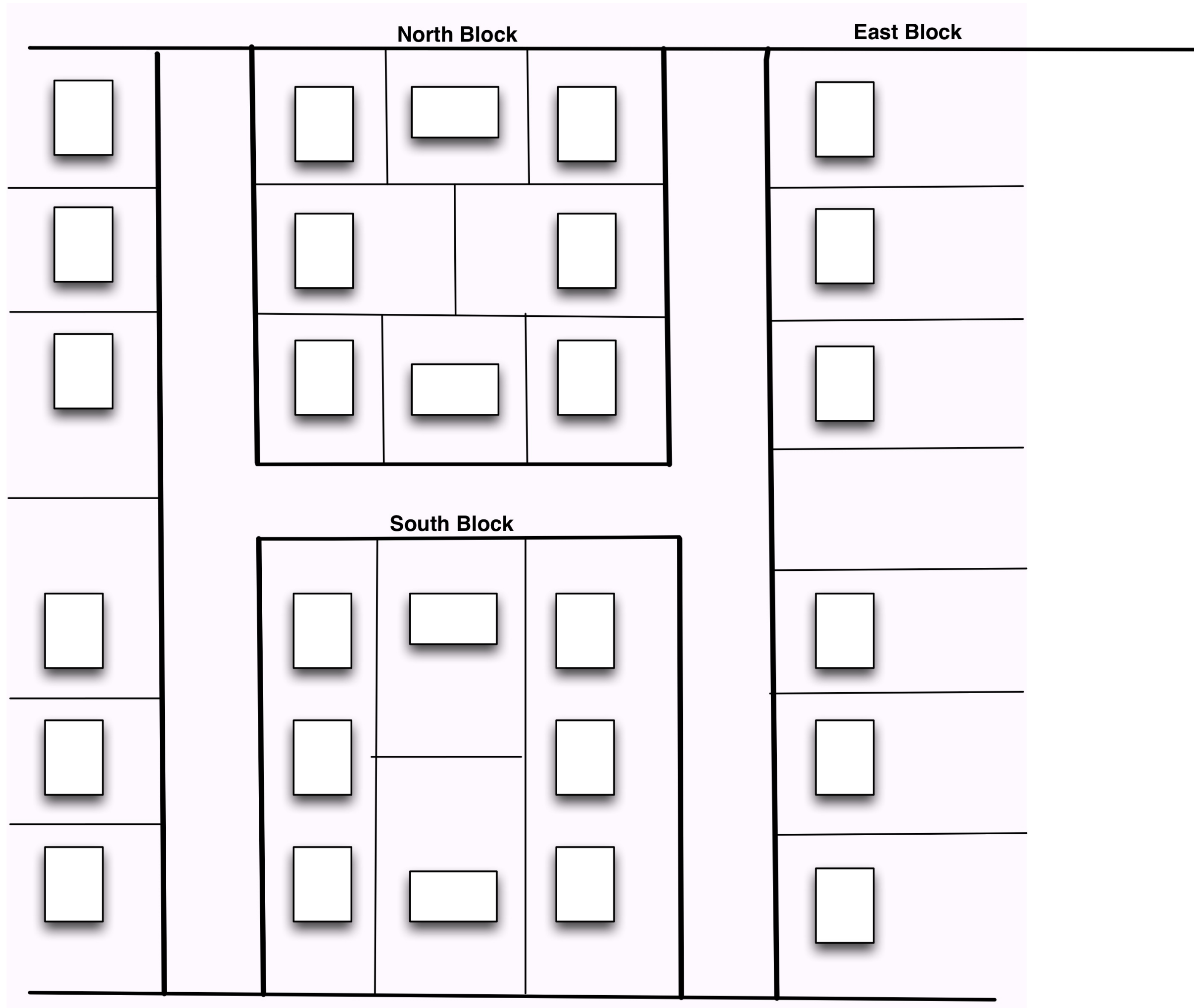
Figure 5.1
Plat Map of Hypothetical Subdivision



Looking at such plats for nearly any planned suburb it is easy to note the geometric inevitability of the commons that might have been in the spaces where individual lots connect; linking together individual houses into genuine physical communities through their common spaces. Every lot in the typical suburb or in newer, redeveloped (re-plated) areas of contemporary cities and rural areas connects both with the public space of the street (and in older square city plats, with alleys behind or beside) and two or more other private properties. At all of these intersecting property lines are common spaces and possibilities exist to define or reclaim portions of the total land area dedicated as new commons for almost any combination of collective neighborhood use. However, the general tendency nearly everywhere has been to completely overlook those possibilities and enclose (privatize) everything instead. Shortly after a typical suburb is occupied the fences begin to go up, and for long afterward they remain up and are reinforced with strategic plantings, dividing the entire subdivision into a checkerboard

of individual private spaces and precluding the commons that were there originally and could return at any time (See Figure 5.2).

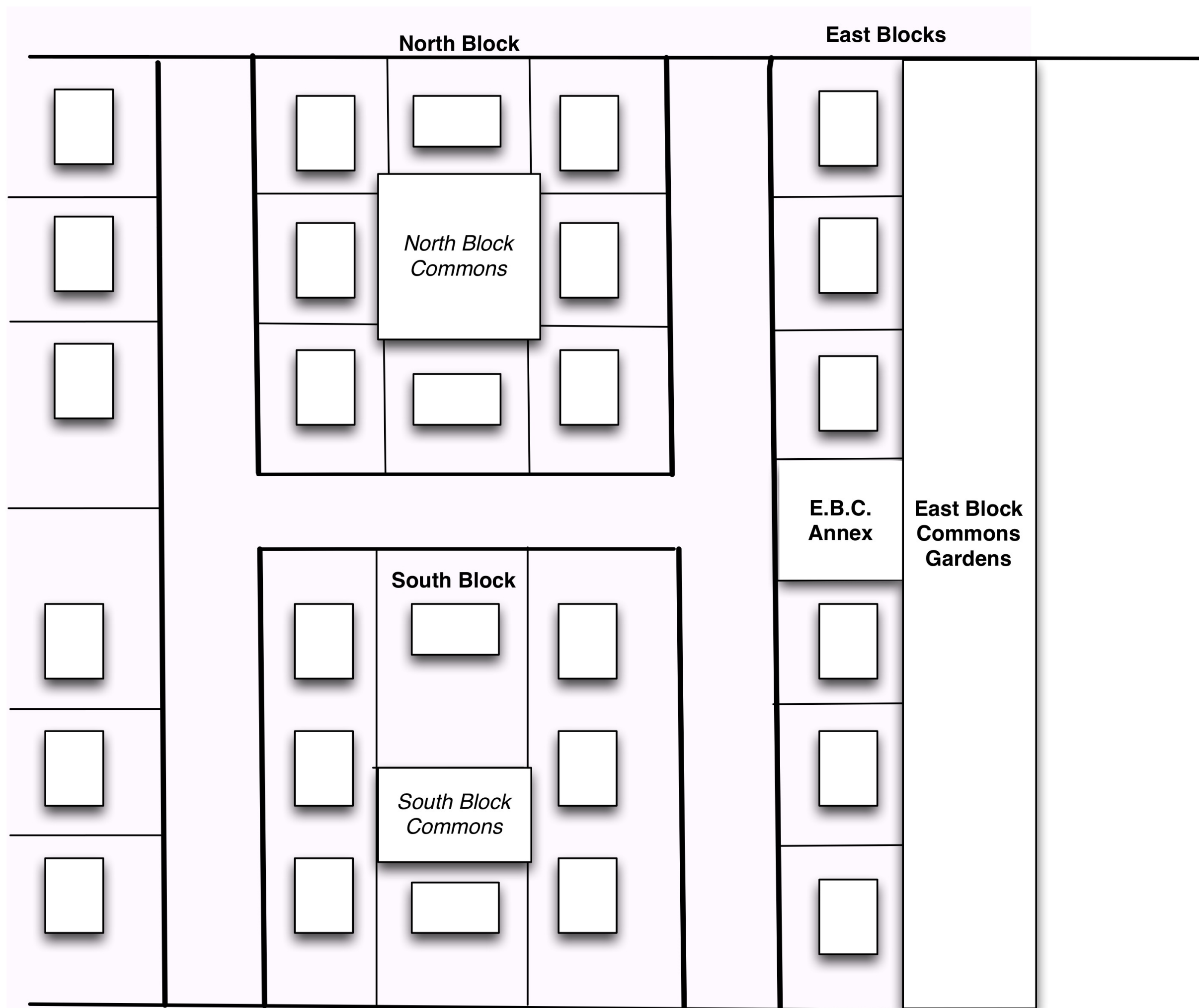
Figure 5.2
Suburban Enclosure



Yet, this situation is seldom irreversible. The possibility exists in the vast majority of these cases to create actual commons at any time simply by agreement of any combination of existing landowners (See Figure 5.3) To get a clearer view of the possibilities, one need only step into the rear yard of a new home in any new suburban development anywhere. While the front yards facing the street may already be physically separated from nearby neighbors by driveways, the view across the rear yards is typically quite a different matter. Fences, hedges and other (removable) boundary markers often crop up in older suburbs. Yet what you will see out the back door of the typical new suburb (unless the view is blocked by trees that survived construction) is large, free-flowing and unencumbered open spaces; commons terminated only

by the backs of other, nearby houses. This common space links all of the houses together in a type of physical community (block or neighborhood), at least until the enclosures go up. This commons is typically only visible in brand new suburban subdivisions, however, because as the houses are sold and occupied, the process of enclosure begins as each set of new homeowners moves to demark the limits of their own property lines and to erect fences, trees, shrubs, storage sheds and other markers and symbols of enclosure and privacy.

Figure 5.3
Suburban Commons



Often it is only through the behavior of small children and pets, by nature community members and commoners notoriously indifferent to invisible boundaries like lot lines, where the real possibilities of commons in suburban commons become apparent. Without the fences, hedges and other markers children and pets will treat neighboring backyards as a single, unified commons that they share with all who are there regularly. Yet, the physical reality is there for adults as well: any groups or associations of suburban neighbors whose back yards

enclose such a nascent property commons could at any time choose to reverse their earlier enclosures and carve out as little or as much of their own neighborhood commons as they and their neighbors can agree upon. The means to do so begins with association. This is seldom a public issue in any meaningful sense; it is only a matter of voluntary agreement among those involved. (This is, of course, an oversimplification. In most instances, local municipal or county zoning officials would also be involved.) In the meantime, this physical example of the enclosure of suburban commons serves as a useful metaphor for the foundation of new commons in the social space of individual, private lives as well.

As a mental exercise, it is a simple matter to divide each of such adjoining backyards into two parts: an enclosed, private space for the household only; and an individual household contribution to the common space open to all of the adjoining properties who choose to do the same. How much or how little of this common space each owner might dedicate to common use would be a matter of individual determination or group agreement. This idea is by no means limited to new suburbs or some gauzy future. The episode "Orpheus in the Undergrowth" in Series 2 (2004) of the British ITV mystery series "Rosemary and Thyme" is set in such a community commons in the Notting Hill section of London. Whether or not such an option for suburban commons has any appeal in particular suburban neighborhoods around the world, in a era of enclosure, privatization, "bowling alone" and the widespread decline of civic participation, it still serves as a homely but powerful metaphor for the principle of reversing enclosure and establishing commons, in this case, by deliberate "unenclosure"; carving common space out of private space through voluntary action. As several websites and Wikipedia entries on "backyard commons" demonstrate, this is not just a good hypothetical example or mental experiment. It is already a workable idea that has attracted a variety of advocates as part of the general renaissance of interest in commons (C.f. http://www.treehugger.com/culture/start-your-own-cul-de-sac-commune.html).

The Commons Renaissance

As the backyard commons movement illustrates there has been a widespread renaissance of interest in the commons idea. One of the principal factors in the birth of new interest in the commons in recent decades has been the work of what Aligicia and Boettke (2009) call The Bloomington School of institutional theory in economics and public policy. A torrent of published literature from the Bloomington School, and its founders, Elinor and Vincent Ostrom makes heavy use of the terms commons (Ostrom 1990; Ostrom 2002) and more recently, new commons and knowledge commons (Ostrom and Hess, 2007). One possible meaning of new commons for voluntary action is merely to distinguish by time periods between contemporary commons in the present and older, particularly medieval commons before the rise of the modern state. Thus, the old property commons of Henry VIII's time can be distinguished from the intellectual property and information commons dealt with by Boyle (2003), Benkler (2004; 2006) and Lessig (2001). Without necessarily dealing with issues of

new and old commons, numerous commentators including Benkler and Lessig have identified "information" as an essential characteristic of new commons. This distinction is broached directly in the Hess & Ostrom concept of "knowledge commons". Highlighting the role of information, rather than merely differences in time seems to characterize the use of the term new commons by Hess and Ostrom (2007). Such an approach is in marked contrast to the approach to sectors based on ownership critiqued elsewhere in these pages. Yet another possibility is to highlight the role of innovation and change along with information. This approach highlights the social, cultural and political role of information along lines first articulated by the political scientist, Murray Edelman (1964; 1971; 1974; 1977). Information, in Edelman's model is linked to novelty, innovation and change, while knowledge is associated with established institutions and practices, stability and order. While old commons relied upon traditional, customary and sedentary forms of association in the medieval village, tribe or manor, new commons rely more directly on forms of deliberate or voluntary association in which membership is clearly and explicitly delineated and on innovation and change. The approach to new commons taken here is instead to highlight the role of voluntary action in defining, establishing, operating and commons and in disseminating new institutional models.

The theory of voluntary action set forth here also seeks to move beyond the rational individualism of collective choice characterized by Hardin (1968) and Albert Tucker, who is credited with formalizing and naming the 'prisoners' dilemma paradox (Poundstone, 1992), and the Bloomington School and economic and management scholars. The sought-after move is toward a perspective of collective action based on a communication-based rationality that seeks further to give greater, more explicit attention to the social and cultural dynamics involved, and not merely the formal organizations of voluntary action. This distinction may be unclear to readers not schooled in the subtleties of organization theory. Even so, it may make sense to anyone who has ever taken an introductory sociology course. For the time being, the reader may just wish to note that a membership association incorporated as a nonprofit with a 501(c)3 certificate and ratified by-laws is likely to be both a formal and an informal organization simultaneously. An informal group of young men and women who meet regularly in a public library, community meeting room, or church basement for a similar recognized purpose may not be formal, but still constitutes a social organization. An informal assembly in front of a government building for purpose of spontaneous protest is definitely an informal organization. Voluntary action can encompass the full range of formal and informal possibilities. Thus, in the new commons theory of voluntary action the term new is not merely used to denote a second, more recent historic era in which common resource pools were created deliberately and lawfully following the various enclosure movements. It refers by implication also to situational factors, notably the legal infrastructure facilitating freedom of association and assembly and offering legal protections for the process of intentional resource pooling. Further, new commons theory is intended to recognize also that new commons are a largely urban phenomenon in marked contrast to the predominantly rural character of old

commons. Formation of new commons, as with Habermas' public spheres typically began in internationally recognized urban centers and proliferated, or diffused, outward from there. Even what contemporary Americans think of as distinctly rural voluntary action may have identifiable urban roots or embrace urban forms of association organization and legal context.

New Commons First Appear

New commons actually predate both the current commons renaissance and the new recognition of the third sector by several centuries. They date from 17th century Europe. Association in Florence during the Italian Renaissance a century or more earlier than that, for example, was still largely an old world phenomenon, with associations (notably the guilds but also corporations like the *Spedale degli Innocenti*) controlled by the city's traditional political, economic and religious elites, the best known of which today are the Medici family (Elmer, 2000; Gilbert, 1949). In the early 17th century at several urban centers in Europe we begin to see the emergence of assorted legal mechanisms to protect donors and facilitate common resource pooling of fungible assets, to enable the formation of various organized forms of voluntary action for a recognizable range of purposes: public charity, philanthropy, education, religion, science, and social engagement and interaction.

These developments occurred at approximately the same time as emerging rights of assembly and changes in the nature of protest (Armitage, 2011; Tilly, 1978; Tilly, 1986; Tully, 2009; Tully, 2014) discussed below. The English Statute of Charitable Uses (1601); the Elizabethan Poor Law (1601) and the entire history of the law of public charities, as well as the histories of religion, education, science and other fields routinely note a broad range of these developments without tying them directly together as the development of modern voluntary action. This statement, like others that are part of the "new commons" framework has a strong conjectural component. Obviously, if this outlandish hypothesis is ever to be confirmed, a great deal of additional scholarly spadework drawing these connections remains to be done. Subsequently in this sequence of developments there was a flurry of voluntary organizational and political activity in the Netherlands (primarily Amsterdam, but to a lesser extent in other cities) during the 17th century (Brandt, 1993; Jonker, 2000; Ketelaar, 2014; Sievers, 2010: 46-62) and something of a 17th century "golden age" of science in London, Paris, Berlin and elsewhere was accompanied by formation of a large number of voluntary associations, social networks including the first modern scientific journals (Gross, 2002; Merton, 1968; Shapin, 1998). Later, the 18th century enlightenments and *aufklärung* of several nations were accompanied by formation of complex networks of new clubs, associations and assemblies in London, Paris, Berlin, Vienna and elsewhere as Habermas and others have shown.

These were instrumental in the establishments of radically new dimensions of public space (Habermas, 1989). The cumulative impact of these highly diverse developments continued in the U.S., Britain and elsewhere throughout the 19th century. All of this involved the formation of new (and enabled by law) associations, foundations and other organized voluntary

action, and fundamental to all of it common resource pooling. I concur with and seek to build upon Habermas' (1989) thesis that the innovative public sphere formed in and around the coffeehouses, newspapers, novels, scientific societies and other new institutions of the 18th century constituted a "structural transformation" in the public sphere – one of a number to occur since that time. Although Habermas doesn't deal with it explicitly, other sources (e.g., Sheehan, 1989) support the view that this new public sphere replaced older doctrines of publicness in Germany and elsewhere supportive of the idea that the public will, interest and good (that is, the public sphere) must be kept secret; they were too important, vital and esoteric to expose to members of what we call the general public. This is a radically different notion of public than that animating Habermas' 19th century bourgeois public sphere and other more recent versions of publicity. Those who find such a notion of a private public sphere too ridiculous by half would do well to pay closer attention to contemporary doctrines of governmental secrecy in cases of "national security", which appear to be evolving in similar directions.

An Aside on Corporate Plurality and Autonomy

Over this same period of several centuries, a variety of intermediate legal problems were worked through and resolved. One of these was the 'corporate personality' solution to the problem of corporate or collective identity, noted by Gierke ([1880] 2007) in Germany and subsequently ratified in an 1886 U.S. Supreme Court ruling. The problem involved how to reconcile and justify a single course of action arising from a plurality of actors. In the theory of the state, Rousseau had had to resort to the general will to do so, a complication which led in turn to the suspicion and even outright bans on sub-national associations or what James Madison termed "factions" in Federalist Paper #10. By framing the unitary result of diverse individuals working together in association as a 'legal personality' collective voluntary action became feasible even in an age of rugged individualism. Although the actual circumstances surrounding the judge's ruling in *Santa Clara County v. Southern Pacific Railroad (1886)* appear to be somewhat muddled and in doubt, the case first made by Gierke and adopted by others for the somewhat idiosyncratic doctrine of corporations as "legal personalities" offered a coherent – if oddly named – legal doctrine and a seemingly durable solution (it has lasted, after all, for nearly 130 years) to the major problem of the unity-in-plurality of corporate collective action in a culture stressing the epistemological primacy of individuals. The difficulty came in with several recent court rulings, most notoriously in the *Citizens United* case (2010) when the Supreme Court majority went well beyond Gierke's doctrine of corporate entity and unity and began the dubious practice of selectively attributing the personal characteristics of humans (e.g., "speech") to corporations.

This solution proved to be a profound one. Yet, this durable solution seems to be coming apart at present. The ideal of incorporated associations as legal persons introduced in the *Santa Clara* case (1886) was widely recognized as a useful metaphor, at least until the Roberts' court

began taking corporate personhood literally and inventing out of whole cloth increasingly broad concessions of human characteristics and attendant rights and privileges to corporations – notably granting corporations freedom of speech through the infamous 'money is speech' doctrine (Dworkin, 2010). One of the things to keep in mind is the relative recency of the current active interpretations of these First Amendment freedoms in the U.S. Alan Dershowitz wrote in 2013 that while"[t]he freedom-of-expression guarantee of our First Amendment [was] ratified 222 years ago. . . for a century and a quarter those words were essentially dead letters — until 1919, when Justice Oliver Wendell Holmes resuscitated them with a shocking dissenting opinion that ultimately became the theory of our Constitution and the law of the land" (Dershowitz, 2013). Other First Amendment freedoms including association and assembly were similarly moribund until even more recently. Freedom of association did not take on its contemporary significance until *N.A.A.C.P. v. Alabama* (1958), ten years after the U.N. Declaration of Human Rights was adopted. Although freedom of assembly cases have a long history reaching well into the colonial era, the current doctrine only took its present form with the ruling in *Boy Scouts of America v. Dale (2000)* in which the Court extended coverage to explicitly include groups wishing to preserve traditional values. Each of these formative rulings has had an impact on defining the present configuration of the U.S. third sector.

The lack of face validity of this position is many faceted and points toward the eventual need for a revision of this ancient metaphor: If we are to take corporations as genuine persons as literally as the 5-member majority on the Roberts court, then wouldn't dissolving a corporation constitute murder, or at least manslaughter or corporate personslaughter? Shouldn't the average life expectancy of corporations then be finite and at least approximately the same as that of living biological persons? Since the court has also applied the 'equal protection' of the 14th amendment to corporations, shouldn't the 13th (which set the context for the 14th) apply also? If corporations are, as the Court insists, literally persons, how is it possible that they can be owned? Doesn't the ownership of corporations constitute slavery or involuntary servitude? These are among the enormous number of questions and complications raised by this controversial doctrine that seem to signal the unraveling of Gierke's "solution."

The implications of this reach directly into the third sector. We immediately saw the pernicious effects of this doctrine of literal corporate personhood in the avalanche of corporate 'speech' (known to us non-lawyers as anonymous political donations) funneled into the Presidential campaign of 2012, but this also opened yet another avenue of mischief. The problem in 2012 proved to be less corporations per se than rogue individual billionaires apparently masking their actions through anonymous donations to freely speaking corporations. Indeed, this problem for one U.S. political party has become so pervasive that it is less a political association in Tocqueville's original sense of like-minded people than the retinue of attendants of the rich and those who can pass their numerous ideological litmus tests. Equally troublesome, from the perspective of voluntary action, was the apparent spoilage of a

previously legitimate category of tax exempt (but not deductible) 501(c)4 corporations designated by the IRS as "social welfare" (i.e., common good) organizations. This phrase, which has been in the language of the IRS code for more than 50 years, has been rendered anachronistic by the changing meaning of the phrase "social welfare" as Americans have increasingly come to adopt the European meanings of the phrase worked out in the context of the post WWII welfare state. The language of common goods adopted here offers one way out of this morass. In its original statutory meaning, social welfare referred to those organizations that were not public charities, by virtue of their charitable, educational, religious, etc. purposes, but were, nonetheless engaged in pursuits for what were then called social welfare, and are herein called common goods. Civic organizations like local Chambers of Commerce and other civic organizations were in the category. Gradual expansion of the range of activities allowed under the 501(c)3 "public charities" umbrella placed increasing limits on 501(c)4's, but it remained on the civic side of Tocqueville's distinction. Events in 2012, temporarily at least, have moved this civic category directly into the political category. This amounted to nothing less than blurring (if not erasing) the 150 year old line established by Tocqueville between "civic" and "political" association; the former represented by the incorporated voluntary or civic associations of the 501(c) group, the largest of which is 501(c) 3 "public charities" and the latter confined largely to the 528 political corporations.

For social scientists and citizens although perhaps not for lawyers the way out of the morass in which the Court has seemingly ensnared itself (and us) is relatively straightforward. The theoretical challenge consists of finding a more modern alternative to Gierke's now-obsolete "legal personality" metaphor. This would involve finding better, more timely answers to three questions: How to define corporations as autonomous collective actors, how to assign corporate responsibility and how to assure the autonomy of collective acts while protecting corporations and their assets and actions from hostile assaults harmful to their interests? Although these problems are general to all corporations, their implications for exempt corporations are basic to the future of voluntary action in the U.S. Gierke's solution seems to have worked well in an age of liberal individualism seeking to escape the penumbra of medieval and socialist collectivisms, but the doctrine of corporate personhood was set forth before nearly a century of work in social theory on the nature of collective action, and for the current Court to ignore virtually the entire history of modern social science and revert back to this archaic individualist idea, while also ignoring something as fundamental to American political philosophy as Tocqueville's distinction between civil and political associations has the potential to undo the legal handiwork of several centuries.

The Role of Britain and North America

Although evidence of earlier associations can be found in many different locales in Europe and beyond, the preponderance of activity until recent decades seems to have been in the English-speaking world. Since the 17th century the incubators of voluntary action – the

supportive legal environments and formation of completely new types of new commons has been most evident at least to English speakers in Great Britain and her colonies. Tocqueville was wrong in this, or at least incomplete in his understanding: While voluntary action in the new American republic made a profound impression on him, he apparently did not know that similar formations of associations – albeit with some of the trappings of the old order, like official patrons – were also commonplace in other English colonies and in Great Britain itself. One major difference he did note was his correlation of association in France with state auspices, and in Britain with the patronage of the aristocracy (a practice nominally still prevalent there). Ordinary people undertook voluntary action in the U.S. on their own recognizance, or as guarantors of their own authenticity and legitimacy. For a different traditional approach to this problem, note the rule of Ten Good Men necessary to form and maintain a Jewish synagogue.

In addition to the examples noted above, ethnic mutual aid, self-help and charitable societies, beginning with the Scots Charitable Society in Boston in 1657, established a trend in the United States that continues through the many German, Irish, Polish, Italian and more recently Cambodian, Vietnamese, Indian, Chinese and other ethnic societies in existence today (Bai, 1992; Heidhues, 2006; Ming-huan, 1998 Ming-huan, 1999; Rauch, 1999; Nelson & Unger, 2009; Unger & Norris, 2011; Welzel, Englehart and Deutsch, 2006). The many American voluntary associations observed in the mid-19th century by Tocqueville and Beaumont were only a small part of the picture that also included numerous social movements and utopian communities of the same period, numerous state militias, the national fraternal societies of the late 19th century, national associations like the U.S. Sanitary Commission, and a great deal more. Modern, mediated volunteering seems to have been born during and immediately after World War I (Zunz, 2012: 51-80). Other social inventions have included the use of membership dues for charitable purposes, settlement and neighborhood houses, "friendly visiting" of the poor, voluntary "social agencies" organized for "scientific charity", modern charitable hospitals, organized fundraising campaigns, multi-tier fundraising (e.g., "big" and "small" donors), and federated financing (e.g. United Way and the Combined Federal Campaign). These are just some of the numerous examples of entirely new social institutions that came into being during the late 19th and early 20th centuries and grounded in common resource pooling practices. Most recently, international nongovernmental organizations (INGOs) operating across national boundaries in the international arena and several diverse forms of "social enterprise" are continuing the tradition of North Atlantic innovation.

The legal framework served to enable such institution building providing a toolkit of useable resources. In its first half-dozen years of operation, for example, Jane Addams' Hull House had no need to incorporate, but when a donor gave the institution a gift of property, incorporation became a necessary step.

Third Sector As A Third Way

It was really only in the wake of the intellectual and ideological demise of the ideal of state socialism, after a century and a half of prominence and controversy that the model of the new commons as organized collective action distinct from the state and the business corporation began to emerge in popular culture as a legitimate "third way" of institution building without the need for invoking the coercive powers of government or the incentive structures of the price system. To truly rugged individualists these often appear as "socialist" dynamics. They are so only in the sense that they are social or collective solutions rather than purely singular, individual ones. Economic markets are an effective way of coordinating voluntary action that involves mutually profitable exchange and contracting, most fundamentally the employment from the labor market of agents whose loyalty to the mission is assured contractually, while government as a way of coordinating voluntary action involves supplementary coercive compliance as in the all-volunteer military, taxation or the party discipline of state socialism. An independent sector of voluntary action as a third way emerging from the experience noted above is the way of voluntary (non-contractual, or unconstrained) cooperation and collaboration for social production, in which the participants identify their shared mission, establish and build shared resources pools and subsequent recruits either embrace or modify the mission while continuing to add to and utilize their pooled resources. The third way of independent voluntary action is something quite different from assorted "third ways" of governance and macro-economic steering a course between 19th century liberalism and socialism. It has been bubbling up from its grassroots origins, attracting interest and attention, and provoking legislative and other adaptations now for several centuries. It was a key aspect of what Tocqueville observed and puzzled over nearly two centuries ago. Although Tocqueville's comments on association are very important, they also only form a small part of his work and subsequent analysts of American culture outside the third sector research community often pay little attention to the full range of Tocqueville's writings. New commons are agents of innovation, pluralism and sometimes disorderly change operating in a sector or space defined by numerous cooperating, competing, and conflicting entities each capable, under the right circumstances, of genuinely transformational change.

It is due to the tumultuous creativity of this third way that what had been merely utopian expressions of things like universal freedom of association in the world (Guttman, 1998) have become a nearly universal normative standard for the world today (Glendon, 2001; Korey, 2001). Even in those places where freedom of association does not exist, authorities are under pressure to claim that it does and to justify or explain breeches in the court of world public opinion. None of this is to suggest that in the future state socialism in any of its various guises will be of no further importance. This is primarily a question of ideology and not a central part of this investigation. Indeed, if current trends toward income inequality in the U.S. and elsewhere continue, serious proposals for new indigenous forms of statist intervention and socialist redistribution are all but inevitable. We have already seen some of this in expressions

of the Tea Party and Occupy movements. But the role of government is not the issue here, and the events following 1989 opened a historic moment of great interest in an independent sector characterized by the third way. At this moment in history, rigid control of society and culture by the state does not appear to be a plausible alternative for much of the world's population, while markets are increasingly also revealing their limits to all but the most die-hard enthusiasts. However, it no longer seems plausible that rigid control of society and culture by a political elite – the party (whether Communist, Nazi, or some future Islamist variant) – acting in the name of the people through the state constitutes any form of plausible democratic society or culture. Even the Chinese state has yielded a bit of ground on this point. North Korea may be the single most distant outlier on this characteristic in the contemporary world. Whatever statist societies and cultures are, it is abundantly clear they are not democratic. All varieties of such monism have, at the moment, been replaced in contemporary thought and practice by a thoroughgoing institutional pluralism in which the state is seen as limited and merely one institutional actor among many.

Regardless of the system of government that may be adopted by a regime, the near-universal norm today is for some type of democratic society and culture – what some have called an 'open society' – in which as many people as possible can establish their own life plans, either individually or collectively, and live the lives they wish to live with those they choose or who choose them. Some of the most challenging and dynamic aspects of thinking in the Islamic world involve how to square this dynamic with Islamic thought and belief without yielding to "Western materialism". Major aspects of this intellectual challenge revolve around the relation between the state and the commons: Religious (Sharia) law and public law and the place of the "five pillars" of Islam including zakat (interpreted variously as donations for the poor, and the "poor tax"), Hajj, the Muslim pilgrimage to Mecca, etc. It is in that sense that both the democratization of society and culture and the new commons are capable of thriving. The foremost challenge presented by such societies and cultures is a pluralist one: How to enable all individuals and groups to pursue their own dreams, and prevent particular individuals and groups from imposing their vision involuntarily upon others. I am not naïve enough to believe that everyone has already attained this goal in the U.S. or in the world. The point here is that in the Arab Spring of 2011, the Tea Party and Occupy Wall Street movements in the U.S. and similar prior events, relatively novel forms of democratic ideals (or, democracy in society) were in effect. States, with inherent tendencies toward seeking and enforcing a uniform public interest and will, and markets with inherent tendencies toward average prices are both unable to deal with this problem. It was precisely the inability of markets to deal with adverse economic conditions that leads to interventionism by states, and it is the repeated failures of states at least since the Stalinism of the 1930s that has brought state socialism to its current state of disrepute.

New Commons Are Associations

As organized efforts, new commons engaged in voluntary action are not necessarily formal organizations or corporations, although they may be such in whole or in part. The modal or normative form of new commons in voluntary action is the voluntary association. As a larger class, we might see the full set of such commons as what Aristotle termed *koinonia politike,* an idea that connotes both civil and community dimensions. These commons were identified previously as enacted, created or deliberately constituted establishments, rather than traditional or customary institutions, those 'natural' social arrangements whose origins are unknown and whose continuity is purely a matter of established practice. Making this connection between new commons and *koinonia* provides an opportunity for further clarifying the constitution of new commons. The ancient historian, Moses Finley (1999) offers a definition of *koinonia politike* that can be adapted to use as a definition of the constitution, or original condition, of new commons. They can be defined as (1) groups of human actors characterized by (2) voluntary participation; (3) shared purposes; and (4) collective control over what is understood to be a pool of shared resources. Finley's (1999) definition of *koinonia politike* also contains two additional elements that will be discussed below. Both are not ordinarily part of the original condition of a new commons, but tend to emerge over time as the commons develops. The emergence of these two additional features in new commons together with the results of collective action that in the following chapter are termed common goods, go a long way toward explaining the unique capabilities of new commons.

These four original elements are sufficient to uniquely define and identify a new common as an association. A natural commons, whether forms of tree mold or various insect colonies do not qualify for our purposes, although the associations and social institutions of scientists who study and understand such phenomena do. The phenomena themselves may include common pool resources and natural agents capable of allocating those resources. However, such agents generally lack agency, or the ability to voluntarily participate or to act in the identification and pursuit of a shared mission. We can also use the term social commons for such new commons or associations. Examples of such social commons include clubs and membership associations, mutual aid organizations, self-help networks, plus all of the "knowledge commons" identified by Hess and Ostrom (2007), churches, congregations, temples and most other religious associations, and all of the other non-state, non-market entities mentioned previously.

Conclusion

Although 'old' commons of property, customary use and primary resources harvested by wood cutting, hunting and fishing, and irrigation practices were around for eons, they proved highly vulnerable to modern property systems that have 'enclosed', privatized and eliminated many of them in favor of 'private' property. As legal arrangements of incorporation, tax exemption, protected association and assembly and various types of pooled asset protections

have made possible the establishment of diverse ‘new’ commons. These deliberately constructed new social institutions and inventions enabling the voluntary pursuit of shared purposes and the pooling of shared resources. As part of this general development, assorted freedoms of association, assembly and privacy have dramatically expanded the range of permissible purposes that such institutions can engage in.

If what's yours is yours, and what's mine is mine, then whose is what is ours?

6. Common Resource Pools

We have seen in the previous discussion that old commons in agriculture and rural communities were widely deployed in much of the world until the early modern period to deal with the practical problems of commonly held property, but largely done away with in the most developed countries in successive waves of enclosure and privatization that characterized early modernity. Similar commons remain in less developed parts of the world through the present. However, a long-term legal transformation began in the seventeenth century and by the second half of the twentieth century had extended to most of the world's nation-states legal arrangements and procedures, including protection of donations, incorporation, tax exemption, and assorted other arrangements. Together, these legal arrangements enable and facilitate entirely new ways of pooling resources to facilitate collective voluntary action. As noted previously the new, or crescive, institutions labeled as new commons are defined by voluntary involvement, shared purposes and shared resources. This long-term legal transition adds up to nothing less than the emergence and increasing articulation of a *nomos,* as we shall see in Chapter 6.

What Are Common Pool Resources?

In order to understand the full significance of these claims, some further clarification of the term common pool resources is in order. That is the principal subject of this chapter. The first task is to establish a clearer sense of what, in voluntary action, resources may be. This is a very general term, ultimately grounded in economics and refers generally to the means necessary to attain an end. In a widely accepted definition, Lionel Robbins defined economics as the science that "studies human behavior as a relationship between ends and scarce means which have alternative uses." This offers a good starting point. Scarce, or limited, means is thus the definition of resources used here. Scarcity for our purposes has two related meanings here. On the one hand, there is the common-sense meaning of necessary things that require effort to acquire. The second, economic sense of the term is more philosophical: in essence, scarcity is the opportunity cost notion of things that we must choose with the implication that this will involve loss of other things. Since our life spans, attention spans and energy are all limited, scarcity implies choice, and in the economic view of things, choice is elevated above all other forms of human behavior. (The focus on choice will be extended, but not completely overturned below.) For these purposes, the Bloomington School approach tells us that common pool resources can include any stocks, supplies or existing capabilities available to support production of a common good, another key term that will be elaborated in the next chapter. What, we might ask from the perspective of either definition, are the resources necessary to produce voluntary action?

The simplest place to begin answering this question is from nonprofit financial accounting. Resources in voluntary action are, in the first instance, those assets that are owned or controlled by any voluntary association of people with some shared purpose in mind: money, property, accounts receivable (if there are any), investments and the like (Anthony and Young, 2005; Finkler, 2001; Young, 2007; Zietlow, 2007). This is a simple and straightforward notion that most people having some experience with voluntary associations can understand. We will call such assets the *treasury*, for the simplest of reasons: In most associations, the officer or elected representative whose principal concern are these resources is known as the treasurer and the resources over which s/he is to keep watch is the treasury. A defining characteristic of the resources in the treasuries of voluntary action is that they can be measured; the flows in and out of the treasury can be metered, usually in terms of the relevant national currency. Accountants, economists and those in management would like to believe that *all* essential resources of voluntary action could be measured in the accepted, standard ways they recognize. Yet, one of the most important but confounding characteristics of voluntary action is that several categories of resources that seem otherwise important cannot be measured in these conventional ways. In the theory, we will deal with two classes of such unmeasured resources: those that are priceless, which means quite literally without prices in that they are outside the price system, and those that are primarily matters of symbolic (social or cultural) interaction or meaningful behavior. We will refer to the former as *collections* and the latter will be termed *repertories*. Together with the time and efforts of individuals devoted to the mission or common purposes that are usually referred to by nonprofit economists as volunteer labor, these constitute the principal resources of voluntary action. Additional emergent resources, termed *moeurs*, are identified below that can be brought to the common resource pool of voluntary action, but that also emerge directly from collective action and thus constitute value added.

Thus, having an experienced leader or group of leaders can represent a real resource for a group engaged in voluntary action even though there is no way to establish a measurement, or "book value" or price of the exact contribution of such leadership. Likewise, in problem solving contexts the definition of the situation can represent an important resource that is often key to effective solution of the problem – a vital means to the end that the solution represents. The definition or sense of the problem held by a new commons may, in fact, be a resource of inestimable value – another of several connotations of the term priceless used here. Problem definitions that straightforwardly lead to solutions are not only the basis for important scientific and technological advances; they can also be keys to success for new commons.

This set of terms is well illustrated by reference to the shared mental constructs we call social problems following standard contemporary constructivist ideas. In addressing social problem settings, it is often possible to locate or isolate the origination of key problem definitions, and different problem definitions can be associated with different contexts and

operations. In voluntary action, definitions of social problems often related to the relation between the problem and the voluntary action involved.

For example, the March of Dimes (a nonprofit fundraising corporation) pioneered a rather simple and emotional definition of polio (a.k.a. infantile paralysis) as a public health hazard in formulating plans to raise funds from a public any one of whom might be affected by the disease. Meanwhile, the Sister Kenny Institute (a nonprofit research and treatment center) pioneered a differing definition definitions of polio as a chronic disease for which it was necessary to develop methods of "rehabilitation" and physical therapy treatments while the Salk Institute (a nonprofit research institute) used yet another, definition of polio as a virus in formulating an effective vaccine (Blume, 2000; Grazman, 1996; Oshinsky, 2010; Rogers, 2008; Rose, 2003; Sabin, 1985; Sills, 1959; 1980;) All three of these definitions or conceptions of the problem of polio proved to be important assets in devising the respective institutional approaches of these establishments, and initially served as major resources over which each held effective degrees of monopoly control.

All three definitions or conceptions – of polio as a communicable viral disease with long-term implications for mobility and independence – has a distinct body of knowledge associated with it that quickly entered the public domain even as they remained important resources for their respective institutions. Full understanding of polio as a social problem requires reference to all three. Understanding this division of knowledge and dissemination process is key to one of the characteristics of many of the most important resources of voluntary action: they are not scarce in any sense of asymmetric possession, only in the economic sense noted above: It requires effort for which there are opportunity costs to acquire any of these coordinated bodies of knowledge. If the Sister Kenny Institute (later the American Rehabilitation Foundation) teaches its techniques of rehabilitation to others, they don't in the process lose that particular knowledge as a resource; both teacher and student now possess it. Information has this characteristic, but this does not necessarily mean that it is meaningful or sensible to reduce all such resources to their information value. It is simpler and more appropriate to conclude that information along with practical and theoretical knowledge is a member of a larger class of moeurs that are not scarce in this sense. We will deal with further implications of some of these in voluntary action in Chapter 8 under the discussion of knowledge commons.

For the time being it is sufficient to note that any bit (or meme) of information, knowledge, or established practices found in a group may function as a resource. Thus, money, credit, mineral reserves, a working knowledge of accounting, law, calculus or curatorial practices, familiarity with the methods for organizing a community, or performance details of specific dramatic or musical works, religious rituals, volunteer labor or the names, addresses and phone numbers of residents of a neighborhood could all function as common pool resources under appropriate circumstances. Appropriate, in this case, refers to a fit between the mission of the commons and the resources necessary for the task. The following section will

elaborate some of the other types of resources that are most important in voluntary action, and in what sense they are commonly held.

Resources for Voluntary Action

The phrase "goods and services" is often used to describe the output of voluntary action without clear definition or further clarification. The focus of this discussion is on attaching some tissue and sinew to that particular skeleton. First, voluntary action can ordinarily take place only within the broad confines of the leisure time of participants. In order to fully understand the meaning of that statement, it is necessary to look closely at Hannah Arendt's distinction in *The Human Condition* (1950), between labor, work and action, a task reserved for Chapter 4 below. At the moment, it is sufficient to observe that people whose time and tasks are rigidly controlled; e.g., soldiers, prisoners, subjects of police states, students in residential schools, or workers fully engaged in paid employment, such as those American workers working 2-3 low-wage jobs in order to get by, cannot be expected to have the time available to meet the first condition of commons, voluntary participation. If your time is not your own, you are not positioned to decide whether or not to voluntarily participate in anything. The same is true, although for different reasons, for "workaholic" professionals whose every waking hour is devoted to professional and career concerns. Over his long and creative career, for example, the architect Frank Lloyd Wright was never a good candidate for this kind of voluntary participation. Any philanthropic contribution attributable to Wright (and his contributions there are large) arises strictly in the context of his professional contributions as an architect.

In general, the value of voluntary action can be seen in strict "opportunity cost" terms: value can be measured in terms of what "second best" alternatives the actors involved are willing or able to give up in order to engage in voluntary action. So far as we know, Wright never formed or sang in a church choir, conducted scientific experiments, or wrote a sonnet. Thus, his masterpieces like Fallingwater can be reckoned the opportunity costs of his not having done so. Was it worth it? Most would answer definitely, yes. By using a similar approach, we can make inferences about what is most important to people engaged in voluntary action and about the value of their activities even in the absence of treasury or price data. This is the case because action, or time spent in pursuit of commonly held missions, is in nearly all instances, the most fundamental resource for voluntary action.

Commons in voluntary action are concerned with two distinct categories of physical resources: Those that are similar to the tangible resources of market production – physical plant, land, equipment, transport, and such, and those that are not. The first group are resources in the traditional economic sense that they are in some sense consumed (or undergo physical state transformations) in the production process. The collections of new commons are a quite different second type of physical in that they are often tangible objects of unique importance and the forms of common goods production they are associated with often involve their display or presentation. Equally important is that collections typically fall outside and

have been deliberately removed from the market economy. The term priceless often carries the meaning of extreme rarity, unique or irreplaceable status and paradoxically high purchase or sales price: Gutenberg Bibles, Rembrandt or Warhol paintings, Ming vases are all said to fall in this category when they are offered for sale. It is more useful for understanding voluntary action to use the term priceless in a narrower and more precise literal meaning that connotes objects without a price, that is, not available for sale in the market regardless of the reason and regardless of offers to purchase. The Mona Lisa and Rodin's The Thinker are not for sale at any price. They are in that sense, priceless. From the standpoint of new commons, this is not a judgment limited to extreme rarities in the art world. The same is true in a farm equipment museum where a battered old 19th century horse drawn plow with a wooden mold board may be a priceless object in the sense that no one wants to buy it because it has no contemporary use value. More likely, however, a rural or agricultural museum possessing such an object considers it a priceless part of their collection to the same degree as the Impressionist paintings of the Barnes Collection in Philadelphia or the Chicago Art Institute, or other art works in the Tate Gallery or the Louvre: Because sale of such objects would change the meaning and value of the institutions themselves. Such objects are usually said to be in the *permanent collection* and not available for sale at any price. Museums, churches, libraries, colleges, research hospitals and numerous other cultural institutions all stand outside the market and possess collections of priceless objects in this sense. They may, periodically, make strategic decisions to enter the market to acquire additions to their collections, and less often to sell or trade objects in their possession, but in such cases it is the implication for the mission, and not the ordinary terms of profitable exchange that is – or should be – the foremost consideration. It is worth noting that this is necessarily a vague and imprecise category, and a great deal of conflict can be generated in cultural institutions over its meaning and implications.

The idiosyncratic curatorial preferences of Albert Barnes as displayed in the priceless Barnes collection has been central to protracted conflict (that may finally have been settled) among cultural leaders in the Philadelphia area for decades (sources). In sum, the value of collections is not to be found in their purchase or sales value, but in the meaning inherent in the objects themselves. They are and remain, literally, priceless in the sense that they are without price.

Another general category of resources frequently found in voluntary action is termed, after Tocqueville, moeurs. One of the most important categories of moeurs in the production of common goods are the *repertories* of knowledge or skill sometimes called know-how or technology. Repertories can be thought of as scripts or designs for action. They include the ability to perform various ceremonies and rituals, certainly, but also a great deal more 'scripted' everyday behavior. As such, repertories are often part of the working knowledge that new commons utilize in the distinct form discussed in Chapter 8 as knowledge commons. Repertories may be the know-how of spiritual leaders of a religious commons who know the

appropriate, expected protocols for particular prayers, masses, or services, or the repertories of members of a club or membership association who know how to conduct a "proper business meeting". The latter may include, e.g., agendas and *Robert's Rules of Order*. Repertories are acquired either through trial and error or more organized learning methods, and can usually be passed on from one member cohort to the next and translated from one context to another. Thus, groups of mothers of older children seeking an outlet for the skills required to care for infants and small children may choose to open and run day care centers, or have classes for younger parents. Groups of docents who have learned the nuances of conducting arts conversations with strangers can also be guest lecturers in schools. Orchestras, ensembles, quartets, trios and other groups of musicians who have mastered particular scores, and companies of actors who know the words and associated physical movements associated with a dramatic script are among the countless examples of repertories. Explicitly included in this category of repertories are the many behaviors, rituals, and institutions arising in the context of social problems and social movements. Thus, being arrested by police can be a rite of passage for civil rights activists and finding new ways of denouncing the alleged bias of "the lame stream media" is a badge of honor for conservative activists.

Voluntary action can be characterized in terms of the resources required: time, money and credit, collections of objects and particular sets of skills and abilities. One thing that characterizes all of the resources of voluntary action is what we might call *bounded or limited fungibility*, or the real but limited potential for substituting one type of resource for another. Thus, a person may wish to donate time but have only limited skills and abilities needed by a new commons and end up giving money instead. Or, a particular painting or other *object d'art* with a potentially high resale value may be accepted by a museum only on condition that it doesn't fit with the mission of the collection and will be resold at some future date. In other cases, the display of collections priceless in themselves, or the presentation of repertories can be used to generate revenue for the common pool treasury through donations or the sale of tickets. However, new commons in voluntary action differ from ordinary market transactions even in these instances because of certain, defined limits on fungibility. No museum worthy of the name, for example, would sell off its most valuable pieces just to balance its annual budget. That is typically seen as a form of institutional suicide and blurs the normal distinction between museum and gallery. Likewise, few common resource pools will willingly expend its endowment for normal operating expenditures. Thus, while the resources of new commons are, to some degree, fungible there are also severe limits on fungibility that tend to be closely related to the central mission of the institution.

It is impossible to say whether these four forms of common pool resources exhaustively define voluntary action, or whether they have always, in the past, done so in precisely the ways they do today. There have probably been some shifts within these categories over the long term, notably with respect to voluntary effort and repertories. The value of voluntary time, for

example, is in part dependent upon the over all state of the general economy. Greater and more widespread affluence may increase available leisure time and thus increase the potential for voluntary action. However, other uses of leisure time like watching television, attending rock concerts, or guarding one's property (all discussed in the final chapter) constitute some of the opportunity costs of voluntary action in new commons.

The greatest changes over time are likely to have been among repertories that are known to vary considerably, as new ways of living in community are tried out, learned and adopted. Few protest movements in the 11th century involved picket signs and protests, due in part to the unavailability of materials like cheap marking pencils and poster board, and low rates of literacy. Charles Tilly (1993) has tracked important shifts in "repertories of contestation" between the 16th and 18th centuries in France. See also Chapter Seven of Della Porta and Piano (1999) for a discussion of repertories in social movements.

Roles as Resources

There is also another species or type of common good suitable for serving as a productive resource in new commons. Participants in the most rudimentary associations engaged in voluntary action are also likely over time to engage the various interactions sociologists and social psychologists have identified under the heading of role theory in ways that make of social roles an additional category of basic resources.

There are numerous approaches to social roles in social science and each outlines potential resources in new commons. For example, in functionalist sociology role has been handled as something of an ideal type of the characteristic or expected behavior associated with a social position or status. In interactionist sociology and social psychology, roles are usually thought of as less fixed, prescribed and unchanging and more dynamic and enacted, expectations that are realized in the actual performance of the role and constantly negotiated between the role incumbent and others in the social environment in tentative, creative ways. In addition, there have been several other different perspectives on roles. Each of these provides valuable and useful perspectives on roles in voluntary action (Biddle, 1986). From any of these perspectives, it is relatively easy to see how roles can serve as resources in some types of voluntary action. To take a simple example, consider a local volunteer (one role) who also does double duty with assorted community groups as a master of ceremonies (another role) and an entertainer (a third role) at annual meetings, fundraisers and other special events. Each of these roles constitutes a resource contribution for voluntary action as surely as money or in-kind materials donations. We will look further at the contribution of roles below.

The Basic Situation

Once we move past the fundamental misunderstanding that dealing with the pooled resources of voluntary action – some of which are derived from the market and some from governments – requires that we continue treating them as public or commercial goods, new

possibilities begin to come into view. In voluntary action we are concerned with direct, face-to-face interactions between socially engaged persons as individuals and in groups. In their role as participants in voluntary action, they are not, in any meaningful sense, interested exclusively in "quasi-public" or "semi-commercial" transactions. This is, of course, an ideal type; we are not seeking to account for all the possible variations in behavior by all of the actual persons involved in voluntary action. Real businessmen and government officials engaged with voluntary action, may in fact bring a public goods or a profit-oriented outlook to the voluntary action table; this alone proves nothing beyond their individual understanding of the situation, derived as such things so often are, by comparison of the new situation with older, more familiar experiences. Others will bring their own different, but equally legitimate, understandings. Religious participants, for example, are likely to bring their own religious meanings and may be very uncomfortable with the public goods or profit oriented understandings of business or government types. However, there is no particular reason to treat any of these as fundamental. We will call this the original situation, and define it thus: Those in the original situation will be aware not only of their own perspectives but also of others engaged with them in face-to-face conversation and will together work out a joint, agreed upon definition of the situation, that takes into account individual and sub-group differences and idiosyncrasies like these. Thus, it is likely that a member of a board might ask: "Do we expect to have enough money to complete this project, even perhaps a bit of money left over – what Bob calls our 'profit'?" There is no real basis to conclude from the perspective of some participants in voluntary action in some contexts, cultures or periods that their view must be binding on everyone. Stepping back from this, we can see that the perspective of rational individualism is, like the perspective laid out here, just one such view and that the really important question to ask is what definition of the situation the participants in any given voluntary action themselves have adopted?

Reason and Communicative Action

These considerations become most important in the presumed necessity of reliance on the Cartesian decision model of the mathematically precise individual rational calculator as the only valid form of human reason. One basic problem is that in the interest of 'reason' (or, rationality) explanation of actual affairs suffers and the role of self-interest in voluntary action is not properly understood. An even more fundamental concern is that collective choice is by definition not a matter of individual rational consciousness or calculation. Thus, how are we to assure that pluralities of deciders are all capable of acting in the prescribed rational manner?

Fortunately, there are other, equally interesting ways to treat the matter of reason in collective choice. One of the more interesting is an outgrowth of the 20th century communications revolution. In recent decades, a number of important philosophers and theorists have explored aspects of the relation between traditional conceptions of reason, as that idea is handled in philosophy, economics, psychology and other fields concerned with

"rational" action (Bernstein, 1971; Bernstein, 1981; Habermas, 1984; Habermas, 1999; Heath, 2001; Rawls, 2005 [1971]). It serves no particular purpose to review those arguments in any detail here. They form a knowledge commons in which many participants have well argued, deeply considered and strongly held views, and the likelihood is slight at best that any additional argument offered would add significantly to this literature or change many minds. It is sufficient for our purposes to note the use of a communicative standard of rationality that more closely parallels the actual, observable behavior of groups of persons engaged in voluntary action.

Rational behavior, for purposes of the new commons theory of voluntary action, is in some very fundamental sense a form of philanthropic or gift contracting concerned with the offering and acceptance of reasons and discussion weighing the relative acceptability of those reasons by members of a commons. Decades of observation reinforce the conclusion that whether or not this social process of offering and acceptance of participants' reasons, or explanations for choices, is a self-sufficient process. Whether or not it conforms to the logic of Aristotelian syllogisms, Cartesian deductions, the steps of Deweyian problem solving or any other philosopher's standard of reason is a matter of indifference to the makers of collective choices in new commons. *What does seem to be most important are the explanations participants give to one another for why, how, and under what circumstances and conditions something is the case or some alternative is preferred.* While this approach is grounded ultimately in several rather elegant philosophical arguments, whether or not such a "weak" conception of rationality is convincing to philosophers, economists, political theorists and others who write on this topic is relatively unimportant to functioning democracy for reasons outlined by Barber (1988). This standard of rationality is employed here only as a device; a contrivance grounded in two related points: 1) The standard of plausibility corresponds closely to the kind of behavior one can observe in organized voluntary action, for reasons which the theory outlines; and 2) It is consistent with, and supports the principle of hermony and the autonomy and authenticity of such groups, as discussed elsewhere in this text. Consequently, any commons – say, a group of philosophers – that choose to embrace a more rigorous standard for themselves are entirely free to do so.

This book is, at its core, simply one additional set of such explanations, based on long and varied engagement with voluntary action, part of which is reviewed in the preface. In their own particular knowledge commons, philosophers, political philosophers, natural, economic and social scientists, belletrists, those practicing hermeneutics and others may adopt more rigorous standards of rationality, but from a theoretical standpoint that is their option, not a necessary existential condition of collective choice or behavior.

By adoption of this communicative standard of rationality, those engaged in voluntary action may begin to find avenues of escape from the control of philosophers and economists that have dominated third sector theory in recent decades (Barber, 1988). Thus, the original

situation of voluntary action need assume nothing about efficiency, effectiveness, or the proper or logically correct relation of means to previously selected ends, much less about the proper selection of ends in light of available means. This has implications not only for the proper understanding of self interest in voluntary action, but also for new, more refined meanings of terms like altruism, *caritas* and *humanitas*. These are all equally plausible positions regarding the relation of means and ends to be embraced by persons and groups in the original situation of voluntary action.

Thus, a group of 21st century American businessmen or corporate philanthropists forming a charitable agency may find it entirely reasonable to adopt a narrowly self-interested and competitive strategy with a heavy emphasis on price competition and marketing – and tell one another and others so. Others outside the group will be equally at liberty to express doubt or concern about that standard. They should not think themselves positioned, however, to restrict or coerce this group into adopting another view more consistent with their (outsider) view. For example, a new commons of past or current religious leaders may have found such an attitude utterly abhorrent and chosen to embrace another, theologically informed posture, emphasizing love of humanity with an accent on humility, self-abasement and prayer. An adequate standard of rationality in collective choice in new commons must be able to allow for a plurality of choices, differential outcomes and at least the possibility that no resolution of differences between new commons other than acceptance of difference may be possible in some circumstances.

It is consistent with this conception of the communicative standard of reason endorsed here that any new commons must be free to reject existing standards of reason (including this one) and adopt their own. In one sense, this statement is not a theoretical "standard" at all but simply a statement of existing conditions under freedom of association. The alternative – that some knowledge commons, whether philosophers, economists, theologians, or some other group, is to be granted the final say on the definition of reason – is simply untenable. Communicative rationality is, in that sense, a part of the original condition of new commons.

Likewise, at least one of the three previously outlined defining characteristics of new commons – an agreed-upon purpose or mission – may also be negotiable in this respect. It is entirely plausible, for example, that an association of anarchists might form a new commons through their voluntary behavior and pool at least some resources without ever agreeing upon a group purpose or mission. Thus, mission or purpose must be accorded a historically contingent condition.

Language, Culture and Solidarity

The original position as detailed above suggests the need to recognize not only a wide range of possible missions, but also multiple layers of language and culture without seeking to reduce everything to simple logical and mathematical metrics. Thus, a group of farmers forming

a new commons for the purpose of sharing water for irrigation of their fields or a group of scientific researchers forming an association in a new field of knowledge, or any other new commons may initially be cautious of one another, or even conspicuously lacking in trust and fellow-feeling, or what have come to be known by the quasi-technical terms of social capital and solidarity.

It is important to note that not all studies of social capital uniformly emphasize the importance of trust, fellow feeling, cooperation, network formation and harmony. Some focus on the role of conflict in social capital formation. In a major departure from the trust and networks approach, Welzel, Inglehart and Deutsch (2005) claim that the conceptual basis of most studies of social capital across several theoretical traditions "are surprisingly similar", treating voluntary association membership as the principal indicator of community involvement and neglecting what they see as another form of community involvement: "participation in elite-challenging actions." Such elite-challenging actions are but one prominent form of what is often termed advocacy, and in some fields, a type of community organizing as reflected in the efforts of Miles Horton (1989), Franz Fanon (1963), Saul Alinsky (1989), Eric Hoffer (2002) and others. Most studies, Welzel, Inglehart and Deutsch say, "readily attribute manifold civic benefits to associational life, while hesitating to attribute such benefits to elite-challenging activity". Whether or not that claim is justified, their underlying claim appears warranted; that elite-challenging voluntary action also reflects a specific emancipatory form of social capital that is typically found in "self-assertive publics". Further, they seek to demonstrate that such elite-challenging actions are linked with enhanced civic value. On the basis of their formulation of a model of human development, they suggest that mass self-expression nurtures emancipative social capital, which, in turn, serves to foster elite-challenging action. From the perspective of the theory this approach can be seen as a matter of exploring yet another dimension of social capital building as trust and network within the challenging association utilizing the resources of both internal solidarity and a shared perception of a common external adversary. The emancipatory aspects of their argument are quite provocative, and appear to square theoretically with, for example, the sense of the social construction of Britain as the common enemy in the diverse colonies building up to the American Revolution (Bailyn, 1967; Wood, 2003)

Awareness of something very much like what we now call social capital is hundreds of years old. Ibn Khaldun (1332-1406), an Arab philosopher of the Islamic florescence with particular interest in what we might term civics or politics, seems to have understood clearly the role of solidarity in groups in terms remarkably similar to those of Welzel, Inglehart and Deutsch. He wrote sympathetically of what he termed *asabiya*, which, he said, "is obtained only through… mutual affection and willingness to fight and die for each other". Note that there is, at least implicitly, both a conflict dimension and a common adversary in this statement. Khaldun made clear that the all-for-one-and-one-for-all loyalty of *asabiya* extends far beyond life-and-

death situations into ordinary everyday lifeworlds as well. This is an important dimension of voluntary action, but reducing all such situations to "reciprocity" (a *quid* for a *quo*) in rational choice terms easily loses the solidarity aspects of Khaldun's and many other, more recent, similar observations.

At some stages of development, group members may be highly suspicious of the threat of potential conflict with fellows or colleagues they don't know and have never interacted with before, and this will have an impact on their behavior. The term fellow and the accompanying term fellowship, mirroring recent changes that have taken place in the American usage of 'guys' (as in gender-neutral usages of 'you guys'), is used in this work in an explicitly gender-neutral sense. Such usage is already well established in certain religious settings. E.g., when during "fellowship" the minister in a church instructs congregants, regardless of gender, to turn to their neighbors and greet them, she is not usually speaking only to the men present. One developmental facet of this may be the initial lack of agreement among participants about what rules (in the broad Bloomington School/IAD sense) may prevail in these circumstances. However, if any commons is to succeed in the longer term, something very much like Elinor Ostrom's (2007) eight "design principles" that are said to be grounded in the research suggest procedures to enable effective collective choice (Principle #3) are necessary. Also, it is likely that the larger political and cultural setting would, in most cases allow for minimal recognition of the right to organize and assemble (Principle #7). If they wish to avoid becoming a *de facto* public good, participants would also need to establish and maintain membership boundaries (Principle #1). They would also have to establish among themselves governance, fundraising, voting (Principle #8) and perhaps even more advanced conflict resolution procedures (Principle #6) and assorted other necessary norms of "fair play" or justice (Rawls, 2005). Unlike public goods producers, new commons in voluntary action also often include among their rules specific conditions and procedures for expulsion of non-conforming members (Principle #2), sometimes only as a last resort to the extent that fair-play for participants dictates graduated sanctions (Principle #5). The need for monitoring and auditing appropriate conduct (Principle #4) may not be immediately evident to founders of all new commons (contemporary and historical communes and social movements like Occupy Wall Street come to mind) but such eventualities may also become necessary. It is important to note, however, that Ostrom's design principles should be seen as inferences from existing practice as she intended them and not ironclad rules for future conduct. As an equally general rule, the extent to which any such rules are deemed necessary for new commons is a matter to be determined by the voluntary participants who control the collective resources themselves, under rules of rational conduct discussed in the preceding section. In this sense, practice theory of new commons should be more a matter of generalizing from the history of past performance than seeking to deduce future action from abstract, first principles.

The Proposition of Abundance

One of the fundamental assumptions of the original commons theory of voluntary action is what I termed the assumption of affluence (Lohmann, 1992, p?). This is, upon further reflection, not an assumption at all but an important (and testable) proposition. The proposition is, that *action in a new commons, including the possibility of acting in the best interests of others, is morally defensible only in those cases where the actor's basic self-interest is not at risk.* As with conception of philanthropy below, the term affluence is not a covert reference only to those with great wealth as some have suspected. It is, instead, primarily a moral qualifier. And, when that qualifier is applicable the threshold for philanthropic or other voluntary acts in the commons may actually be quite low. In any event, it is not morally defensible that persons whose own self interest is immanently at risk or will be threatened in some fundamental sense, whether through prolonged hunger, or risk of exposure to fatal disease face expectation of rising above self-interested behavior. This is the basis of Hannah Arendt's distinction between labor, work and action (Arendt, 1950). This premise, which explicitly states a widely held norm, says that such persons may not be morally obligated to volunteer or participate in charitable or other philanthropic activity in a new commons. Instead, we must assume that rational action in a commons can only be expected from those who are affluent in this important sense. That is, those whose basic survival or fundamental way of living is not currently at risk, and would not be put at risk by their participation. We simply cannot ask anyone to be concerned with the interests of others to the extent of their participation in collective choice under conditions where their own fundamental self-interest is at risk. Altruistic behavior can never be mandated without ceasing to be altruistic. Nowhere is this as true as in circumstances where a person's own basic self interest in life, liberty or security is at significant risk.

This proposition is, in fact, readily testable: In looking at the range of philanthropic activity, for example, do we find starving people routinely being asked to donate to hunger campaigns designed to benefit others? Are seriously ill persons routinely asked or expected to provide care for others less seriously ill? Does general public opinion in any sense condone such requests? Are there moral arguments that have been (or even can be) mounted in defense of such requests?

Social and Moral Capital

We can hypothesize further that in a commons consisting of the interactions of those not currently in need or in jeopardy, the conditions of *philia* and *diaconia* identified by Finley (1999), and termed here social and moral capital, will seldom be present in any great abundance at the startup of a new commons. They can, however, be expected to begin to emerge over time in most if not all new commons. Those social commons which successfully solve a three-part existential dilemma by moving from the original situation, resolving their design issues and finding a stable institutional solution outside the incentive structure of the market and the command and control apparatus of government will in the course of events

almost certainly develop at least some social capital, not only voluntary membership, trust building and social networks, but also the capacity for elite challenging and constructive conflict, if necessary and moral capital, evolving their own distinctive moeurs along the suggestive lines of Ostrom's design principles. This statement should not be read as a suggestion that the design principles identified by Elinor Ostrom are in some sense normative for new commons. Her presentation of the principles makes clear that these are distilled from prior experience. The priority of freedom of association makes clear that new commons are entirely free to choose or neglect any such guidance or 'practice principles' at will. And the probabilistic nature of the statements also makes it clear that some outlier new commons that ignore one or more of them may succeed anyway.

Philia, *Diaconia* and Identity

In so doing, the participants will also begin to form their own identity. New commons formed by voluntary participants all bringing their own, individual stocks of resources to the task at hand, and possessing a shared mission, or sense of purpose, may function quite effectively with little in the way of additional resources in light of the time they devote to working together with one another. In some cases, commons (whether new or old) can function successfully for long periods of time solely on the basis of the time commitments and dedication of the volunteer participants and the cognitive, social, political, economic and cultural resources they bring to the task. The situation of such associations is seldom static, however, simply because – in marked contrast to the assumptions of rational individualism – none of the individual actors coming to associate in a commons is likely to have been a pure isolate with a mental clean slate and no agenda except as defined by the collective purpose. Everyone brings prior experience, and their own ideas about what must be done and how to do it. Thus most will have something to offer. Whatever they bring, aside from money and collections, can be termed their human capital. For example, most will bring pre-existing networks of social relationships – friends, kinfolk, neighbors, acquaintances, past associates, colleagues and the like. Even more important is the learned capacity to establish new relationships and form new networks, and an openness to new experience, including the ability to learn new skills and expand one's repertory by trying and doing. Such human capacities are among the most fundamental source of additional resources for a vast array of new commons.

In this context, something very interesting frequently begins to happen from the very origin of a new commons: In a process Valdis Krebs terms "network weaving" participants begin to (1) Call upon their existing stocks of individual human capital, particularly the knowledge, social skills and personal values needed to solve problems faced by the association and to work together to build the association; (2) Call upon their existing social networks to aid in this process; (3) Establish and build new relations of trust among one another within the commons; and (4) Attempt to leverage existing and social networks for the common good of the association (Krebs & Holly, 2002-2006). Note that it is part of the definition of the situation in which resource and mission sharing takes place that all of these processes are dependent upon

the prior constitution of a commons, and that none can be actualized until that formation has occurred. It is in this sense that we can speak of social capital as an emergent characteristic of new commons.

Philia, or Solidarity

As noted by Finley above, something very much like the dynamics of network weaving were already known to the ancient Athenian aristocrats who called the phenomenon *philia,* or civic friendship (Adams, 1986; Badewar, 1993; Badewar, 2008; Gunebaum, 2003; Schwarzenbach, 2009; Scorza, 2004). Civic friendship is often seen as a static thing – a structure. It is also a process of growing, evolving and changing social relations, *philia* in proximity to one's civic friends. Those invested in the central role of self-interest have largely rejected the political or civil drift of Aristotle's well-known argument that friendship serves as a model for citizenship (Scorza, 2004). The analysis above, which suggests a new and different understanding of Tocqueville's *self-interest properly understood*, also suggests that such a rejection might be ill advised. Terms like bonding are more likely to be used for the resulting sense of mutual interest or fellowship that arises. Yet, a dynamic view of the Tocqueville's sense of *self interest, properly understood*, would seem to lean toward Aristotle's view and a sense of self-interest as a dynamic process evolving through practice. We may go to club meetings, conferences, community committees and boards for a wide variety of reasons, including narrowly constructed self-interest, but when we do, we the possibility opens of being able to enjoy being in the company of particular others and looking forward to seeing the friends we meet there. This issue bears directly on states as political associations and the finding that democracies don't war against one another discussed above. See Heiman, 2012 on the question of whether states can be friends. And when we do not find such associations and interactions pleasurable, the temptation to quit, withdraw or protest may also arise (Hirschman, 1981; Lohmann, 1992: 58-64)

Charles Taylor is one of the philosophers who has been "… concerned in much of his work to argue against the claims of liberal political philosophers such as John Rawls and Ronald Dworkin, on behalf of a conception of political life more attuned to human beings' communal nature that flow from practices of collective self rule" (Taylor, Tully, and Weinstock, 172; See also Weinstock, 1997). Closer examination of Taylor's work can give us deeper insight into the problem of solidarity. The problem can be stated quite simply: What is the nature of the bonds that emerge among participants in voluntary action and how do these affect the behavior of actors in new commons? Closely associated with this is another, more normative question: How do such bonds temper the ways in which societies should be organized and governed to promote the growth of human freedom and opportunity? Solidarity offers a rubric within which to consider a host of interesting theoretical and practical problems. It appears, for example, that solidarity is not a determinant property, but only emerges under selective conditions. Likewise, solidarity cannot be willed, legislated or demanded by external authorities, although it can be

anticipated or expected. It must be, as it were, 'earned' by the engagement, effort and interaction of participants, much like trust and other conditions to which it is related.

Tocqueville's intermediate institutions as reframed by Richard Neuhaus (1984) and Berger, Neuhaus and Novak (1996) also implies something very much like a concept of solidarity. They argued that voluntary association (we can see here that the relevant category is actually broader than just associations) can insulate and protect individuals from the corrosive personal effect of at least mild forms of state coercion, but they did not offer an explanation of what it is about such association that has this effect. It is worth noting that Tocqueville never actually used the term "intermediate institutions" in his discussion of associations (in part, because he wrote in French and the term is an English language term). This phrase can be attributed to Berger and Neuhaus who together wove several strands of Tocqueville's work into their own perspective. The explanation is actually multi-part. First, no philosopher-king, dictator or government bureau, can successfully mandate that participants must enjoy one another's company, or draw strength, guidance and mutual support from the sheer sociability of being with one another. The best they can do (and the 20th century offers many instances of this) is mandate the appearance of such conviviality and solidarity. Solidarity is thus a preexisting condition based in an implicit social compact and an emergent condition arising out of the circumstances of togetherness. There is quite literally "safety in numbers" as both the Puritans who embraced the Mayflower Compact in 1620 and the occupants of Tahrir Square in 2011 were aware. Sadly, one of the lessons of 20th century totalitarianism is that the security of solidarity is not unlimited; It can be pierced, shattered and destroyed. Solidarity in this sense, involves not only *philia* in the classic sense. It also embraces what people often mean by *communitas*, as well as an essential quality of what Tönnies meant by *gemeinschaft.* Unfortunately, these sources also, like Neuhaus and Berger, identify different facets of the condition skillfully, without offering deeper explanation for wherein the protections arise and what the limits are. Only a partial explanation is offered here; it remains one of the most basic challenges facing the new commons theory of voluntary action.

Solidarity and Third Sector Theory

Solidarity and civic friendship are relations that co-participants develop jointly with one another and that function as the source of the security and protective power of association. It is thus that solidarity provides primary protection of the individual from the state in a dual sense: For the group, there is a kind of Three Musketeers, "all for one and one for all" defensive perimeter: An assault on any of us will be seen as an assault on all of us. For the individual member, there is the security of knowing that her interests and wellbeing are not exclusively hers alone, but to some extent connected with the interests and wellbeing of others. Unfortunately, in the recent past solidarity and the practice of mutualism have had little impact on policy in many countries, which has been guided by the rational individualism of legal, management and economic thinking. The role of "austerity policies" in the contrast between U.S.

and European Union economic recovery from the Great Recession ought to be very instructive in that regard. In the previous century, it was primarily a variety of (mostly European) immigrant groups, including academics who have had a larger impact on practice. Burial societies, now largely extinct (no pun intended) and replaced by life insurance, including mutual insurance companies (i.e., giants like State Farm Mutual, which has shortened its brand name to State Farm), Liberty Mutual and Massachusetts Mutual are important historical, prominent if unacknowledged, examples of mutualism in American culture. Legal and political thought has generally been in thrall to an individualism that views citizens in largely asocial terms and reduces institutions and organization to the status of awkward metaphors like the previously mentioned "legal personality" of corporations. And in the American context various forms of nativism and rugged individualism have at times worked overtime to strengthen such ideas. It is this individualistic tradition that produced the legal doctrine in the Santa Clara case, Citizens United v. Federal Election Commission and other rulings between these two that corporations are legal persons. The *Citizens United* (2010) case cannot be seen just in legal terms. It also has important philosophical, political, linguistic, social and cultural implications (Dworkin, 2010). In it, the U.S. Supreme Court applied a logic very similar – but inverse – to that of the infamous *Dred Scott* decision (1857) where the Court defined a class of human beings as property. In the *Citizens United* case, the Court reversed the logic of Dred Scott and attributed to a class of property human characteristics (Leach, 2013). More extreme elements of such individualism have sometimes even viewed cooperation and association as threats to personal liberty, paradoxically organizing into political associations to prevent or limit this possibility. But such blanket suspicion of "the social" and equating association and community with statism leaves certain gaps in thought and theory regarding third sector possibilities. Bergstrom, (1999) dealt with some of these gaps and anomalies in the parable of the anarchists' annual meeting.

Diaconia, or Moral Capital

There is another emergent condition that is equally important. Over time and with varying degrees of significance, new commons formed will often find that over time the capacity that the ancient Greeks called *diaconia* begins to emerge and is exercised,. Following Etzioni (1988; 1997) we can term this condition moral capital. It is in some respects the most interesting, and over the long run, powerful characteristic of voluntary action. Following Tocqueville, we can speak of the units or memes of moral capital as moeurs. It is also closely related to the capacity to form new social institutions from common resource pools. *Diaconia* or moral capital may be, more than any thing else, what tyrants fear most about voluntary association and why they so frequently move to limit freedoms of assembly and association. Loss of power is one thing, but the loss of legitimacy, respect, the judgment of history and other conditions tied up with *diaconia* is far more threatening.

In the contemporary world of the association revolution, we often see this dimension first and most obviously in the expectation and legal requirement that incorporated "public charities" have by-laws or a set of operating rules necessary to regulate the functioning of the association, group or organization. Well before contemporary association law, medieval monastic associations imposed this expectation on themselves with sets of rules such as *The Rule of St. Augustine* (Van Bavel, 1984), *The Rule of St. Benedict*, (Fry, 1980) and others. Whether self-imposed or legally mandated, such sets of operating rules establish a minimal moral order within self-governing institutions. Contemporary legal requirements for articles and bylaws can be seen as expectations for establishing basic moral order: *If you would be a self-governing new commons, you must establish an internal moral order. It is primarily up to you what that order is, but you must have one if you wish the protection of the law.* It is an interesting and enlightening exercise to compare such rules with the design principles discussed above that Elinor Ostrom abstracted for the successful operation of commons successful in avoiding a tragedy of the commons. There are, in fact, two sets of rules that seem most fundamental in common goods associations: rules preventing *exhaustion* of the resource (whether through overgrazing its pasture, draining its irrigation canals, driving away members or destroying group fundraising capacity) and rules preventing *enclosure*, e.g., "capture" of a United Way or community foundation by a single donor or small group of donors or agencies. This dynamic reveals the capacity of new commons to formulate moral standards (or moeurs) in much the same way that rules governing attendance or membership are derived. Organizations, as in nonprofit organizations or civil society organizations, can be defined from this standpoint as distinctive sets of rules to prevent or delay exhaustion of resources, protect against enclosure. Some of those rules will enable otherwise naturally occurring social capital formation and a facilitative environment for formulating the moeurs of self-governance.

Identity

There is one more important dynamic that also emerges over time in new commons and that is individual and collective identity formation. The list of examples of the capacity of social commons to form new identities is almost endless, as indicated by labels such as Lion, Rotarian, Senior Citizen, Methodist, Buddhist, lawyer, physician, social worker, engineer or any combination of Greek letters connoting fraternal or sorority membership. In come cases, e.g., millions of AARP members, common identities are of secondary, or even incidental importance while in other cases, e.g., Muslim, Christian, or Jew, they may go to the very core of someone's identity and shape or affect all aspects of someone's way of life. Identity also links with another form of emergent resource already mentioned: social roles. As with social capital and moral order, the capacity of new commons to shape and form identity would appear to be an emergent characteristic of participation, resource sharing and acceptance of shared purposes.

These emergent conditions of social capital, moral order and collective identity may all erupt as part of the normal development of common goods associations: before joining a

chapter of the large membership association of that name, it would not be reasonable to think of oneself as, for example, a Rotarian; only as an interested person or potential member. Something of the flavor of these dimensions of social and moral capital, identities and roles is suggested in the lyrics of the song "When You're a Jet" from the Leonard Bernstein Broadway musical *West Side Story:* "When you're a jet/ You're a Jet all the way/ From your first cigarette/ To your last dyin' day." Collegiate fraternities and sororities and other types of organizations often claim membership and identity as a member is for a lifetime and irreversible and act on that claim. Even though I quit such a fraternity as an undergraduate more than 50 years ago, I continue to get mailings from them every year. Thus, it is not necessary to possess these characteristics in order to successfully found or constitute a new commons; they are more likely to develop over time. Indeed, the very absence of these characteristics may be a reason for formation of the association, as with Alcoholics Anonymous. Likewise, there may initially be little or no agreement about what moeurs may be necessary. All of these characteristics together serve also to define the parameters of the social space that new commons are able to carve out for themselves and that no one can establish for them. Those commons that successfully solve their "existential dilemmas" of staking their claim to a stable space apart from the incentives of the market and the command and control of the state will probably develop these conditions while those that fail will not.

Constructing Moral Orders

A simple model of deliberate construction of moral order is prescribed in traditional models of voluntary association and carried forward into legal models of nonprofit corporations. This is to be found, for example, in the expectation of the enumerated powers of boards to formulate their own operating rules, and in the normal expectation of boards to set policy (that is, elaborate and clarify the mission) and create programs (specify certain actions) consistent with their agreed-upon mission. All of this is generally characterized in terms of the self-governing quality of new commons. The rather effortless conceptual leap from the capacity to formulate a moral order to generating policy, procedures and programs may offer one of the explanations for the preponderance of bureaus and firms in the contemporary nonprofit world. While it is always possible to build moral order in a commons without rules and policy, developing the necessary understandings and agreements is ordinarily a much longer-term, complex and difficult process. In cases of real social change, however, the normal powers of new commons to establish their own moral order can take on much broader and even transformational dynamics. In such cases, the exercise of these same powers triggers the perceived necessity of new moral codes and moral orders as the Lutheran and Calvinist movements did in the Protestant Reformation, and Pentecostalism, Mormonism, Scientology, Randism, Communism and other movements have done in the past century. Or these same processes may define new sciences or fields of knowledge as the various new commons named royal and national scientific societies did in the 17th and 18th centuries and the abolitionists, suffragettes, labor and other reform movements did in the later decades of the 19th century. The

process is certainly not automatic or given, as the innumerable failed social movements of the past 150 years make clear, but remarkable things can arise from new commons when the social capital of loose networks such as the colonial Committees of Correspondence and other groups in 18th century American colonies enable a philanthropic gift to the world in the form of an entirely new system and philosophy of government. Such a philanthropic interpretation of the American Revolution as a gift to the world is based on McCully (2008, pp. 31-42).

Moeurs, Rules and Repertories

The terms moeurs, rules and repertories have already been used above in the context of the introduction of emergent moral orders. It is now appropriate to offer a few additional comments clarifying the use of these terms in the new commons theory of voluntary action. In the "Translators Forward" of *The Old Regime and the Revolution* (Tocqueville, 1998) Alan Kahan discusses the difficulties of adequate translation of Tocqueville's term *moeurs,* which he says is often translated into English social science after Durkheim, as mores (e.g., the stock sociology textbook phrase *folkways and mores*). To retain this important distinction, the following middle American pronunciation guide may be helpful. The conventional social science term mores is usually pronounced much like the eels, "morays", a term which has narrowed into meaning something like "morals" or what Tocqueville terms "habits of the heart". Tocqueville's suggested meaning of moeurs is taken from a Latin meaning that is considerably broader. I propose to signal this broader usage with the alternate spelling (moeurs) and either the original French/Latin pronunciation, or something more like "moors". Kahan notes that Tocqueville uses the term *moeurs* frequently and always more broadly than the current understanding of mores. In Tocqueville's sense, the term has connotations including practices, ideals, morals, customs, feelings and habits: He quotes Tocqueville as stating "I here intend the term *moeurs* to have its original Latin meaning. I use it not only for *moeurs* in the strict sense, what one might call habits of the heart, *but also for the different notions men possess, the opinions that hold sway among them, and the sum of ideas that form their mental habits*." (Kahan, 1996, x; emphasis added)

As interpreted by Kahan Tocqueville's broader use of the term *moeurs* can easily extend to what we have been calling *repertories* to actually refers to repertories of practices, ideals, morals, customs, feelings and habits. From there, it is only a small step to bring *moeurs* into alignment with the rationalistic use of 'rules' in the Bloomington model of commons to produce a very robust notion of rules that begins to spell out the potential repertory of rules in terms of practices, ideals, customs, morals, feelings and habits.
Such usage can explicitly also build upon Charles Tilly's provocative analysis of *repertories of contestation,* or political protest (Tilly, 1978; 1986; 1993 and other works). Tilly (who prefers the French spelling *i.e.* to the Anglicized *y*) defines repertories as "the whole set of means [a group or collective effort] has for making claims of different kinds on different individuals or

groups" (Tilly, 1986, 2). Tarrow (1993, 71) adds: "A central claim of Tilly's work is that the new *repertorie* was linked historically to the invention of the modern social movement, which occurred about the same time as contention modernized".

Tilly studied European riots, demonstrations and "contentious gatherings" (all examples of what are here classified as assemblies). He gives us both a set of propositions about the historical importance or repertories and a research agenda:

> "Pressed into service, the metaphor of repertoire seems useful. But is it more than a convenient evocation, something besides a name for the fact that groups differ in the ways in which they act together? In order to bear much analytic weight, the notion of repertoire must represent a detectable tendency for existing groups to *rely repeatedly on a limited number of well-defined forms of collective action*. [emphasis added] We ought to find groups modifying and replacing those forms incrementally in the light of success and failure in achieving their ends. Abrupt shifts and sudden inventions should be rare. . . . The agenda for the study of repertoires therefore consists, first, of determining whether repertoires, in some strong sense of the word, actually exist [in specific cases] and second, of examining how and why the particular forms of collective action vary and change.

Tilly uses this spelling, while I prefer the simpler Y ending for what is otherwise the same term. Most conventional dictionaries will confirm that these are both considered acceptable spellings. Either way, an insightful example of Tilly's use of repertories is evident in his contrast of 18th and 19th century collective behavior, and his singling out the third decade of the 19th century (1820-1830) as a key period of social change centered on repertories:

> "The Britain of 1830 was in the midst of a major, and relatively rapid, shift from one sort of repertoire to another. . . In the 18th Century repertorie, the anti-tax rebellion, the food riot, and the concerted invasion of fields or forests were the most distinctive forms of revolt. But a great deal of relatively peaceful collective action went on, first, through deliberate (although sometimes unauthorized) assemblies of corporate groups that eventuated in declarations, demands, petitions, or lawsuits, or, second, via authorized festivals and ceremonies in the course of which ordinary people symbolized their grievances.

According to Tilly, these 18th century assemblies and performances had several special characteristics. Crowds of aggrieved persons tended to gather outside the residences of supposed wrong-doers (like vigilantes outside the banker's house in a western movie) instead of the official "seats of power", although he notes sometimes the two coincided. Complains were also frequently voiced at "authorized public ceremonials and community celebrations, and occasionally were organized around a special interest rather than the whole community or

"constituted corporate groups". Street theater, visual imagery, effigies and symbolic expressions were common, and the "normal forms of action" of authorities (e.g., a judge pronouncing someone guilty) might be borrowed, explicitly or in parody to "almost literally taking the law into its own hands."

Tilly contrasts such actions with the newer repertories of the 19th century:

> "The newer repertoire that was becoming dominant in the Britain of 1830 was essentially the one with which we work today; featuring special-purpose associations, directed especially at the seats of power, frequently involving the explicit announcement of programs and organizational (161) affiliations, relying relatively little on routine public gatherings, festivities, and ceremonies. The strike, the demonstration, the electoral rally, and the formal meeting are obvious examples. Employed in the service of a sustained challenge to the existing structure or use of power and in the name of some defined interest, this array of actions constitutes what we have known since the 19th Century as a social movement. The point of calling these well-known changes alterations of repertoires is to stress that the available means of action were (and are) learned, historically specific, routed in the existing social structure, and seriously constraining. The theoretical advantage of doing so is to focus explanations of collective action on group choices among limited sets of slowly changing alternatives." (161-162)

Tilly's specific, historically grounded notion of repertories of contention as one form of *moeurs* of voluntary action is directly related to the cruder, and more general notion of repertories as a common resource articulated in my earlier book on commons (1992) although I was unaware of his work at that time. The connection to modern social movements made by Tilly gives it a particular currency for contemporary voluntary action, especially social problem advocacy, conflict resolution and sustained dialogue (Lohmann and Van Til, 2011), social movements and several other forms of voluntary action. It also forges direct, concrete, historical links between collective behavior (Blumer, 1951) and voluntary action. Tilly's distinctive usage of the phrase "repertories of. . ." can be generalized and added to the list of *moeurs* extracted from Tocqueville. We may speak not only of repertories of contestation, but also repertories of practice, of ideals, of morals, customs, feelings and habits. These diverse conceptions of repertories can, in turn, also be linked to the loosened form of the IAD conception of rules noted above, and as we shall see to the concept of knowledge commons. In combination, all of this brings *moeurs* and repertories of all types into the very center of the new commons theory of voluntary action.

The principle evident difference between rules and customs, for example, is in their degree of formality and overt explicitness. Both play important roles. Thus, members of contemporary associations frequently embrace the formal *Robert's Rules of Order* while retaining traditional and customary ways of conducting meetings with their own bowdlerized

versions of those rules. *Robert's Rules,* for example, lays out procedures for meeting minutes quite different from the detailed reporting of conversations that many groups engage in. Practitioners of rationalistic models often assume that reasonable, principled, goal-directed behavior can only occur by promulgating (and strictly following) formal, explicit rules, while close study of actual behavior in associations suggests that sensible, tacit guidelines, that is, conventional practices, ideals, morals, customs, feelings and habits; in short, moeurs serve equally well.

Even more importantly, recognizing this broadened conception of Tocqueville's moeurs is fundamental to recognizing one of the most powerful features of voluntary action: The ability of voluntary participants sharing common purposes to utilize common resource pools to generate fundamental change in an almost limitless variety of ways - by promulgating new rules and a vast range of other new repertories: practices, ideals, morals, customs, feelings and, through repetition, even new habits.

Conclusion

In this chapter, we have examined the fundamental structure of an entirely new set of institutions in the modern world that share the characteristics of legal enactment and common resource pooling; the shared resources necessary for the production of commons goods. Several additional conditions and characteristics were linked with this commonality, and a several more will be introduced in the chapters that follow. New, or social commons, in the modern world have been enabled by national, sub-national and international legal infrastructures that have created protected spaces for freedom of assembly and association for an almost infinite variety of different purposes. Several categories of resources important in the production of common goods include: treasuries of money, and economically recognized goods and services, collections of valued and invaluable objects, and repertories of skills and knowledge. These latter will be of particular interest in Chapter 8 on knowledge commons below. In addition, engagement in voluntary action has the capacity to produce a number of additional, emergent resources, notably the particular form of social capital termed *philia* and also referred to as solidarity arising from the interaction and existing social networks of participants. Also of interest is the process of forming and instituting *moeurs* that the ancient Greeks called *diaconia,* a.k.a. the creation of moral capital. In the next chapter, we will explore a moral vocabulary for drawing distinctions between various new commons based on their authenticity, their own determinations of what is good, right, and just and the judgment of the larger society. In addition, the formation and operation of new commons also tends to produce one final form of emergent resource closely connected to the idea of moral capital: identities.

I want to work for the common good.

~ Emeritus Pope Benedict

7. Common Goods

Based on the various connections outlined above between voluntary action, new commons and common pool resources as well as the connections to democracy in society and culture noted in Chapter 2, we can ask further: What is it that those who voluntarily engage in association with others, utilizing shared or pooled resources for shared purposes do or seek? In particular, can the diverse shared purposes of all these divergent associations be used to locate some commonalities that all voluntary action and new commons share? Can these purposes be used to identify the diverse institutional nature of the third sector in some fundamental sense? Finally, is there a general answer to those questions, or must we be content with catalogues of the various missions and purposes of present-day organizations? These questions are the origin of this chapter.

Previous attempts by third sector scholars have sought to frame answers in terms of public goods, semi-public, or quasi-public goods and in taxonomies of various types. In several instances this approach has yielded answers framed in terms of goods characteristic of and shared with government and the public sector in some basic sense. That is almost certainly part of the answer. Yet, some sizeable portion of voluntary action is not concerned with producing public goods in this sense, nor is it, strictly speaking, private goods producing. In this chapter, we will examine a distinctive new ideal type, termed common goods (plural), that are uniquely characteristic of the new third sector and, in particular, new commons.

New commons are capable of producing a full range of goods including both public goods – those primarily produced by the public sector, not divisible and good for everyone – and private goods – those produced by private markets and benefiting individual persons, families or entities. One way to show that there is indeed a distinct modern third sector is to show that new commons are also uniquely capable of producing common goods that benefit some identifiable collectivity but not everyone. This criterion of benefit to some but not all also introduces a possibility that is beyond the scope of this argument. That is the hypothesis that not all government production under modern conditions, in fact, involves production of public goods of benefit to everyone. Many government benefits, in fact, involve common goods in the sense introduced here – for the good of some but not all, and at times even production of private benefits to particular individuals or institutions. Explanations of public and private goods, of course, are typically associated with government and market sectors and outlined in terms of ideal types. As we will see later in

the discussion of modularity in Chapter Seven, actual reality involves a good deal of mixing and matching of ideal types – an important facet of what Billis, et. al. (2010) call hybridity. However, as we shall see, if we are to take into account the new third sector, this is best accounted a hybridity of three possible types of goods (private, public and common) and not just the first two.

It should already be clear that new commons can utilize pooled resources in a nearly infinite variety of tasks from getting together socially to play games or for conversation, to providing social services, producing dramatic or musical presentations, raising funds, or organizing and conducting community festivals or parades or many other purposes. Taxonomies modeled on the National Taxonomy of Exempt Entities (NTEE) has sought to categorize nonprofit corporations or organizations by the single most dominant missions of these sometimes large, complex entities. This approach is unnecessarily monotonic and objectivist, based solely on a single, enduring, objective classification of the inclusions and exclusions of the U.S. tax code (Hodgkinson and Toppe, 1991; Independent Sector, 1987). Truly, in such cases, participants may have no say in defining the purposes – especially complex or multiple purposes – of such entities. It grants no recognition to unincorporated entities, rapidly changing or temporary associations and the self-determination of vast categories of new commons including social problems, social movements, forms of collective behavior, and the types of repertories studied by Tilly in the previous chapter.

Is it possible that there is there some other general way we might characterize all of the diverse, multiple purposes, missions and objectives on display in the third sector? I am mindful of course that McCully (2008) has evolved a "classical" typology of philanthropy based on the distinction of nature, culture and people; an approach with which I fully concur. However, the focus of the entire third sector is broader than just philanthropy. Some way to approach this broader question other than a detailed cataloging of instances? It turns out that there is a way to do this across the entire class of new commons, perhaps even across the entire third sector. Borrowing from the approach of the longstanding dichotomy of public and private goods, we can use the concept of goods to characterize all of the missions and purposes of new commons as instances of a single type. Moreover, upon close examination, we can see that, just as previous studies have suggested, some of the goods produced by new commons can be categorized as either public or private goods, with the classical distinction of the good of all verses the good of one individual (or entity) providing the key difference. However, there are also a range of goods pursued in commons that differ in important ways from both the private goods that can be priced, bought and sold in markets, and the genuine public goods, from domestic tranquility or peace to highways, produced by government.

Types of Common Goods

Based on the characterization of associations for voluntary action as commons, we

can suggest that what distinguishes the three sectors as ideal types is the production of distinct types of goods. We can then characterize the goods distinct to the third sector as an ideal type termed common goods, and suggest that common goods can be further divided into two distinct types we will call (internally focused) club goods and (externally focused) community goods. To understand these usages, we must begin by noting that, in liberal democratic political theory from which the public-private dichotomy arises the concept of common good has long been used in different ways that expose the linguistic limits of that dichotomy. Many sources use *the* common good as a synonym for the undivided or general public good (c.f., articles in the special issue of *Daedalus* on the common good, published in Summer, 2013). This is a usage that, while dealing with some obvious realities, seriously confounds and complicates efforts to distinguish government and the public sector as ideal types from the third sector, and in particular those portions of the third sector not interwoven with the state and explicitly engaged in conducting public business for the good of all. The most obvious complications stemming from this usage are associated with the term philanthropy. The resulting muddle is summed up clearly, if ironically, in the anomalous phrase "private production of public goods" (Payton, 1988). This appears to fit with two other sectors thusly: Some portions of the public sector (e.g., welfare and health services) and the entire market sectors of both publicly traded joint and closely held stock corporations involve public production of private goods in different senses of the term public.

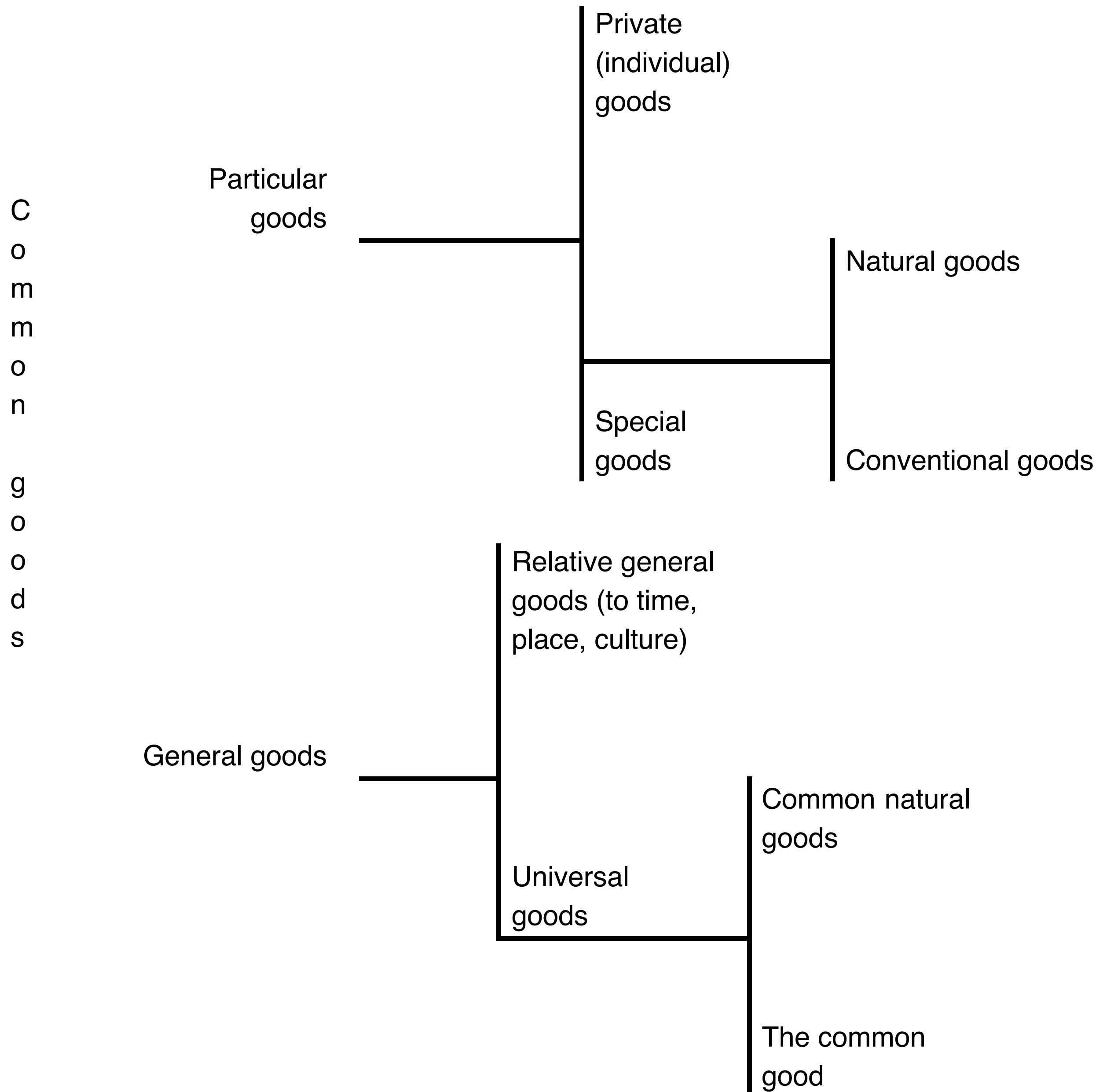
Another somewhat more amorphous usage of common good has been to speak of those goods that are common to any of a number of collectivities from a small group of three members up to and including the general public. Many of the anomalies of these usages can be overcome if we follow the lead of the more exacting definitions of private and public goods, and utilize the treatment of resources in the previous chapter. In this way, we can also categorize the respective intentions and outputs of government, business and commons institutions as public, private and common goods.

In a careful and extensive analysis of common goods, Udoidem (1988) says "a good is common when it is available, accessible and desirable by all" (90). This establishes availability, access and preference as the essential features for defining goods. But such a definition is not sufficient unto itself; it fails to answer the questions *all who?* and *all what*? Udoidem's definition is subject to multiple readings on all three dimensions depending on the meaning assigned to that final word *all*. If we mean only everyone, everywhere, and all the time then the concept of common good is for all intents and purposes identical with public good. That is the meaning that is often used in political theory and in assorted definitions of philanthropy, where usages of public good and common good are essentially interchangeable (see e.g., Sievers, 2009). Acts for the good of humanity and for the love of human kind sum up the classical meaning of philanthropy (McCully, 2008). But that hardly implies that such acts must touch the entire human population or even an entire national population. Nor does it mean that any lesser effect means that the result is a private good.

Thus, it becomes prudent to attempt to tease some additional implications from the notion of common goods.

"All" in Udoidem's definition, for example, can also refer to all members of a particular reference group and still serve a useful purpose. Thus, for example, "all" could refer to a common good that is available, accessible and appealing only to all members of an association, assembly or other new commons. This would correspond with an ordinary connotation of club goods. Such uses of common good in voluntary action are multiple and sometimes even conflicting, in different instances involving the full range of types shown in Figure 7.1 below.

Figure 7.1. Typology of Common Goods



(Udoidem, 1988)

Udoidem says also that a common good combines two facets: it is ordinary, simple and 'natural', as opposed to extraordinary and complex, and it is available and accessible as opposed to being scarce and difficult to obtain. His categorization (in Figure 7.1) begins with a distinction of two types of common goods, *particular goods* and *general goods*. Particular goods have two sub-types. *Private common goods* (which are treated by others as

the same as private goods) are goods of the self and members of that self's primary group. These are, in other words, the common goods of the intimate sphere or household sector. For the shoemaker (or lawyer) who becomes a congressman whose self-interest includes covert support for a mistress or an illegitimate child, keeping the private common good of his personal relations separate from the general common good can be a very complex issue indeed. What Udoidem calls common *special goods* are also divided into *natural goods* that require no human effort, like the weather or climate in a particular place, and *conventional goods*, which include "language, law, community, state, peace, etc." (Udoidem, 1988, 101). Many of these conventional common goods are matters of great interest in third sector considerations, particularly in philanthropy.

The reference-other conception of "all" noted above becomes especially important in consideration of various types of *general goods*. Thus, for example, a particular relative general good may be important in urban areas but not in rural ones, or in summer but not in winter, or in Western culture but not in the Islamic world or China. By contrast, *universal common goods* in Udoidem's schema are identical with ordinary concepts of public good - the good of everyone, and also with the notation of universal commons introduced previously. Thus, for example, the atmosphere, the weather or the world ocean and all the named oceanic regions (e.g., Atlantic, Pacific or Indian Oceans, the Grand Banks , the Sargasso Sea, and the Gulf Stream) are universal natural common goods.

The concept of universal common good (which is also construed in political theory as public good) has a special place in voluntary action with regard to the worldwide spread of associations. As recently as a century ago, during the age of imperial states, the very idea of any universal common or public good of interest or importance for voluntary action beyond the limits of the state was virtually an oxymoron. However, in the wake of Article 20 of the United Nations Universal Declaration of Human Rights adopted in 1948, and particularly with the growth of international nongovernmental organizations (INGOs) as part of the association revolution, this concept of universal common good has attained great importance today. In this context, a development like China's Document 9 represents something of a global anomaly and perhaps an outright anachronism (Buckley, 2013). The global reach of INGOs in the fields of health, education, and assorted campaigns like the universal eradication of smallpox, polio, and similar campaigns currently underway against poverty and a variety of additional diseases, universal common goods have assumed major importance in the world of the 21st century. This point was subordinated in my 1992 *The Commons* to the assumption of near universality. (Lohmann, 1992, pp. 52-53) As the example suggests, the premise that some, but not all, common goods are universal, while others are nearly so is an empirical, and testable one. For example, although there are vast differences in systems of medicine and cultural meanings of illness, the value of health as the absence of disease may be universal or nearly so in our world.

The philosopher Jacques Maritain (1972) also highlights additional aspects of the difference between public good and more narrowly construed common goods within his

own hierarchy of common goods:

> That which constitutes the common [or public] good of political society is not only the collection of public commodities and services - the roads, ports, schools, and so forth, which the organization of common life presupposes; a sound fiscal condition of national military power; a body of just laws; good customs and wise institutions, which provide the nation with structure; the heritage of its great historical remembrances, its symbols and its glories, in living traditions and cultural treasures. The common good includes all of these and something more besides - something more profound, more concrete, more human . . . It incudes the sum of sociological integration of all the civic conscience, political virtues and sense of right and liberty, of all the acuity, material prosperity and spiritual riches, or moral rectitude, justice, friendship, happiness, virtue and heroism in the individual lives of its members. For these things are, in a certain measure, communicable and so revert to each member, helping him to perfect his life and liberty of person. They all constitute the good human life of the multitude.

One of the must fundamental insights of the new commons theory of voluntary action is that the universal common good that Maritain describes is not a uniform, homogenous thing; it may not even be a real entity. It consists of many tasks, challenges and opportunities, and all of these are divisible in the sense that the economic concept of public good explicitly disallows. In societies that place a high premium on individualism in particular, liberty, justice, friendship, happiness, virtue and heroic recognition, for example, can be available to some without being accessible to all and still be considered good – particularly by those who have it. This may be sad, but it is so. Indeed, it is precisely because it is so that there is such traffic in expressions of universal common goods: *Liberty and justice for all* would, indeed, be a good thing, but until then, liberty and justice for most is still a good thing rather than a bad thing. Some idealists might say that without happiness for all, happiness for anyone is meaningless, but few appear to believe or accept such a statement, precisely because happiness is progressively additive: happiness for some is preferable to happiness for no one, and as the colloquial expression has it, "the more the merrier."

Such concepts of common good, in effect, bring together a continuum from pure private goods to pure public goods with a number of important common goods options and possibilities in between. The conceptual challenge in examining particular instances of voluntary action is to analyze the mission or purpose of the effort to determine what level of common goods may be operating in a particular instance, and where it fits on the larger scheme.

The typology of goods first offered up by Elinor and Vincent Ostrom in 1977 takes a different approach, using the two dimensions of "subtractability" and exclusion (1977). These correspond closely to the conventional economic definition of public goods as non-exclusive and

non-rivalrous. The adaptation shown in Figure 7.2 below differentiates two intermediate (high-easy and low-difficult) possibilities, one labeled as "goods" and one labeled as "resources" (an input-only category?). In addition, the use of "Easy" and "Difficult" exclusion in this table seems counter-intuitive. The usage seems to imply that it is easy to include everyone in a public good, when the category is labeled exclusion. Thus, in Figure 7.3, these terms are reversed with the intended meaning of *easy to exclude* and *difficult to exclude* respectively.

Figure 7.2. Ostroms' Typology of Goods

		Subtractability	
		Low	***High***
Exclusion	***Easy***	**Public Goods** Useful knowledge Sunsets	**Common-pool Resources** Libraries Irrigation systems
	Difficult	**Club Goods** Journal Subscriptions Daycare centers	**Private Goods** Personal computers Donuts

Types of Goods. From Ostrom & Hess, 2007. (Adapted from V. Ostrom and E. Ostrom, 1977.)

This basic design would seem to survive a few rather simple transformations, as in Figure 7.3 to 7.7 below, to describe common goods found in new commons. First, the terms for ease of use are reversed to fit with the statements *easy to exclude* and *difficult to exclude.* Second, those broadly-focused goods with low rivalry but from which exclusion is difficult, are here labeled *community goods*, More narrowly focused goods which are highly rivalrous and from which

exclusion is easier are labeled club goods. Finally, new examples taken from associations, assemblies, social movements and social problems are substituted in Figure 7.3.

Figure 7.3. An Adapted Typology of Common Goods

		Rivalry	
		Low	***High***
Exclusion	***Difficult***	**Public Goods** Public Health Parade Festival	**Club Goods** Membership Benefits
	Easy	**Community Goods** Residency-based	**Private Goods** Need-based

Types of Goods. From Ostrom & Hess, 2007, p. ?. (Adapted from V. Ostrom and E. Ostrom, 1977.)

Thus, for example, it is difficult to exclude anyone from archetypal public health as a good, whether it is produced by a governmental or a nonprofit or nongovernmental organization. By contrast, it is relatively easy to exclude non-members of an ideal-typical association from explicit member benefits, like access to the club pool or tennis courts. In contrast, it is easy to exclude non-residents of a gated community from facilities inside the gates, like picnic areas and hiking trails, and use of such facilities does not subtract from their availability to other community members.

However, the dichotomized (high/low and easy/hard) approach of this contingency table may not be sufficiently discriminating in its results. A small move up from this would be to insert

Figure 7.4. Revised Typology of Goods

		Rivalry		
		Low	*Moderate*	*High*
Exclusion	*Difficult*	**Public Goods** Public Health Income Maint.	**Club Goods** Education Library	Fundraising Social Admin.
	Easy	**Community Goods** Member benefits Community organizing	**Private Goods** **Corporate** Long-term care	**Individual** Human services (aging, children, families)

(Adapted from V. Ostrom and E. Ostrom, 1977.)

Production of Common Goods…

The particular collective actions that arise when a group of voluntary participants get together and use their collective pooled resources for some agreed-upon purposes or mission usually result in the production of some common good. Thus, commons that are engaged in voluntary action are a distinct form of economic production quite distinct from both the production of public goods by governmental institutions and the production of private goods for the market. When the collective efforts of an association of people includes the selection of an overriding purpose or mission (ends) and the pooling of common resources (scarce means), we have the condition that matches what economists mean by the term production. As the definition of Lionel Robbins previously quoted noted, we have scarce means applied to the achievement of fixed, or determined, ends. Yet, a convincing and widely agreed upon account of the production of common goods as an economic process has remained an elusive goal, although there have been a number of interesting starts in that direction. Significant strides have been made by a group of nonprofit economists to set out plausible economic explanations of the economics of the class of tax-deductible nonprofit bureaucratic firms, but very little attention has been paid to most of the rest of voluntary action. Current independent sector studies includes no

economic profiles of the production of pilgrimages, protest marches, parades or community festivals, for example, and few studies of community theaters, museums, membership associations, mutual aid or other forms of voluntary action.

… Is Also Coproduction of Common Goods

As numerous sources have noted, production of voluntary action is nearly always also a form of coproduction, in at least one sense, since it is always a collective or group effort. Recent work like that of Brandsen & Pestoff (2006) and Pestoff, Osborn & Brandsen (2006) tend to limit the case of co-production to cooperation between different institutions; e.g., in the co-production arising between nonprofit establishments and units of government. The term is used more expansively here to mean literally "cooperative production". Because the term cooperative production has an altogether different, but allied meaning (i.e., production by cooperatives), the term co-production is used.

The idea of coproduction can be applied to voluntary action in at least two distinct ways: On the one hand, commoners collaborating in a joint effort, whether they are a group of Hardin's shepherds grazing a pasture, board members governing a trust or foundation or the members of a social club, must work together as collaborators to produce a common good (i.e., for Hardin's herders, not overgrazing the fields and provoking the tragedy). On the other hand, co-production of common goods may involve cooperative efforts of two or more distinct economic institutions. At an institutional level, there are a vast number of cases involving co-production, whether it is the collaboration of a grantor and grantee, a group of nonprofit or civil society organizations working together within a community, or a more formal arrangement such as groups of religious congregations bound together in "districts" or "synods" for example. Likewise, museums frequently loan paintings to other museums in a process of co-production of an exhibition on a particular subject, theme or artist and police and other public officials and organizers must cooperate to co-produce a parade. Parades are of the most obvious examples of coproduction in voluntary action. Most of the units that make up a parade are themselves associations, groups, and bands none of them capable of producing *the parade* on their own. It is only when they agree to coproduce an actual parade jointly with others – including the group or association initiating, planning and managing the parade - that an actual parade will result. In much the same vein, Nyberg (1997) examines another example, the coproduction of policy.

In the ideal type, coproduction of voluntary action can occur entirely on the basis of the social capital involved – previously established trust and social networks of relationships between individuals and organizations. No other resources may be necessary. However, where such resources may be lacking or insufficient, formal contracts, payments, and other resources may also be necessary to facilitate production of common goods.

But, what is it that new commons in voluntary action co-produce? We have already introduced the idea of common goods as the general answer to that question, and noted two types of common goods, club goods and community goods. Club goods are those where

the production of common good occurs within a single association or group. Community goods are those where the effects of coproduction are more widespread, but still not universal. Thus, co-production where the co-producers are two or more organizations are far more likely to involve co-production of community goods, but this is not a hard and fast generalization.

This point was first made by Elinor and Vincent Ostrom (1977) with the contingency table shown in Figure 7.2. Charlotte Hess (2010) summarized the point as follows: "A groundbreaking contribution to the study of the commons was their 1977 publication "Public Goods and Public Choices" where they outlined their typology of four types of goods—rather than Samuelson's two— based on the degree of jointness of use and difficulty of exclusion. (As Lin has often pointed out, these are not discreet units but rather continuums or even "continents.") The expanded typology provided a much-needed distinction between the simplistic public-private dichotomy, adding an important new element to the language and understanding of commons scholarship as well as providing greater clarity to important differences between common property regimes and common-pool resources as types of economic goods."

Figure 7.3 above modifies Hess' version of the original Ostrom table in two respects: The listed examples are changed and one cell is renamed from "common goods resources" to "community goods." Additional use of this distinction is discussed below.

We might ask further whether coproduction of common goods has any impact on the varieties of organizational form that collective voluntary action, or commons, adopt? Most of the attention to date among organization researchers looking at voluntary action has concentrated on a single type of organization, usually termed the "nonprofit organization". This is, in fact, a hybrid form characterized by a mixture of market-like incentives and bureaucratic rules. This type of organization might more accurately be termed a bureaucratic firm. However, to suggest that it alone is characteristic of voluntary action, whether co-production or any other characteristic, is simplistic and overlooks a number of other interesting possibilities.

Four Types of Organized Commons

One of the unfortunate aspects of much of the current third sector literature is the characterization of nonprofit organization that suggests a peculiar combination of rule-based bureaux and incentive-driven firms staffed by paid employees, legally incorporated and holding tax exempt certificates. These are frequently presented as the major, or even the only, form of organized social relations to consider when seeking to understand organized efforts beyond the market and government. As we saw in Chapter 3 above, there is much more to the third sector than that. Some sources actually go so far as to link such entities to democracy and civic engagement although exactly how or why such

professionally staffed, bureaucratic firms are thought to play a distinctive role in promoting democracy is seldom explained and, in fact, quite difficult to fathom.

Not all voluntary action is formally organized or incorporated, and thus produced by such bureaucratic firms. Not all organizations, and certainly not all social common resource pools are formally organized, much less incorporated and tax exempt. Further, this distinction is important to grasp if voluntary action is to play a role in the advance of democracy in society and culture. This tendency to conflate the entire range of organized voluntary action into a single major category like service delivery has previously been explained and even given the rather awkward label of institutional isomorphism.

Institutional Isomorphism[2]

Paul DiMaggio and W.W. Powell in their 1983 article developed an elegant, if slightly forbidding for non-sociologists, further elaboration of Weber's iron cage argument (Mitzman, 1985). Although DiMaggio and Powell's argument has been widely read and cited often in the nonprofit organizations literature, students of commons, social institutions and voluntary action whose inoculations for sociological jargon may not up to date might fail to recognize the genuine importance, and even chilling implications, of the case they make which admittedly is obscured behind the rather opaque terminology of "institutional isomorphism". This may be one of the reasons that this argument has had minimal impact on the practice of voluntary action, even though a significant number of independent sector practitioners probably concur with its basic argument.

Nonprofit, public and commercial organizations, according to DiMaggio and Powell, are all characterized by tendencies toward "institutional isomorphism". This is one possible basis for contemporary "convergence" arguments by others that different organizations in "the three sectors" are becoming more alike, although the principal thrust of their argument is behavioral, not institutional.

Leaders in organizations, they argued, adopt (often without adaptation or modification) successful practices observed in other organizations, not because they are appropriate or genuinely preferable ("best practices" in the current argot), but because they furnish low-cost, easy pathways to legitimacy in the eyes of outside stakeholders. Anyone who has ever been in public or nonprofit organizations that weathered MBO, "TQM", measurable objectives, or any of dozens of other management fads, for example, will instantly recognize the kernel of truth in what they are saying, even if they are not completely clear on the precise dynamics involved. As social scientists and not practitioners, DiMaggio and Powell appear to have been more concerned with documenting the phenomenon, as they clearly did, than in exploring possible alternatives, antidotes or corrections. They assert that the need to maintain the confidence of poorly informed but

[2] This section was presented, in an earlier form, at the First Annual Summer Institute at the University of Colorado School of Public Affairs, in June 2010.

critically important outsiders in an organization's environment means that the organizations will be less creative and innovative in their practices than might otherwise be anticipated. A key aspect of such isomorphism for nonprofit leaders and government agencies is that it encourages uncritical imitation of the language and styles of actors in the market economy who claim to be "more efficient" and "more businesslike" and allegedly to proclaim with certainty positive "outcomes". The net result is that over time organizations in government, business and the independent sector tend to become more like one another; even, one might speculate, when they were originally very dissimilar.

Ironically, as with numerous previous findings in organization studies perhaps beginning with studies of goal displacement and "mission creep" more than half a century ago (Gusfield, 1955; Gusfield, 1979; Selznick, 1966 [1949]; Scott, 1967; Sills, 1957), the lesson that has too often been learned from this is that such isomorphism is rational and inevitable and consequently that resistance is foolhardy. In this way, a useful empirical observation is transformed into a norm, through the naturalistic fallacy that *is equals ought*: Because something is observed, it must be proper, natural or inevitable. Social scientists observing human behavior appear at times to be particularly succeptible to such conclusions. Examples of this fallacy in organizational practice are widespread: Machiavelli's *The Prince* (2003 [1513]) is sometimes used to justify the view that all politicians and public officials are expected to behave as unscrupulous opportunists in order to be effective. Robert Michels' similarly acute analysis of oligarchy (1999 [1915]) in political parties can also be interpreted by self-serving organizational elites to justify the inevitability of their own rule.

It is particularly ironic that the primary contribution of institutional isomorphism to voluntary action may have been to facilitate yet one more naturalistic fallacy. I do not suggest here that DiMaggio and Powell (1983), for example, committed the fallacy; they didn't, but it appears that some interpreters of the article do so. Thus, while the article itself provides an insightful analysis of this tendency, the application of this analysis to what are called "nonprofit organizations" appears to have had a number of unfortunate dampening effects:

- It enforces a descriptive model of voluntary action as normative.
- It encourages "one-size fits all" approaches.
- It reinforces opposition to innovative thinking and practice directed at dampening the negative effects of bureaucratization.
- It downplays the significance of organizational innovations that do not fall within the narrow confines of "being more business-like".
- It also leads researchers, theorists and students to prematurely abandon the search for alternative forms of organization to the nonprofit firm and to discount legitimate alternatives when they arise.

Rather than highlighting important but troublesome organizational dynamics that must be encountered and dealt with, institutional isomorphism is too often used as a

doctrine of homogeneity and the inevitability of sameness. This is a theme that is of fundamental importance for understanding the organization of voluntary action and will be taken up at several additional points below.

Benefactories: Performatory, Moeuratorium & Celebratorium

Further understanding of the importance of voluntary action in democratic society is well served by simply setting bracketing and aside the model of the bureaucratic firm as a unique historical product of government-voluntary sector collaboration in the past several decades. Let us concentrate instead on identifying and describing additional and alternative models of organized voluntary action. Recent decades have been characterized by great variety in form, styles and projects. Probably, the last thing in the world the Civil Rights movement of the 1960s, the Occupy Wall Street movement, the annual Mardi Gras committee, community responses to HIV-AIDS, the annual *hajj*, or pilgrimage to Mecca, or the women's movement or innumerable other examples needed was to become more like a Fortune 500 company or the Social Security Administration.

At least since Tocqueville, voluntary action has been the domain of not only the civil and political associations described in *Democracy in America*, but also numerous other permutations of association and assembly that raise doubts about the continued reliance on the supposedly iconic nature of the nonprofit organization, cum bureaucratic firm. But if we are to identify and classify alternative forms of third sector organization, we need to begin with some adjustments in terminology. The rich resources of popular culture and English vocabulary can be tapped to coin new terms for characterizing additional types of organized voluntary action. In particular, the portmanteau is a well-used way of approaching the problem of new terms, and we will rely heavily on it here. Portmanteau terms are 'created words' composed by bringing together parts, or syllables, and their connotations from existing terms. Two examples: Smog is a portmanteau derived from smoke and fog. Wikipedia is a brand name portmanteau composed by combining wiki and encyclopedia. In the recession of 2008, the term bankster first appeared as a portmanteau of banker and gangster or mobster, both of which were also originally portmanteau terms.

One major portmanteau term that can be generated in this way is benefactories; formal and social organizations which employ factors of production (especially common pool resources) to produce benefits for specific, identified beneficiaries. This category includes some bureaucratic firms, but it also includes non-incentive driven and non-rules-based examples. Beyond the bureaucratic firm, most benefactories can be thought of as organized voluntary action to produce two distinct forms of benefits as outputs of production: transfer payments and services. Such benefactories are an important form of voluntary action. Examples would include many of the small, nonprofits staffed by volunteers and paraprofessionals, and funded primarily by donations. Also included

would be the many volunteer-based charities and other nonprofit corporations and voluntary associations whose mission includes dispensing benefits, like the Salvation Army, and the numerous charity organizations originating in the 19th century that were rationalized and professionalized in the Charity Organization Society movement and the development of professional social work. Also included here would be other benefactories like neighborhood associations and mutual aid and self-help networks, professional associations and many other cases.

Figure 7.5 shows examples of beneficiaries for each of the four types of goods discussed above.

Figure 7.5. Four Types of Goods Produced by Benefactories

	Rivalry		
		Low Impact	***High Impact***
Exclusion	***Easy to Access***	**Public Goods** Social Security Medicare Internet Wikipedia	**Club Goods** AARP Nongovernmental human services Professional assn. memberships
	Difficult to Access	**Community Goods** Foundation grants	**Private Goods** Scholarships

Benefactories may at first appear to be a fully exhaustive category explaining all voluntary action but this is not the case. In addition, as the parade example above suggests, other instances of organized voluntary action are not primarily intended to produce benefits for members or anyone else, although in some hands the notions of benefit and self-interest are sufficiently elastic to make it appear so. One group of non-beneficent entities is specifically devoted to producing performances, or enactments, of one kind or another. In this group, large and small, formal and informal, we not only have theaters and concerts, but also lectures, paper presentations at scientific and professional conferences, protests, demonstrations, marches, parades, and many more similar examples, that also include rehearsals, jam sessions, "be-ins", flashmobs, promenades, and all manner of performance-oriented assemblies. A portmanteau term for organized efforts to produce such intentional performances is *performatories*, meaning organized efforts to

use common pool resources to produce or enact an event of some sort. This term is similar to a number of other already well-established terms such as oratories and conservatories. Performatories are at the heart of the claim that some commons produce common goods in both an economic and a dramatic sense, and the quality of the performance is always at the heart of their evaluation. Evaluating performance quality, however, is not some objective standard uniformly subject to "best practices", but must be established in each enactment by reference to the mission and values of the particular commons. Thus, not only the quality of the script and the acting, but also the directing, scenic design, lighting, staging and a host of other factors are all fundamental to the critique of a theatrical presentation. Note: many of these may also be important in the performance of a scientific or humanistic lecture, or other types of performance. In general, the design principles of performatories (or any of the other types of common goods, for that matter) have yet to be identified even in the most general terms.

Figure 7.6. Four Types of Goods Produced by Performatories

		Rivalry	
		Low	***High***
Exclusion	***Easy to Access***	**Public Goods** Public lectures Protest marches Public radio & TV Masses & other Religious services	**Club Goods** Community Arts shows Community theater productions
	Difficult to Access	**Community Goods** Classroom lectures Conference papers Jam sessions	**Private Goods** Masonic & fraternal rites

While the performance or enactment of values may enter into many different types of productions of common goods, in one case, the production, or creation and establishment, of new values or other moeurs in Tocqueville's full original sense of that term is foremost in importance. Tocqueville used the term to include not only mores, in the current sociological sense of that term, but also practices, ideals, morals, customs, feelings and habits (Kahan, 1996, x). One of the insights stemming from the new commons theory of voluntary action is that some types of commons excel at not only enacting or dramatizing such moeurs, but also in generating, reinforcing and modifying them. Democratic governments can seldom afford to get very far ahead of their constituencies,

and with only a few notable exceptions market firms are typically far more comfortable identifying and currying demand than they are in establishing and stimulating it by introducing entirely new moeurs. The term social movement is usually used to denote those forms of voluntary action that excel in introducing new moeurs, whether practices, values or some other form.

Taking all of that into account, the portmanteau term *moeuratorium*, or in the plural, *moeuratoria* (using the same Greek roots and plural forms as auditorium stadium, and gymnasium) describes the organized efforts to create, reinforce or change moeurs, that is practices, ideals, morals, customs, feelings or habits. In broad, Midwestern English like the author's native speech, the term moeuratorium is, for better or worse, nearly a homonym of moratorium. In this respect, all of the assorted associations, assemblies, marches, conferences, protests, meetings, and other social organizations of a social movement like the diverse civil rights movements of the 1950s and 1960s, the women's movement and the environmental movement are in their organizational aspects moeuratoria. Sometimes a moeuratorium will have a dedicated name or identifier, like the March on Washington or Million Man March, and sometimes they do not. Many moeuratoria have generic names that include pilgrimage, protest, march, sit-in, lay-in and teach-in, sermon, lecture, or demonstration project. Examples refer to associations and common resource pools for the production, display or enactment of moeurs. Other more institutionalized examples include Sunday Schools, Jewish *shuls* and Muslim *madrasas*. Following major waves of immigration in the late 19th century, settlement houses and later public schools in the U.S. took on a role of values education and indoctrination in citizenship and 'Americanization' and to that extent became moeuratoria. Including such moeurs in the overall curriculum offers an example of the modular approach noted previously. Such values education is one module of an overall curriculum that is primarily a public good and not fundamentally committed to indoctrination. A great many introductory and orientation courses in contemporary colleges and universities serve partly as moeuratoria, introducing students to the values and worldview or *weltanschauung* of the discipline or field. As these educational examples suggest, values are critical in many cases and the proper balance of education and indoctrination can be major issues in moeuratoria. Social movements and social problems as organized, collective voluntary action both typically involve important agencies and organized moeuratoria. Advocacy organizations are also a major type of moeuratorium: Thus, according to its website, the Home School Legal Defense Association "is a nonprofit advocacy organization established to defend and advance the constitutional right of parents to direct the education of their children and to protect family freedoms."

Figure 7.7. Four Types of Goods Produced by Moratoria

		Rivalry	
		Low	***High***
Exclusion	***Easy to Access***	**Public Goods** Civic education Pilgrimage	**Club Goods** Public advocacy
	Difficult to Access	**Community Goods** Pilgrimages Initiations Professional accreditation	**Private Goods** Professional education

Yet another distinct type of organized voluntary action might be termed the celebratorium; organized action for a range of purposes of celebration of existing or established values. Thus, commemorations like President's Day, national holidays like Memorial Day, state holidays like Patriot's Day in Massachusetts and West Virginia Day, as well as Mardi Gras, Carnival, and a large number of other local community celebrations and institutionally-specific events like founder's days and (some) annual meetings are celebrations. Such events, when they occur, do not occur spontaneously, but through the efforts of assorted "behind the scenes" organizing committees that are typically new commons and associations.

Figure 7.8. Four Types of Goods Produced by Celebratoria

		Rivalry	
		Low	***High***
Exclusion	***Easy to Access***	**Public Goods** Parades Holidays	**Club Goods** Annual Meetings
	Difficult to Access	**Community Goods** Awards Presentations	**Private Goods** Birthday Parties

Unlike the government bureau, the market-oriented firm and the hybrid nonprofit bureaucratic firm, the organizational characteristics of benefactories, performatories, moeuratoria and celebratoria in voluntary action have not been extensively studied or documented. Hence, it can be very easy to make the claim that all forms of voluntary action are nonprofit organizations "just like" bureaucratic firms. It becomes very difficult to refute that claim, especially with the strategic use of a kind of exceptionalism. Each counterinstance cited can be dismissed as "one small exception" thereby allowing the false conclusion of isomorphism to remain safely in place. From the purely technological perspectives of organization theory, whether or not all third sector organizations look alike appears to be but a minor tempest in a very small teapot. With respect to the issue of the advancement of democratic society and culture raised in Chapters 1 and 2, however, the voracity of such claims are less important than the corrosive effects of such institutional isomorphism and the naturalistic fallacy that all forms of voluntary action are merely nascent or underdeveloped forms of mature, policy-driven, professional staffed, bureaucratic firms. We will take up some implications of this issue further in the final chapter below. At this point, however, we can explore briefly an additional dimension of moeurs by contrasting good commons and bad: the relation of moeurs and what political theorists have called the *nomos.*

The *Nomos of* Common Goods

Whatever else they may be, new commons and the third sector are a recognized part of the contemporary nomos (Van Til 2012; Wagner 2012). This is anything but a new development, however. Within the scientific community, philanthropy and charity, and in daily life in democratic society and culture, a general nomos of common goods, and how to discover and develop them as resources and utilize them further in common goods production has been emerging legally, culturally and in practice since at least the seventeenth century, as noted above. That these legal and cultural developments occurred should no longer be at issue. That they constitute the emergence of a distinct nomos of common goods fundamental to the importance of the third sector as it has emerged may still require some clarification. That may be all well and good, a reader may be thinking, but what is a nomos?

As Robert Cover (1983) summarized the perspective of Peter Berger, et. al., "We inhabit a *nomos* – a normative universe. We constantly create and maintain a world of right and wrong, of lawful and unlawful, of valid and void" (See also Berger 1967; Berger and Luckmann 1967;). Political scientists, law school faculty and others have long tied the *nomos* to relations between governments and laws and the nature of authority (e.g., Cover, 1983; Ostwald, 1979; Schmitt, 2006). It also has a number of implications for the legality, authority, and legitimacy of voluntary action and the third sector. A nomos in the case of a democratically defined third sector of society and culture is part of a constructed social

world and initially one of the important elements of its social imaginary (Taylor, 2006). Ask any scientist, philanthropist, humanist, or religious believer why they do what they do and their answer will almost inevitably refer to their own particular nomoi*;* their construction of what for them and their reference others are important, right, lawful or valid.

One such example important in social scientific knowledge commons, for example, is the canons of validity and reliability (c.f., Campbell and Stanley, 1963). Those involved play roles not only in behaving in accord with the rules, norms and other moeurs that define and characterize the nomos, but also in creating, sustaining and modifying them. One of the most important implications of the voluntary nature of third sector activity is the ability of members of a commons to define for themselves a nomos that includes binding values and norms. This is truly one of the most portentous implications inherent in the ideas of voluntary association and self-governance.

As Cover (1983) notes law and legislation are certainly important forces in the shaping of any nomos. As noted in Chapter Four above, the evolving legal nomos originating in the early seventeenth century has been a (perhaps even *the*) key factor in the emergence of new commons as an institutional type and of the emergence of third sectors worldwide. Under democratic conditions government and law may ratify existing and emergent societal consensus over specific issues and questions as often as it shapes and forms them. With few exceptions, for example, civil rights, health care and even the meaning of family and definition of marriage have only become settled matters of public policy after genuinely supportive majority consensus perspectives have formed. And many of the key battlegrounds in which such a consensus can be hammered out under modern conditions are found in the associations, assemblies, conferences, publications and other new commons of the third sector.

Much the same might be said also about the role of new commons in defining *nomoi* for product development and placement in certain markets – particularly those involving information and intangible resources. Not only are there the numerous "free information" and open software movements, and developments like Apache, Linux, Open Office, Wikipedia, and others. Coordinating committees, voluntary associations or nonprofit organizations have facilitated and eased the development of nearly every completely new category of software or computer language. They do so by functioning as commons of major vendors to facilitate and coordinate the market emergence and sort out which are common pool resources and what may be proprietary information. Perhaps the only major exceptions to this are the cases in which the U.S. or other governments performed this role, as with the standardization of the ADA language by the U.S. Defense Department. Home health care, exercise and fitness industries and numerous other examples, likewise, did not become marketable commodities until after a relatively strong consensus had emerged and in each case new commons were among the first to "identify the need" and demonstrate the

viability of the potential markets. Even before they become public goods – the goods of everyone – values, preferences, wishes, aspirations and all of the rest of the normative elements that make up additions and changes in the nomos are likely to be shaped and formed and become some group's common goods.

The normative dimension of this or any model of common good are the basis to establish a useful link at the most general level to a set of practical issues usually labeled by third sector theorists as "accountability". We can explore this idea more fully through reference to an important normative concept of *good commons* whose mission can generally be described or accepted as production of common goods: matters that have been deemed by some group or association as right rather than wrong, lawful rather than illegal, valid rather than invalid or just rather than unjust. In large part due to the economic basis of nonprofit sector theory and more generally the important role of 'positive' empirical social sciences, the idea of good is often treated as a purely technical, instrumental notion in current third sector theory. Such usage tend to overlook or downplay one of the fundamentally important dimensions of third sector activity: the important ethical role of associations and assemblies in defining and operationalizing normative notions of common good. Hardin's original (1968) re-introduction of the commons was also instrumental in a larger normative project of protecting the environment. Likewise, close examination of the project of the Bloomington School will show that there are important normative dimensions to the work of both Vincent and Elinor Ostrom. In the most prosaic sense, good commons produce common goods. In a more complex sense, they could also be distinguished from their antithesis, *bad commons.*

In order to avoid the more obvious perceptions of moral prudery in talking of "good" and "bad" or even Manichaeism – that is, viewing the world in starkly black and white appositional terms – we can employ the terms good and bad only to describe new commons and voluntary action and not to judge or evaluate them. To avoid the problems involved some analysts, particularly those inclined toward rationalistic or technocratic uses of the term goods, go to great lengths to use the term good as a plural, goods, without explicit reference to any differentiation, opposition or morality. (E.g., economists often appear to get around this problem with talk of "goods" and "disutilities" or "externalities" – both of which can in moral terms be framed as species of bads.

What this discussion suggests is that introduction of the concept of a nomos – a kind of moral universe – sooner or later comes around to the necessity of moral distinctions couched in many different terminologies: legal and illegal, right and wrong, productive and counter-productive, good and bad. This concept of the nomos and its relation to the production of common goods generally has few great moral insights to offer at present. As such, it points only to an existing problem area in need of further investigation.

On the basis of the third sector nomos, we can suggest another distinction as a way to look more closely at the formation of third sector morality with a provisional hypothesis

– that is, subjecting to testing and evidence. *Authentic* new commons engaged in voluntary action seek to pursue what they construe are good ends, or common goods. Some of these we can define simply as good commons. Yet, at some level, a measure of external or societal judgment, whether cultural norms or laws or other elements of the larger nomos enters into this determination of goodness as well. The result is typically a range of identifiable *bad commons*, as well as those about which society at large is indifferent, ambivalent or uncertain. If the 20th century history has given us any lessons, it has shown that we must also make provision for a small but extremely challenging category of very bad or as we might call them, *vicious commons*; a list that would include the Nazi Party, a not altogether voluntary association with its policies of deliberate human extermination; assorted Stalinist and Maoist parties which have destroyed nature and culture and killed masses of people; "pro-slavery" factions which opposed the abolition of slavery purely for selfish gain; the Ku Klux Klan; and assorted criminal syndicates and crime "families", and other syndicates, associations and networks. Others are, of course, free to construct their own lists of bad, evil and vicious commons. This list is not to parade or hold up my personal values, but to illustrate examples in which there are known associations and knowledge commons that have branded these examples as bad, vicious or evil. Neither the economic distinction between goods and externalities nor Tocqueville's original distinction between political and (voluntary) associations are particularly useful in supporting this moral distinction, in part because not all political associations in this respect are judged uniformly bad.

There are also a number of larger but less lethal types of "bad" commons: For example, there is a category we might call *dubious commons*, like the original socialist and communist parties of Europe and the segregationist parties of the United States and South Africa, whose missions and policies are viewed as good and in the interest of some but seen as seriously bad by others. Indeed, in democratic societies, whatever one's view, the opposition party is frequently at least somewhat dubious. In such cases, any resolution of what is a good and bad commons is often not subject to universally recognized ethical norms, but becomes a political matter of existing differences that must be resolved in the courts of public opinion, inter-group conflict and history. The most visible example of this in recent memory may be found in the religious and cultural differences in Northern Ireland; Israel and Palestine; the widespread reaction to Muslims in many communities in the U.S. in the wake of "9/11" and other easily identified examples. For some, any difference between horrible and dubious commons will seem to be a matter of mere opinion. However, in the past century, an international legal and ethical infrastructure and universal norms like the Geneva Convention with its rules of warfare, and the post-Nuremberg international trials for crimes against humanity and more recently problems like human trafficking have been put in place to enforce precisely this difference. The genuine power of this nomos was evident, for example, in the insupportable position of the Syrian government toward its chemical weapons program in light of earlier incidents from

World War I to Saddam Hussein's use of such weapons against the Kurds.

Perhaps the largest category of bad commons may be inauthentic or *deceptive commons* whose missions are covertly ethically dubious but are masked by false patinas of common good. The examples are legion: fundraising boiler rooms; "false front" charities; bogus philanthropies; institutions designed primarily or exclusively for purposes of tax avoidance or fraud to mask personal gain; and other similar examples. The usual marker of deceptive commons is financial injury or loss.

There is one additional form of arguably bad commons that must be noted and that is the commons in which natural, cultural or human service philanthropic activity is falsely or inappropriately, subjected to the standards of the economic marketplace. Occurrences of this phenomenon can often – but not always – be recognized by preoccupation with unsuccessful or external attempts to measure efficiency and effectiveness. The reason this signals a type of bad commons is quite simple: The process of attempting to apply utility, efficiency, effectiveness, or any other universal standard as an evaluative criterion in a commons is a type of ethical breech. It seeks to substitute, on insufficient grounds without a supportive nomos some type of universal or external criterion for the ability of the group to define its own moeurs. The case of the association that voluntarily elects to measure itself by the universal standards of utility, efficiency and effectiveness will initially strike some as a counter-instance defeating or refuting this observation. This is not the case. Under the principle noted here, a group is free to establish *any* standard it chooses for whatever uses it chooses. A problem only arises when funders, academic disciplines, professional groups, resource providers or others external to the commons seek to impose such standards.

This type of bad commons *does not* include those situations in which a nonprofit corporation, foundation, group or other entity has willingly entered into a grant or contractual agreement in which participants knew in advance that such criteria would be applied and they agreed anyway. It is only efforts by authorities or experts external to the commons to impose such criteria as appropriate, necessary or sufficient without the consent of the participants that constitutes such a bad commons, because it forces participants in the commons to abandon their autonomy. Like many others interested in voluntary action as a civic and communal activity, I have repeatedly voiced my concerns over this issue in the past, both over the question of attempts to impose 'accountability' on all nonprofit activities and the more subtle process of enforcing economic notions of self-interest (Lohmann, 1989; Lohmann, 1992; Lohmann, 1999).

In general, all forms of bad commons pervert or disrupt the ordinary common interest or shared mission that holds together a philanthropod of donors, beneficiaries and intermediaries to the advantage of only some. The term philanthropod to describe a group or network of donors, beneficiaries and intermediaries with a mutual interest is explored further in Chapter Twelve below. Deceptive commons may or may not be the most frequent form of bad commons, but they seem to have drawn most of the attention of regulatory

agencies and accountability researchers (Campbell, 2002; Sloan, 2009; Young, 2002). The principal failing of bad commons – the thing that makes them bad – is bad faith grounded in their inauthenticity. This is not a matter of failed or too lofty expectations. They are simply not what they appear or claim to be, and key publics know it. In the category of philanthropy defined as human service and in terms of resort to ethics, inauthenticity is a fatal flaw subject to both legal and political recriminations. The family foundation, for example, with the best of intentions that makes a kerfuffle of its mission is not, necessarily a bad commons, although if family-trustees knowingly continue doing so for their own financial advantage and after being informed of the error of their ways, we may have to amend that judgment. On the other hand, the family foundation established for the purpose of fraudulently sheltering wealth from estate or other taxation while reserving it for exclusive family use under the guise of some purported philanthropic good is a bad commons that may be subject to professional, journalistic or legislative "exposure" or legal and financial penalties, or both. It must be noted also that the present institutional system is far from perfect, and as every philanthropist realizes, there is at least a chance that such an arrangement may exist, even for long periods of time, without ever being subjected to publicity or adverse legal action.

There are multiple roles for new commons as common goods producing institutions in sorting out such questions: service, education, advocacy, group or collective self-defense, research or scholarship, to name just a few. There are also multiple levels involved in sorting out or differentiating determinations of good and bad commons. Some of these necessarily involve actions by government. However, it is a testament to the capacity of commons to generate new moeurs and moral order that a substantial portion of the efforts to encourage good commons and discourage bad ones is handled by collective voluntary action within the independent sector. Thus, a remarkable array of credentialing, accreditation, certification, and other forms of evaluation and accountability are built into modern life.

Distinguishing good and bad commons, in particular deceptive commons, is always both complex and difficult. Such judgments may be contingent, time-limited, and even subject to periodic reversal. The Ku Klux Klan may not have been a uniformly bad commons, for example, at all times and in all places, and some other generally good commons may, at times, engage in clearly negative activities. There seems little doubt that both the United Way of America and the American Red Cross stood convicted of being bad commons at times in recent decades, even though the general demeanor of both as good commons over long periods of time has been very commendable. Complexity, difficulty, variation and uncertainty, however, are not sufficient reasons to completely avoid the basic distinction, which is built into the very idea of philanthropy and the use of the term goods. Action for the love of humanity is not, and cannot be, a morally neutral, purely technical, or value-free ideal. It is inherent in the frame of reference of new commons theory. Consequently, at some level, judgments of which commons are good and which are bad

must be addressed. This is not an issue for which we should ever expect to derive uniform or universal "objective" standards. It is consistent with the perspective outlined here that matters of goodness and badness should be left to those involved.

The commons theory of voluntary action is normative and not concerned, for the most part, with the phenomenon of bad commons, except as failures or negative examples of voluntary action. Clearly more work on this subject is needed if moral distinctions between good and not-good commons are to be sustained as theoretical categories. Generally, the outlines of that work are suggested here: Actors, engaged in communication and interaction with one another over the definition of common purposes and the collection and use of common resource pools will, of necessity, face a variety of practical, theoretical and principled choices that in effect allow them to solve questions of goodness for themselves. Those decisions will always be made within the larger frame of reference of a focused public or community. It remains then to establish the proper terms for the inclusion of these various reference others, such as potential members, scientific communities, disciplines, focused publics, contractors, denominations, the communion of saints, general public, and others in such determinations.

Conclusion

The concept of common good lies at the crossroads of a number of important considerations of self-organization and ethics and morality. The concept provides important definitional and normative dimensions to efforts to distinguish independent voluntary action from commercial market and governmental activity and with the associated idea of sectors. There is a fundamental incoherence in many present conceptions of a nonprofit corporate third sector composed exclusively of professionalized and bureaucratic "nonprofit organizations" that function as bureaucratic firms, taking their essential characteristics from public sector and market order.

The concept of common good resolves this incoherence nicely by setting up a distinction among three ideal types: public goods, private goods and common goods. If there are, indeed, three distinct sectors and not merely two and an unstable hybrid, then one way to clearly distinguish them is by the types of goods each ideally produces: Public sectors produce public goods, private (market) sectors produce private (priced, or market) goods, and independent sectors, composed of new commons, produce common goods.

This is, in part, a pragmatic issue. On the whole, the term common goods works better and more smoothly than any of the suggested alternatives: One is hard pressed, for example, to make a plausible case for "independent goods", or, as some (particularly Europeans) have suggested "civil society goods", or any other such term. "Social goods" may sound initially like a good alternative, but it embraces an inherent ambiguity. Do we mean by the term social goods, those that are the products of social interaction (which is found in all sectors), of cooperation or coproduction or those that are deeply interwoven

with social action, or, as traditions such as social democracy, have often in the past suggested, a subset of goods produced for everyone (society, i.e., a type of public good), such as welfare payments or social or medical insurance? On the whole, the history of the concept of common good makes it the most plausible candidate to describe the products of the particular types of coproduction occurring in independent voluntary action. Using the previously outlined conceptions of new or social commons that utilize common pool resources to produce public goods, we can now look more closely in the next two chapters at the fundamental terms association and assembly.

If you wish to be held in esteem, you must associate only with those who are estimable.
~ Jean de la Bruyere
We are far more liable to catch the vices of our associates than their virtues.
~ Denis Diderot

8. Association

In new commons major factors of production and the major outputs of production are both communicatively based social behaviors: roles, relationships, networks, meanings, norms, practices and other moeurs. A recent important collection of essays by Hess and Ostrom (2007) on common knowledge production and the interesting work of Benkler on "social production" strive to move significantly toward a more social view, while remaining within the confines of the "disembodied" perspective of rational individualism. That approach is ultimately unsuccessful theoretically, however, in accounting for voluntary action because of failure to follow the pathways laid out by Levine and Bollier below. These identities, rituals and other moeurs may be, by turns, either resources for action in the commons, or outcomes of action. The linking of social action and collective behavior in new commons to other domains of commons theory is not a great stretch; the key link is in the Ostroms' construct of rules discussed above. The principal challenge comes in when we seek to move beyond the limits of the underlying rationalistic and individualistic model of "rational choice" without succumbing to the well-known limits of collective consciousness or some form of solipsism. A key to this is to be found in the social concept of association.

Association

The term association has many denotations, connotations and usages. Most tend to suggest types of connection or linkage, whether the connection is between ideas, events, people or something else. It is used here (I hope) exclusively) to connote connections, networks, or social relations between people. Association is often accompanied in this context by modifiers like voluntary or membership. The phrase "common interest association" is useful, according to Smith, Stebbins and Dover (2006, p. 23) to emphasize that associations often form around shared or mutual interests like those that have been identified above as missions, or, in the case of some associations, for the mutual benefit of their members. The term common goods association is used in that sense. The broader usage of association as a synonym for all social interaction is left aside. For our present purposes, it is reasonable to see markets, governments and new commons as distinct forms of association. Thus, the three sectors, however else they may be characterized, are also differentiated by their association (or what Etzioni [1963] termed their compliance relations): coercive, utilitarian or normative. Likewise, the ordinary sociological usage of the primary associations of the intimate sphere from the secondary associations of market and state makes association the bridge to bring in this fourth sphere.

Usage of the term association here is a direct outgrowth of the conception of a new commons as pluralities of people organized for shared purposes and sharing common pools of resources. (Gifis, 1991: 83. Lohmann, 1992: 27). Associationism is a related term connoting a particular set of co-productive relations between secondary associations and the institutions of government. It is an idea long associated with political pluralism and linked to ongoing concerns for future advancement of democracy (Hirst, 1994; Elstub 2008; von Gierke, 1966; Zunz, 2010). G.D.H. Cole, a British adherent of associationism, defined association as:

> Any group of persons pursuing a common purpose or aggregation of purposes by a course of cooperative action extending beyond a single act, and for this purpose agreeing together upon certain methods and procedures and laying down, in however rudimentary a form, rules for common action. At least two things are necessary to an association: a common purpose and, to a certain extent rules of common action. (Cole, 1920, as quoted by Elstub 2008: 101)

Elstub (2008: 101) finds Cole's definition overly broad and adds three additional qualifications: members of an association must participate voluntarily, and, he says, associations are secondary organizations operating "in" civil society. The first of these is consistent with the discussion of new commons noted above. The connection to civil society, was noted previously and will be discussed further below, but it is worth noting here that the concept of associations operating *within* civil society is incompatible with the view often expressed by third sector scholars that associations (or nonprofit organizations) *define* civil society. The third point requires further comment. Like Cole, Elstub is primarily interested in association and the state: larger political issues and the role of government. There is no inkling of a third sector in his discussion. His conception of secondary organization emphasizes the primacy of the state as a form of association. This contrasts with democracy as a collective way of living and uses the same terms in a different way as explained in the following section. Associations characterized by voluntary participation and collective resource pooling for common interests and purposes in civil society are deemed to be "unavoidable political facts" (Cohen and Rogers 1995: 26; quoted in Elstub 2008: 214; Mansbridge 1992; Hendricks 2002) although the issue of pooled resources is often implied and seldom mentioned explicitly in social and political theories.

Voluntary Action As Collective Behavior

The understanding of association in voluntary action has suffered in important respects by the seemingly random patterns of interest and specialization in the social science disciplines. Thus, for example, the number of economists and management scholars working from a rationalist/individualist frame of reference has, to the present, far exceeded the number working in behavioral communications and interactional paradigms. Thus, we have had numerous seemingly paradoxical attempts to explain association and the collective behavior of charity, philanthropy, 'nonprofit organization' and even social movements from completely

non-collective, and sometimes antagonistic, points of view. Such perspectives overstate the role of decisions, or choice, as the principle form of behavior. They also over emphasize the role of "the" Cartesian individual or decider, overstate the importance of self (and self-interest) and generally fail to provide convincing accounts of voluntary action. One widely shared evidence of this is the widespread public skepticism that erupted following the 2010 U.S. Supreme Court ruling in the *Citizens United* case with the court's conclusion that corporations were persons. Numerous resources from the communications based and interactive perspectives in the social sciences are available to remedy the distorted perspectives that result, but constitutional law, economics and management sciences have been equally enthusiastic in ignoring these resources.

One of the most obvious necessary correctives becomes clear with a simple proposition: *Collective choice is only one aspect of collective behavior.* Collective behavior is an interdisciplinary branch of social psychology and sociology that has been around for most of the past century. The term was coined by the sociologist Robert Park and received one of its fullest conceptualizations by Herbert Blumer (1946). Generally, the term refers to spontaneous social processes and behavior occurring "outside" existing institutions or social structures – an idea that dovetails nicely with the conception of the independent sector existing outside governments, markets and families. Thus, to march in a public protest is to engage in collective behavior, to buy hamburger at the grocery store or renew your driving license is not. The conceptions of social movements, social problems ~~and news~~ discussed below in Chapter 8 all reflect forms of voluntary action as collective behavior, albeit not always recognized as such. Many early studies of social movements, for example, were conducted within the particular collective behavior frameworks of Chicago School sociologists termed social disorganization; a view that has been recently resuscitated by Kubrin and Weitzer (2003) Connections between this and other theories of collective behavior and voluntary action are particularly important in light of the discussion below of the emergent characteristics of new commons and in particular their ability to generate new moeurs and trust and other forms of moral capital. Little more can be done here other than to point out the connection and hope that future scholars will follow up on these connections.

Perhaps our future understanding of these dynamics in commons can also be enhanced by closer examination of Nikolas Luhmann's social systems concepts of *autopoiesis* and *allopoiesis,* Frederick Hayek's *spontaneous order* and, perhaps, Paulo Friere's *conscientization*. These latter two are often treated as the particular political capital of rightist or leftist political theories while Luhmann's work falls within the largely apolitical precincts of social theory. Yet it is not difficult to see, in broad outline, certain important connections between them. Seldom, in fact, do representatives of the theoretical "left" and "right" appear in such agreement as over these four concepts. Autopoiesis can be seen in the third sector as typically a process of spontaneous order (a key term of Frederick Hayek) that refers to self-creation as dialectic of

structure and function. Allopoiesis (at least of a type we are calling production here) is the companion process (also typically a spontaneous ordering) through which a system creates something other than it self. By conscientization, Frieire refers to processes of critical consciousness and learning or forming new awareness of social reality through thought and action and by which new understandings arise. Such critical consciousness and learning are observed often in the context of both social movements and social problem definition processes (in everyday society, and equally in the social scientific literature!) It would not be a major stretch to suggest that Hayek's spontaneous order and Frieire's conscientization bear some remarkable similarities. As we shall see in Chapter 9, all of these dimensions are important aspects of knowledge commons, as illustrated by collective behavior and social problem awareness.

In the classic formulation by Blumer (1946, 1951; Shibutani 1973), collective behavior was focused on four principal types of collectivities, or social organizations: crowds, mass audiences, publics and social movements. In a later essay, Blumer (1971) also connected collective behavior to social problems (see, Lofland 1985). We recognize that crowds, sharing a common emotion according to Park, are one of the classic forms in which repertories of protestation can arise more or less spontaneously, and that mass audiences are defined by the communications media that supply them. Park and Blumer both use publics, defined by common interests, in the same sense as Dewey and Follett as noted above in Chapter 2. Social movements from the Park-Blumer perspective have, over the long run, been the most difficult and contentious item in the collective behavior frame, with competing frameworks put forth by Smelzer and others. However, the occurrence of alternative explanations should not distract us from the enduring connections between collective behavior as a theoretical discipline and voluntary action. Thus, we can add Blumer's types to the list of types of voluntary action at this point and suggest that organized voluntary action involves not only groups, associations, formal organizations and assemblies, but also crowds, audiences, publics and movements. Butsch (2010), for example, distinguishes audiences, crowds, publics and consumers in a historical comparison of theater assembly in London that demonstrates implicit rudiments of a multi-sector analysis.

Maturana and Varela (1980) wrote that autopoiesis as self-organization is logically impossible because when the organization of a thing changes; the thing itself becomes something else. This is an idea with strong implications: The insight of constant change, rather than dismissing autopoiesis as a relevant idea, suggests it as a fundamental corrective to the view of the third sector as stable and unchanging, particularly in its collective behavior. This supports Luhmann's claims of the dialectical nature of the process. At any rate things have changed since Maturana's claim was first made, and the opening made by the constructivist theory of social problems offers another *entre-pôt* into the third sector. Spector and Kitsuse (1983), Nichols (2003A, 2003B, 2008) and others have detailed the processes by which social

problems are socially constructed. Their perspectives combine Blumer's collective behavior and the "constructivism" of Berger and Luckmann (1967) to advance the model of social problems as socially constructs. This, in effect, spells out aspects of Blumer's "process of collective definition", and has led to recognition of whole new categories of social problems. What is still only implicit in this view, however, is that social problems so construed originate as the constructs – the social imaginaries – of particular groups and publics and are disseminated and frequently maintained by particular associations.

Blumer and those who followed this path are right in two key premises that have additional implications for the social organization of social problems: "Sociologists have erred in locating social problems in objective conditions. Instead, social problems have their being in a process of collective definition." And the focus of the theory is on the associations and organizations of those engaged in such defining. There are still important remaining qualities of objectification in this approach however. As Blumer claimed, "social problems are fundamentally products of a process of collective definition instead of existing independently as a set of objective social arrangements with an intrinsic makeup." But, like other autopoeitic products in commons, they appear to be subject to a certain measure of commodification and objectification, particularly in the hands of professionals.

After laying this impressive groundwork, Blumer reverted back into a kind of (then) familiar idealism rather than pushing the analysis in the direction of answering seemingly obvious questions like *who is doing* the collective defining, legitimation and other processes mentioned and *how* are they doing it? Is this a matter of crowds, publics, masses or social movements? This may be part of the general and well-discussed inability of Blumerian symbolic interactionism to deal adequately with political matters (Harvey & Katovich 1992; Hinkle 1992). The work of Murray Edelman, while not typically included in the symbolic interactionist corpus, represents a major exception to this apoliticism (See Edelman 1964; Edelman, 1971; Edelman 1977 and Edelman, 1988 in particular).

Association and Organizations

One of the major unresolved issues in Tocqueville's treatment of associations in Chapters 4 through 8 of Volume Two, Part 2 of *Democracy in America* is the relation between associations as that idea is generally known (aka voluntary associations) and political associations or what James Madison in Federalist Paper #10 termed factions (Hamilton, Madison, Jay, Beeman, 2012). Since the 2010 Supreme Court ruling in the *Citizens United v. Federal Election Commission* case, the latter include political action committees (PACs). For some third sector scholars in the U.S., this issue is resolved by exclusive attention to 501(c) 3 corporations, labeled by the IRS as public charities, that are tax exempt and donations to which are tax-deductible. Using that as a research frame has proven very workable as noted in Chapter 3. One must keep in mind, however, not only that this is a peculiarly U.S. conception which links the concept of a third sector to tax policy. Also as we have seen in Chapter 3, such a

view can also account for only a portion of all voluntary action in the U.S., and may also focus attention only on the governing instruments of larger organized voluntary actions. Political associations of several types, cooperatives, self-help and mutual aid, trusts, and many social movements and social problems are among the many organized, voluntary collective action associations easily excluded by this conception. Further, the usefulness of that particular frame requires multiple additions and extensions in order to link it to democratic society and culture, except perhaps for those who believe that tax-exempt corporations are somehow the quintessence of democracy in society and culture, or that donations to such entities are the *sine quo non* of democratic behavior. Once 501(c) 4 organizations, a category known as "social welfare organizations" became a key type of political associations through the politics following the *Citizens' United* ruling in 2010 the very distinction between political associations (traditionally, relegated to IRS Section 528) and the civil associations of Section 501(c) was nullified.

Three propositions are particularly important to sorting out questions of the relation between nonprofit organizations and democracy. These propositions are modifications of the "spanning and mediating" propositions identified in Van Til, 1988. The first is that this is not a stable or fixed relation; organized associations, regardless of their level of formality, may be either supportive or destructive of democracy. Whether associations support or undermine democracy offers a clear standard for determination of whether commons are good or not. Secondly, attention must be paid to the relation between corporations and voluntary action. Is incorporation merely a legal technicality, as it has traditionally been treated in third sector theory? Or does it change the fundamental character of voluntary action, requiring distinction and different treatment? In particular, does incorporation, which is a form of governmental recognition, automatically make political associations out of what were previously voluntary associations? There are many (28 at last count) categories of nonprofit corporation recognized in Sections 501 and 528 of the U.S. tax code, all of them entitled to be called "nonprofit", and that only applies in the U.S. Every other country where voluntary action is a factor in civic life and nonprofit is a legal category has its own definitions and categories, not to mention those nations that use other concepts or approaches to incorporation. Finally, as already noted, much of voluntary action, including contestation, protest, social problems and social movements, is not susceptible to any easy or precise distinctions between civil and political nor to notions of easily identifiable, fixed and unchanging organizations. The dizzying efforts of trying to track political action committees associated with Karl Rove alone from one campaign to another, or those supportive and opposing a controversial social movements for and against legalized abortion or immigration illustrate this point clearly: They come and go as necessity allows. People engaged in voluntary action can easily move in and out of organizations, some of which are real while others are mere "shells", fronts or devices very pragmatically, using them and shedding them as suits their purposes, and nowhere is this more in evidence than in the areas of political associations generally and political movements specifically. Much the same point can

be made in the completely different contexts of modern art and jazz, where movements with names like “unmonumental” sculpture, pop art, hip hop, and “fusion” jazz point to diverse, interesting and difficult to track shifts in allegiances, loyalties, and most fundamentally, associations. A final point to be noted here is that all organized association in democratic society and culture is, to some degree, voluntary. This leads to a very important insight regarding the modular nature of voluntary action. As a result, modules of voluntary action are not limited to a formal, logically coherent independent sector, but may be found anywhere.

Modularity, Not Convergence

One of the cardinal points of association as it relates to the contemporary notion of sectors has been a principle we might call *institutional homogeneity*. It is assumed in current theory and in classification systems like the National Taxonomy of Exempt Entities that if an organization is “nonprofit” of a certain type all of it is uniformly nonprofit and of that type; that is, a corporation holding a tax exemption ruling from the IRS, that all parts of the organization are uniformly charitable, tax-exempt, and reliant on donations; if its mission is classifiable with the NTEE, that characterization applies to the whole establishment. As a working reality and in the UBIT (unrelated business income tax) provisions of the tax code applying to exempt entities anyone familiar with nonprofits will recognize that there are a wide variety of provisions and real examples of “for-profit subsidiaries”, surplus-generating cash cows and unrelated business income (UBIT) activities and yet theoretically homogeneity is often treated as a first principle of organization in voluntary action (Fishman, 2010).

There is no provision in any of the existing classification systems for recognizing as an entity a third sector institution (like a modern university or college) consisting of multiple distinct common, public, household and for-profit units like revenue centers like dormitories, cafeterias or coffee shops and bookstores, nor all manner of organized, semi-organized programs and centers and unorganized clubs, associations, student political parties, study groups and other mutual aid and self-help networks along with almost endless other possibilities. And what is true of contemporary colleges and universities is also true to greater or lesser degrees of other new commons like religious congregations, social clubs, membership associations, museums, theaters, cooperatives, and perhaps all other forms of voluntary action. While the notion of institutional homogeneity introduces discipline, coherence and consistency into the published literature, it fails completely to reflect the complex realities of the third sector.

An enterprise governed by a single governing board or group and recognized in the community as a single institution may consist of any number of distinct corporate and organizational entities. A church, synagogue or temple for example may include groups and assemblies for prayer or worship, choirs, ensembles, orchestras, and other performatories, senior citizens, youth and children’s groups, religious schools, prayer and study groups, and any number of peer groups, friendship groups and social networks. And, among tax-exempt

institutions, any number of these distinct entities may include bookstores, gift shops, tuition-based educational or day care programs, advocacy and lobbying programs, and may also include governmental or quasi-public programs, such as contracts with state agencies for child protective services, some of which may even invoke quasi-state powers.

Contemporary scholars often see this as "convergence" among the sectors (Brody, 1994; Button & Pentacost, 1993; Frumkin & Galeskiewicz, 2004; Li, 2007) but such convergence is typically only a matter of organizational form or purely an operational, policy and contractual matter. It should be clear that the notion that a single category or overall designation – public, commercial ("for-profit"), or nonprofit – can adequately describe all organizations can be highly deceptive; . It may be undeniable that selected cases of institutional isomorphism tend toward the form we are calling bureaucratic firms as characterized as institutional isomorphism by DiMaggio and Powell (1983). Even so, the characteristic organization types this points toward are merely one facet of much larger and more complex social, legal, economic, political and cultural realities. The recognition that all organizations are of a particular type, in fact, solves little. It merely transforms the question from differences between categories to sub-categorical differences within a single category. The question remains, what precisely are those differences?

How, then, are we to characterize the groups, organizations, institutions, associations, assemblies, crowds, networks, and all the other organization of voluntary action? The problem is not as daunting as it may at first appear. A key step would be to move away from the "one institution/one mission" approach of the tax code and NTEE-type classifications and make provision in theory for the modular nature of the contemporary organizations of voluntary action. In many cases, we already do exactly this in our ordinary language. Thus, when we follow the clues in ordinary usage and descriptions, a fairly clear, model of modularity begins to emerge. The concept of modularity used here is derived from Sidney Tarrow who noted that Tilly's concept of repertories of contention "has enabled us to definitively transcend the 'volcanic' model of collective action inherited from the past. But by failing to specify the difference in generality between the old and the new repertorie, Tilly shows an insensitivity to the differences between the direct, inflexible and "attached" forms of the past and the indirect, flexible and modular forms that developed over the past two centuries" (1993: 84-5).

First, modularity is one way to account for the otherwise peculiar usage of the term institution in nonprofit and voluntary action contexts. In sociology and anthropology and other social sciences, institution often has complex meanings that need not concern us for the moment. In voluntary action institution is sometimes used colloquially to connote qualities of long-lastingness, or durability. Education can occur in any number of ways, but educational institutions are those programs, schools, colleges and universities that have been engaged in education for a while, and more importantly, that we expect to be around awhile longer, if only to sanction the credibility of their graduates. The same holds for religious institutions,

charitable institutions, sports, cultural or arts institutions and all the rest. Institution is also used as a signal or marker denoting that we are concerned with the top or most general level of organization: IBM, WVU, the federal government, the Presbyterian Church, or the AFL-CIO. All are institutions in either or both of these senses. For example, Rosemary Sarri (1970) uses institutional level this way.

Institutions in this sense can also generally be classified by sector as is often done: public, state or governmental; market, commercial, or for-profit; third, nonprofit or commons; or private, intimate or household sectors. Even in complex cases, we can usually clarify that Blackwater and Halliburton are private, for-profit institutions engaged in public national defense work. It is, in fact, necessary to assume a beginning point something like this sector alignment as the departure point for notions of convergence and institutional isomorphism to make any sense.

Yet, it is easy to observe that institutions classified within any one of the basic sectors may include within its institutional umbrella, sub-units (modules) that are normally associated with another sector or sectors. Corporate foundations that operate within an overall corporate hierarchy are well-known examples; within the corporate umbrella, yet set apart in important ways by law, public relations, institutional policy and other considerations. We can also expect to find organized voluntary action within the institutional auspices of political states, economic markets and even in the intimate sphere of households, and modules of public service, profit-seeking and family life within organized voluntary action. That is precisely what we can observe almost anywhere we choose to look: In the (voluntary) committees that conduct fundraising campaigns and organize company picnics within corporate and governmental offices, in the "revenue centers" expected to turn a profit (surplus revenue) of nonprofit colleges and hospitals and government bureaus, in the nonprofit or volunteer family reunion associations of extended families and in many other examples too numerous to tabulate completely here. The question is how are we to account for this modularity? The one-size-fits-all notion of sectoral convergence clearly is inadequate to the task.

One of the markers of such activities are the well-established moeurs governing individual and group behavior and identifying roles, rules, regulations and prohibitions against such things as self-dealing among family members, nepotism, profit- or rent-seeking and the like. That this is also the case for all independent sector institutions hardly requires much comment. Museums, theaters, hospitals and many other nonprofit institutions have their book stores and gift shops, and even bake sales, bonnet sales, flea markets and other quasi-commercial ventures that combine revenue generation and service.

The model of sectoral modularity as it applies to voluntary action is simply that any institution of collective voluntary action may contain within its institutional umbrella sub-units for commercial, public or even intimate purposes that differ from its overall, institutional

classification. Full understanding of the institution requires, therefore, not only identification of the top-level institutional mission, but also detailing of the non-congruent modules within its institutional reach or control. This should enable us to see more clearly than ever before that the sectors and the governments, businesses, voluntary action and families are not, in reality, converging; a process most likely to result only in one amorphous organizational and institutional blob of bureaucratic firms. Genuine true believers in markets, of course, continue to hold out for their own form of institutional homogeneity, in which markets are seen in all things social. These are offset by protests from a wide variety of quarters, the various Occupy movements and the book by Michael Sandel, *What Money Can't Buy* (2012). The dominant institutional trend in some parts of the third sector may, indeed be increasing similarities with other bureaucratic firms, although whether the actual convergence is an empirical phenomenon, or growing recognition of a form of observer bias remains to be sorted out. The trend among the new commons of the independent sector, and perhaps other parts of the third sector, currently is less toward convergence and uniformity than quite the opposite; recognition of greater and greater complexity and individuality of institutions embracing a fuller range of options. This means that the study of voluntary action reaches far beyond the category of 501(c) 3 corporations and nonprofit organizations, into the multitude of modules, groups and organized entities engaged in voluntary action within business, government and the intimate sphere as well.

Social Movement

The study of social movements as forms of collective action arose initially in the nineteenth century as efforts to understand the contributions and limitations of socialist and labor movements to social change (Le Bon, 1982; Le Bon, 2001; Gide & Rist, 1948). Gustav Le Bon, for example, credited as one of the earlier contributors to the collective behavior perspective with his book *La psychologie des foules* (first published in 1895), the English translation of which was titled *The Crowd: A Study of the Popular Mind*, (1896). In the same year, Le Bon also published *Psychologie du socialisme* (*The Psychology of Socialism*) (1896). The collective behavior approach pioneered by Le Bon, also developed in other, less political directions several decades later through such diverse figures as Herbert Blumer, William Kornhauser and Neal Smelzer. In their hands, the collective behavior perspective became a specialized subfield of sociology, at one remove from the study of voluntary action. They formed, as it were, distinct and self-contained knowledge commons. Students of voluntary action have recently been trying to bring the two sub-fields back together ever since, most recently through resource mobilization perspectives (Adair, 1996; Buechler, 1993; Edwards & McCarthy, 2004; Jenkins, 2006; Morris & Mueller, 1992; Zald & McCarthy, 1987). King & Soule (2008) even approach the peace, women's and environmental movements as entrepreneurs within social movement industries.

Along the way, a large body of historical, descriptive and atheoretical social movement studies have been published; of the utopian socialist communities of the mid-nineteenth century (Levitas, 2010), the Oneida movement (Foster, 2010), religious movements from the Lutheran Reformation (Wuthnow, 1993) to the Anabaptists (Burkholder & Cramer, 2012), Amish (Hostetler, 1995), Old Order Mennonites (Lee, 2000; Peterson, 2005), and Father Divine (Burnham, 1979; Weisbrot, 1992), multiple Great Awakenings (Fogel, 2000), and countless new social movements of recent decades.

It is surprisingly easy to connect the entire body of social movement literature to commons studies. There have long been adherents in political science, economics and management for understanding social movements in terms of rational choice perspectives (e.g. Muller & Opp, 1986). From this perspective, primary attention is on the interests and rational choice agendas that engage movement participants, and the allocative choices made by movement leaders. Such resource mobilization perspectives have been important, but they occasionally also make social movements sound very much like market firms. Yet, they also highlight important resource dimensions for voluntary action. Edwards and McCarthy (2004) detail five types of such resources important to movements: Material resources, like money and physical capital; human capital (volunteers, paid staff, executives, leaders); moral resources, like solidarity; social organizational resources including networks and strategies; and cultural resources including understanding of the issues, movement know-how, and the prior movement experience of those involved. Each of these can be understood within the common pool resource perspective noted in Chapter 5.

Other perspectives on social movements also contribute to understanding them as new commons. Buechler (2000) articulates a distinction between political and cultural movements, and reviews the approaches of different European and critical movement theorists: Castells (1985) formulated a historically grounded, cross-cultural theory of urban social change identifying three important themes: Social movements as modes of collective consumption; the defense of cultural or territorial identity; and local governments as targets for political mobilization. Like the theory of voluntary action, Castells also formulated a normative perspective in which the model of a "good city" figures importantly in a way compatible with the model of good commons presented previously. Jürgen Habermas has formulated a theory of 'new' social movements based in social systems as forms of communicative action theory, using concepts like interests, and lifeworld (distinguished from market economy and state "systems"). This use of Habermas as a grounding for the consideration of the lifeworld of social movements is intriguing and, in part, reflected in Chapter One above.

Alain Touraine and Manuel Castells, Buechler says, were leaders of a "French School" of movement studies who also noted the contemporary differences between political and socio-cultural movements. This is a distinction that follows closely Tocqueville's distinction between political and civil associations and poses the very real possibility of an equivalence of "civil" and

"socio-cultural" movement approaches. Two other studies published in the late 1990s are the basis of what has become known as "the cultural turn" in social movement studies: *Challenging Codes,* by Alberto Melucci (1995) analyzed the purposes of social movements as a process of creating collective identities Such an approach is compatible with discussion above of identity formation in commons. *The Art of Moral Protest*, by James Jasper argues that movements enable participants to voice their moral intuitions and principles, both of which are denoted in the new commons theory of voluntary action as their moeurs.

Summary (movements)

The suggestion was made in a previous chapter that collective behavior offered a way to view social movements that transcends some of the weaknesses of rational choice theory, because it takes sole reliance off the singular phenomenon of group decision-making generally termed collective choice and focused on a broader array of collective behavior that organize and compose collective action, without losing sight of the role of resource allocation. In this discussion, we have reviewed selected highlights of early and more recent research with implications for voluntary action.

Democracy and 'The Sovereignty of the Political'

The final issue to require our attention in the matter of association is an implication of Tocqueville's previously noted distinction between civil and political associations. Scholars of voluntary action have long drawn a sharp line between the two, without specifying very clearly the basis of the difference. One of the insights of the theory offered here is to draw that difference. The political theorist Benjamin Barber has considered this question in a much-underrated (for reasons that may become obvious) article on the role of philosophy in political democracy. While our concern here is not with democratic states, but rather with democratic societies and cultures, Barber's account of political as a contingent, rather than a fixed, institutional distinction holds up well:

> "To speak of the autonomy of the political is in fact to speak of the sovereignty of the political. For by sovereignty is meant not merely the dominion of the state over other forms of association, but the dominion of politically adjudicated knowledge, under conditions of epistemological uncertainty, over other forms of knowledge. To be sure, this sovereignty over knowledge is wholly residual: It comes into play only with the breakdown of ordinary cognitive consensus, *and only where such public judgment is required by the need for common action*. (Emphasis added) Where knowledge can prove itself certain, or at least where consensus is for the time being undisputed (as in the case of mainstream science, for example), or where the absence of consensus has no impact on public action (as in matters of private taste, for example), the political domain claims no sovereignty. But where scientists disagree on the public outcomes of experimental technologies (genetic engineering, for example), or where matters of taste are seen to have public consequences (the design of a national flag, for example), or where

> theoretical inquiry raises issues of common import (the dividing line between a fetus and a legal person, for example), the political realm necessarily becomes sovereign over the contested realms of science and taste and inquiry in which such disputes are ordinarily conducted. For at this point science, taste and theoretical inquiry are reduced to opinion (*doxa*), and it is over opinion that sovereignty, defined by public judgment, necessarily holds sway, albeit only by default." (Barber, 1988, 14-15)

Barber's conception offers us a solid and reliable (if contingent and changeable) basis for distinguishing between the proper concerns of the public sphere and the other, less public concerns of the independent sector; for distinguishing, in other words, political and civil association. The necessity for collective action and perceived consensus of opinion, rather than any hard-and fast "objective" institutional criteria seem to be the most important factors in determining what is a civil association at any given moment in history.

All things considered, distinguishing the independent sector from the market sector has always been a much simpler and more straightforward process, marked entirely by the reach of the price system. However, the distinction of public and independent sectors has been somewhat problematic, in part because of the increasingly threadbare distinction between what is public and private. Organizationally, Tocqueville's distinction between political and civil associations, has since the early 20th century been largely adjudicated through the tax system, even though periodic cases like the 2012 501(c) 4 issue reveal the futility of this approach. Yet this seldom provides a hard and fast dividing line. Planned Parenthood and the Boy Scouts, for example, are among many civil associations that have from time to time been thrust into highly visible political positions. Barber reminds us that there is no hard and fast dividing line between political and apolitical (civil) association. This distinction is, of necessity, entirely a contingent one and that virtually any civil association could be politicized, and under the right circumstances political associations can be depoliticized.

Conclusion

At least since Tocqueville, association has been seen as perhaps the most fundamental characteristic of voluntary action beyond the household, market and state. As we have seen, association is voluntary not only in the conventional sense that it is uncoerced, but equally important, in the sense that it is unsponsored and unauthorized by a superior authority, or patron.

This is the place where we all belong right now.

9. Assembly

There is a related idea both in law and in practice that is important to understanding some dimensions of the organization and operation of new commons yet it has inexplicably generated no interest among third sector scholars. The First Amendment of the U.S. constitution does not even mention association, but speaks only of 'peaceable assembly', a social condition to be contrasted with riots, mobs, vigilante groups and all other forms of assembly for non-peaceful purposes. The distinction between peaceable and 'violent' assembly mirrors exactly the distinction made in Chapter Six between good and bad commons. Despite its iconic presence in the Bill of Rights, and a vast range of subsequent legal instruments, peaceable assembly is not a topic that has generated *any* interest in the social sciences. To illustrate this point, a Google Scholar search of the original constitutional terms "peaceable assembly" on March 3, 2012 generated 12 articles, all of them published in law reviews and dealing exclusively with legal issues or questions. The more modern phrase "peaceful assembly" generated many more articles, but likewise only a few of either of these were social science work, with no citations involving any significant analysis of assembly from within the third sector literature. Of the handful of discussions in the economic and political science literature that appear in a search, most involve only incidental mentions of the term and no sustained analysis. Thus, in examining this topic, we must begin at a fundamental level, for assembly is, as it has always been, a highly important topic in voluntary action.

Public authorities are usually very interested in the difference between peaceful and less peaceful forms of assembly, yet officials in autocratic regimes are often remarkably "tone deaf" in their ability to distinguish between the two, just as they may be unable to differentiate between political and non-political speech. In contrast, police and other officials in democratic regimes often become highly skilled in not only "reading" the peaceable quotient" of gatherings but also in recognizing what specific types of actions will "tip" an assembly from a peaceful gathering toward violence. The peaceable quotient may be said to be the probability that a peaceful assembly will turn violent. The lower the probability, the more peaceable the gathering. Such concerns were typical in early studies of crowd behavior in the Blumer tradition of collective behavior research mentioned in the previous chapter. Also important here are what Tilly (1990) calls "repertories of contestation" and what Elijah Anderson (2011) calls "the cosmopolitan canopy."

Assemblies can be thought of as orderly crowds, or non-riots: temporary, time-limited and location-specific associations. At times, assemblies may be preliminary stages in the constitution of more durable associations. Thus, for example, the Constitutional Convention of 1776 in Philadelphia was an assembly that served as a necessary prelude to the formation of

the American republic, and the second such assembly in 1786 served the role of orderly adjustments to an unworkable confederation that saved the union without the necessity of widespread violence or bloodshed. The public life of most communities includes a wide array of such peaceful assemblies: This includes a wide variety of church services, religious gatherings, crowds of spectators at special events or pageants, community meetings, public hearings, annual meetings, as well as events like parades, community picnics and concerts and barn raisings about which adherents of *gemeinschaft* often wax poetic. Assemblies may be regular, periodic events or one-time happenings or something in between.

There is often a strong relationship between associations, organizations and assemblies: More (or fewer) associations and organizations in a particular community will, in all probability be associated with more (or fewer) assemblies, although time and causal arrows can easily flow in either direction. Communities at all levels including nations with rich histories of assembly and broad repertories of moeurs of assembly are also likely to have strong traditions of association. This suggests what may be an important developmental step in the growth of democratic culture and society. We should not expect countries like Egypt, Syria and other Middle Eastern autocracies lacking strong civic traditions including moeurs of associations and assemblies to suddenly develop into strong democratic societies on the basis of a single set of assemblies like the public crowds of the Arab Spring of 2011 and 2012, no matter how powerful and evocative they may appear to outsiders. When such assemblies brought reform in Eastern and Central Europe in the late 1980s and 1990s, it was usually because they tapped directly into historical moeurs and political traditions that had survived the totalitarian era, like the Singing Revolutions in Latvia and Estonia, and the theater assemblies in Prague.

Even so, it may well be that, as with the 18th century coffee houses of major European cities, long series of repeated assemblies may provide key components of the necessary basis for education, socialization and development of an infrastructure of associations as well as a matrix for the emergence of a public sphere. See Fisher (2012) for a more complex and sophisticated take on this set of dynamics. The chapters by Hal Saunders and Priya Parker in Lohmann & Van Til (2011) also discuss important examples in the context of the strategic use of sustained dialogue in this process.

The American Civil Rights movement and the European Civil Society movements of the early 1990s are filled with examples of the complex and intersecting roles of association and assembly in social change. An excellent starting place for those unfamiliar with Civil Rights history are the three volumes of civil rights history by Taylor Branch (1979; 1988; 2006) which detail a wide variety of marches, sit-ins, protests, and other assemblies as well as the organizations important to the movement. You Tube videos offer one starting point for the more recent European and Middle Eastern movements. A You-Tube video, *The Singing Revolution: Estonia, 1991* which documents events in Estonia is particularly enlightening in this respect. (See http://www.youtube.com/watch?v=Re1Lj3dH0fc).

It is important to note that among new commons voluntary action, associations and assemblies can also include less formal and purposive assemblies like those that Whyte (1943) called 'street corner societies', and include 'jam sessions' (Cameron, 1954; Vallerand, 2008), 'garage bands' of jazz and rock musicians (Allsop, 2004; Campbell, 1995) communities of practice (Wenger, 2001), the unnamed assemblies of Latino men passing time gathered on street corners or shopping mall parking lots awaiting work as day laborers (Pinedo Turnovsky, 2004), union organizers' impromptu gatherings in factory parking lots or plant gates (Bronfenbrenner, 2000; Milkman & Voss, 2004), and Vaclav Havel's "magic lantern" gatherings in Prague (Ash, 1993; Schäffner & Hertog, 1994).

In Chapter One above the focus on deliberative democracy among political theorists was noted; such deliberations typically involve some type of assembly. The Kettering Foundation model of public deliberation, like other forms of deliberation and dialogue are built on a variety of general and specific models of civic assembly (Fine & Harrington, 2004; Lindsay, 2000; Matthews and Macafee, 1997). Assemblies also include, for example, the celebrated New England town meetings (Adams, 2004; Zimmerman, 1999), and also the community choruses and annual community assemblies for singing of Handel's *Messiah* during the Christmas holidays, and the unprecedented Latvian and Estonian "singing revolutions" (Ginkel, 2002; Thomson, 1992). At one time, many schools held regular assemblies of their students and some still do. Assemblies were held regularly in the central court of my elementary school in Minnesota, and our granddaughters' kindergarten in California had a regular Friday-morning assembly at which announcements, group singing and other expressions of 'community' to which parents and grandparents are also invited. The United Way community practice model recommends provision for the assemblies it calls 'community forums' for its 2600 member communities.

All of these and many other assemblies are, like voluntary associations, characterized by voluntary participation, shared resources and shared purposes. In some cases, the shared purpose or mission of assemblies may be to discover or reach agreement on a more enduring purpose. Assemblies, like associations, are thus part of the larger category of new commons. Likewise, we should expect that social capital, in the form of trust and networks, and moeurs can also emerge from assemblies, as occurs in constitutional conventions. The simplest examples of this with direct implications for democratic society and culture are the consensus decisions and the need for further action that emerge from neighborhood meetings, public hearings and other assemblies. In cases of complex issues and problems, including insufficiently recognized or inadequately defined social problems, or perhaps in the absence of a precipitating social movement, an assembly can be a motive force in stimulating further voluntary action. In fact, this is a technique used in many types of community organization. More complex (in their genesis) but particularly cogent examples of the uses of assembly in community problem solving would include the community meetings that precede (and may

prevent) or follow 'race riots' and civil disturbances, student and parent assemblies that typically follow school shootings and other violent or disruptive incidents involving students. Thus, not only are assemblies an important type of voluntary action, because of their frequently formative roles they are also related to many other kinds of voluntary action that may precede or follow from the act of assembly.

Civility is one of the most sought-after conditions in voluntary action. In March, 2010, a group of religious leaders on the American "right" and "left" made news very briefly in signing a "Civility Covenant" which included the following language urging Christians to "put away from you all bitterness and wrath and anger and wrangling and slander, together with all malice, and be kind to one another, tenderhearted, forgiving one another, as God in Christ has forgiven you" (http://articles.cnn.com/2010-03-26/politics/christian.civility.covenant _1_conservative-christian-leaders-political-pastors?_s=PM:POLITICS).

'Cosmopolitan Canopy'

Just as assembly may be unique or periodic events, they may also be formally organized or spontaneously occurring. At least by intent, if not always in actuality, some assemblies can be described as attempts to invoke or deliberately construct pluralist or 'cosmopolitan canopies.' Elijah Anderson's *Cosmopolitan Canopy* (2011) describes several interesting attempts to characterize urban spaces in terms of their ability to combine peaceful assembly under conditions of high diversity. Anderson's concept of a canopy as a form of collective understanding arising from a particular situation is useful for distinguishing among kinds of assemblies and can be extended to more general understandings of new commons. One connotation of the 'cosmopolitan canopy' as Anderson uses it accords well with the focus on pluralism in contemporary society and culture. In tracking inter-racial mixing and segregation in various commercial and civic spaces in downtown Philadelphia, Anderson identifies spaces, such as Reading Market, Rittenhouse Square and the 30th Street Station where many diverse populations of the city come together and interact civilly and peacefully, even though much of the city is racially segregated and the boundaries between groups are often sharp, tense and, at times, conflict-ridden. Other large cities in the U.S. and elsewhere also have similar canopies characterized by their cosmopolitan character along both similar racial and ethnic, and additional grounds like zones of religious tolerance within religiously fractious societies.

It does not stretch the legal and social meaning of Anderson's term unduly if we characterize many of the gatherings occurring regularly within these urban spaces as informal assemblies. Anyone who has ever visited one of the sites in contemporary Philadelphia, engaged in community planning or organizing, or had comparable experiences in other cities can easily recognize the face validity of Anderson's observations, Further, the conception of a canopy as a pervasive characteristic that envelopes certain situations and make certain behavior acceptable *in situ* is a particularly way for understanding facets of other new commons as well. Experienced organizers of assemblies and events in commons routinely seek

to construct and make use of canopies in exactly this sense. We will explore some additional aspects of Anderson's cosmopolitan community in the final chapter below. Meanwhile, let the cosmopolitan canopy serve here as an introduction to the general topic of the social space within which assembly occurs.

Social Space

One of the more important concepts of the new commons theory of voluntary action emerging from an understanding of new commons as associations and assemblies is the abstract idea of social, or interactional, space. Assemblies generally occur in what sociologists call "situations", or interactional spaces (characterized principally by who and what?) defined by time (when?), space (where?) and context (how and why?). These "five W's and H" are used by journalists as a skeletal structure for news, and by communications theorists to characterize communications as who said what to whom, by what means and with what effect? This idea of interaction within specific time, space and context is fundamental to the definition of social space for various iterations of the Bloomington model of commons in natural, economic and ecological forms involving human agents, the epistemological space of the knowledge commons, and Lessig's legal space of "the creative commons" whether in the aptly-named *cyberspace*, or more generally, in what we might call intellectual property space. Social space in this sense also works to describe the associations and assemblies of voluntary action. As with three-dimensional physical space, geometric metaphors can be useful in visualizing and understanding social spaces. One of the premier examples of this is the vertical branching tree of organization charts that purports to show relations within a formal organization. Graphically some assemblies can be represented as triangular consisting of a single apex, representing the speakers or presenters and a podium or stage or other focal point, and the broader base composed of the larger plurality of auditors, listeners or spectators. The social spaces of other new commons are more readily graphed as inclusive circles or as network diagrams, in which the nodes are the persons and the links between all of the nodes represent the interactions between them. The diagrams developed by Jacob Moreno's sociometry (circa 1953) first showed this graphically long ago.

Interaction or social relations located in n-dimensional common space figures both in consideration of the inputs, or factors of production and product outputs in new commons. This may be one of the reasons why Hardin's pasture metaphor resonates so clearly on an intuitive level; a common pasture or field is a distinct and recognizable physical space, perhaps even a cosmopolitan canopy, and resource use within the field can be mapped proportionally on the space. And real commons, whether in common field agriculture and fishing grounds, Creative Commons licensing of intellectual property in cyberspace, or the local United Way or Community Foundation appear more clear and understandable when modeled by the analogy with common pasturage.

There can be more to social space, however, than interaction at specific times, places and

contexts in terms of the practices that occur there; the moeurs that are part of the definition of the situation. A major implication of the idea of repertories as resources, for example, is that social space can be defined as the practice of place (Certeau, 1984: 117, as quoted in Lie, 2003: 120). The place-based practices involved in a common space are defined principally in terms of the resource repertories and other moeurs of participants. In the case of community spaces for assemblies, both moeurs and practices are widely known and understood in most communities: *when something bad happens, we all gather at the town square… Someone will undoubtedly organize a protest march on Broadway. This is awful… People will be gathering at the court house; etc.* However, recent declines in civic participation may also suggest temporary or permanent declines in such practical knowledge of such practiced places. Many voluntary action assemblies represent practiced place in terms of local community, or of community in general, the essential relations of which Tönnies ([1888]; 1955; 1957), Goodman & Goodman (1960), Warren (1963) and a great many other community theorists refer to with the German *gemeinschaft und gesellschaft* and the Latin *communitas.* This idea can be stated as a high probability that when a new commons is formed by an assembly through the identification by voluntary participants of shared purposes and a common pool of shared resources, that a group's sense of *philia,* or solidarity together with conditions for the formation of social capital, increased trust and networking will develop. In this way, assemblies often bring together and focus the many elements and potentialities of voluntary action, in this case the emergence of social capital in and through time- and space-specific association.

This may involve either bridging capital (that is, reaching across differences, including both geographic and group differences) or bonding capital (that is, bringing separate individuals and groups closer together) or both. A network, system or set of new commons can be a particularly important forum for bridging the diverse elements of a *communitas communitatum,* a community of communities. In diverse urban communities, for example, a meeting of the various neighborhood associations can serve such a purpose. For the emergence of social capital in the form of greater trust, not only signals internal *communitas*, in the form of the emergence of new networks and connection to existing networks, it also signals bridging connection to other communities.

For a clearer sense of commons in space, place and practice, we can identify several distinct types of spaces that are important in voluntary action. One of these we might call, natural, or unconstructed physical space. Thus the common or shared territory of iterant groups or tribes, whether forest or open range, that is shared peacefully by a number of distinct bands or tribal groups each of whom may implicitly realize a time reserved for their exclusive use, without any convention or agreement would be an example of such a space. This contrasts with architectural, or built space that is also physical. Wherever there is interaction or communication between separate groups within a territory or space we may have an instance of what Lie (2003) calls "spaces of intercultural communication." There is a long history of voluntary action interest in structuring such communication, as the discussion of Jane Addams and Hull House in Chapter One and Anderson's cosmopolitan canopies illustrate. Creating

spaces for intercultural communication, as Jane Addams did or, identifying them like Anderson (2011) where they already exist would seem to be a singularly important task under the conditions of pluralism existing in contemporary communities, and voluntary associations and assemblies. Meetings of the NAACP or local inter-racial, or inter-religious councils appear to be other examples of ways of creating such spaces. There are also undoubtedly thousands of less dramatic, more prosaic urban assemblies that occur as modules within all manner of public, private and common spaces.

Most concepts of social space, whether physical or interactional, are multidimensional although the dimensions are not always clear. This was noted in Chapter 4 in the discussion of enclosure of suburban backyard commons. Thus, within the built and socially constructed environments of cities, the urban planners' concept of the street as a physical space to be designed, constructed and maintained according to sets of engineering standards interacts with, but sometimes also competes or conflicts with the perspective of the street as a space for pedestrian contact and interaction. Such competing perspectives of the city were explored to great effect in the pioneering work of Jane Jacobs (1961) in New York and Toronto. Traditionally streets are also where many crowds and assemblies first gather.

To make this concept of interactional, social or communication space more meaningful, we can follow the provocative suggestions of Lie to deploy the perspective of the Dutch geographer, Michel de Certeau. According to Lie's reading of de Certeau, spaces can be defined as lived places. Thus, for example, the lived places that most contemporary nonprofit managers are most familiar with are probably home and office. Students may be most familiar not only with classrooms and dorms, but also general assembly points like campus quads or student centers. Places in this sense are fixed and stable with definite and established boundaries that can be determined, defined and perhaps defended, when necessary. By contrast, de Certeau notes, borders of spaces are flexible, often indeterminate and constructed in symbolic, interpretive ways (Lie, 2003: 121). Thus in de Certeau's sense, a dining room is a place but family dinner is a space. Weekly staff meetings, monthly board meetings, annual meetings and professional workshops are also names for familiar spaces, regardless of the places in which they occur. One of the intents of the theory is to draw attention beyond the spaces of professional office culture and to see the vast range of other interactional, communication and social spaces associated with voluntary action and the production of common goods. In addition to assemblies occurring in classrooms, meeting rooms, offices, and hotel conference centers, some assemblies, including crowds associated with festivals, parades, protest marches and pilgrimages, occur on the streets and in other public and common spaces. In recent years, entirely unprecedented forms of electronic assembly have also emerged on web sites, blogs, email discussion lists, Facebook, and produced an entirely new vocabulary with terms like flash mobs, and crowd sourcing.

Public Space

When we think of assembly, one idea that comes immediately to mind is that of public

spaces in which large gatherings may occur. Who can ever forget the television images of the hundreds of thousands gathered in Tahrir Square in Cairo during the Arab Spring of 2011, for example? Or, the 1963 crowd on the Washington Mall for Dr. Martin Luther King's "I Have A Dream" speech. Equally evocative, but less familiar perhaps, are the crowds assembled in Estonia and Latvia during the singing revolutions in 1991.

One of the most fundamental and significant uses of the notion of interactional and communicative space for assembly in the third sector literature is found in recent speculations and critiques of the idea of public space. Yet, one of the unfortunate characteristics of many cityscapes today is the decline of genuine public space. As a recent architectural review noted, "[S]tadiums are about as close as many cities come today to creating large-scale public spaces" (Kimmelman, 2012). Note that Kimmelman doesn't say that stadiums *are* public spaces, but that they come close; ticketed entry being the key feature as noted previously. And, of course, as an architecture critic, he is most interested in social uses of physical space. At least some of the interest in shrinking public space comes from confusion between physical public space and the social and political spaces of the public sphere. Current interest in the latter can be traced most recently to Habermas' analysis of the transformation of the modern European public sphere (Habermas, 1989).

This is another case where the addition of the third and common alternative enriches the analysis. It would be a mistake to see this simply as a two-way exchange: declining public spaces are simply being privatized. In many cases throughout the world they are entering the realm of the commons. One need only think of the crowds, often numbering in the hundreds of thousands attending major sporting events around the world. These are not, in any strict sense, public events because tickets are required for admission (and cable or other subscriptions for viewing). Yet, they are also not in any strict sense private; no more so than the courts of medieval kings and dukes. In fact, they fit well within the conception of assemblies as new commons introduced immediately above. And, sporting events are by no means the only examples of such assemblies as new commons. Rock concerts, music and arts festivals and concerts, and a wide variety of other cultural and religious assemblies large and small also fall within this domain.

Two or more million people gather each year in Mecca, Saudi Arabia for the annual *hajj*, the pilgrimage that is one of the five pillars of Islam. Photographs of the event show daily political gatherings of crowds rivaling or exceeding those in Tahrir Square. Yet this is by no account a public assembly, for strict rules prohibit the entry of non-Muslims into Mecca and Medina during the annual *hajj*. Similarly, some of the Hindi pilgrimages that also attract millions to the banks of the Ganges River and other pilgrimage sites in India may represent the largest commons-based assemblies in the contemporary world. Without the distinction of common and public space in mind, however, we do not quite know how to speak of such events, except perhaps to resort to the familiar quasi-public and semi-public terminology. Commons theory, assembly, and the category of common spaces alongside public and private spaces offer novel and powerful ways to think about such events.

Three Models of Public Space

It is useful in this connection to look further at the concept of public space. The political philosopher Seyla Benhabib (1992) isolates three (equally non-physical) models of public space in contemporary western political thought: 1) The agonistic (or polemical) view of public space as 'civic virtue' from the classical tradition. In modern political theory, she says, this view was most clearly articulated by Hannah Arendt in *The Human Condition,* a work that figured prominently in my original statement of commons theory (Lohmann, 1992) and is discussed further below. 2) The "public space" of the liberal tradition derived from Kant, where the 'legalistic problem' of a 'just and stable public order' is the centerpiece of theory. This is the view most commonly advanced by nonprofit sector theorists. 3) The 'discursive public space' envisioned by Habermas that emerges from a democratic or socialist restructure of late capitalist societies. This view is most associated with voluntary action and advocacy by political philosophers of models of deliberative democracy.

Each of Benhabib's three options can further our understandings of the role of new commons. However, all require some tweaking, since they are still premised on the radical dichotomy of private and public, which in turn, further provokes unnecessary confusion between the multiple senses of the terms private and public already noted. On this basis, numerous contemporary third sector analysts and critics have felt the necessity to define voluntary action with ironic euphemisms like "private production of public goods".

The new commons theory of voluntary action incorporates another, more subtle distinction, one which, consistent with the legal origins of the third sector discussed above, first emerged in Benhabib's Kantian model, as a purely legalistic option, but which has more recently erupted into full institutional bloom. In it, incorporation, foundations, trusts, and the full legal penumbra of rights and privileges work together to define precisely a "just and stable order", that is also in important senses a "spontaneous order". The result is different not only from public of the civic virtue approach of Arendt's ancients, but also from the Enlightenment view of Kant and others (notably Hobbes and Rousseau). The resulting third space involves placing limits on the idea of both public and private space that, in effect, open up the new and unprecedented idea of common space.

Habermas examined the emergence of a new model of the public sphere in the 18th century, and its subsequent fall and replacement by a more recent model, but says enticingly little of the exact nature of the model that it replaced in Europe. In this earlier, pre-bourgeois view, public matters were the exclusive concern of government officials, too important to be trusted to what in democratic societies are termed the public. Sheehan (1989) for example, quotes two ministers of the Prussian crown who wrote in 1794 "a private individual does not possess the right to issue public judgments, let alone unfavorable judgments upon the actions, procedures, laws, proclamations or decrees of sovereigns, their ministers, administrative boards, or courts of justice." When they argued, Sheehan critiques, "that private individuals do not know enough about public policies and public figures to have worthwhile opinions, the ministers were using a concept of 'public' to designate public affairs that were too complex,

arcane and sensitive for public consumption" (Sheehan, 1989: 190). This view is the quintessence of all autocratic and bureaucratic conceptions of public space, and incompatible with modern sensibilities in democratic society.

The three approaches examined by Benhabib, she says, all limit 'public space' to normative political theory (an idea that is itself an expression of what in the next chapter we will identify as a knowledge commons, as well as the view of a political elite of philosophers distinct from the democratic polity, Barber (1988) reminds us. This should not be read as a criticism; as a political philosopher speaking to principally to other political philosophers about matters of theory, Benhabib has no need to move beyond that limit. She is speaking within the confines of a knowledge commons, and should not be read as addressing public policy, as the Prussian ministers above clearly were. Likewise, approaches to public space used by economists also adhere to similar professional and disciplinary limitations up until the moment they are invoked as public policy prescriptions.

Any approach to common space in voluntary action practice, however, is first and foremost a common concern. It may also have to attend to public political connotations, but speaks primarily to the interests of relevant religious, literary, artistic, educational and scientific commons. Third sector uses of public (interest, issues, good, etc.) at this point reveal some of the more serious limitations of the English language term public. The German term *öffentlichkeit* as used by Habermas has been translated into English as public. But it is more robust than its English counterpart and can accommodate not only political publics, but also literary, religious, artistic, educational and scientific publics as well. In English, we must find more roundabout ways to accomplish this result. Parsing various distinctions between public and common, which have typically been used as synonyms offers one way to do this. The commons theory of voluntary action introduces three measures to deal with this. The first is to limit the term public after the manner of the discussion above in order to distinguish production of three types of goods: public, private and common. The second is to expand that usage to communication spaces and to speak of public, private and common spaces or spheres as well. The third is to introduce an additional term, the *focused public*, to characterize some public spaces as a type of social or cultural organization.

A focused public is defined as a body of persons large enough that members are not personally known to one another but who would if they were to meet have some basis for mutual recognition, identity or affiliation. A focused public is ordinarily the most expansive form of the knowledge commons discussed in Chapter 9. Thus, for example, the 17th century English public that included not only the amateur scientists but also their readers, patrons and supporters constituted such a focused public. Members of a focused public may not all belong to the same organization, yet they 'voluntarily' share common values, interests or sense of mission. In this sense, the professional communities of social workers, economists or what are sometimes called theater buffs are focused publics, and AARP, the American Association of Retired Persons is not – even though it probably involves more people, may be more politically engaged, and is similarly purposive. The difference is AARP is a formal membership

organization, being a theater buff or enthusiast for the paintings of a particular artist is a matter of social organization, or cultural affinity. As we shall see below, being convinced of a particular social problem viewpoint or the outlook of a social movement does not always involve active participation in movement organizations. It may be a matter of simple value preferences or cultural affinity. This is the realm of focused publics. The term focused public can usually be used in conjunction with at least one additional adjective, as in consumer-focused public, science-focused public, technology-focused public and a wide variety of other possibilities (Lohmann and Lohmann, 2010). Many focused publics come to have 'given' names; examples include Wall Street and Broadway (New York), Hollywood and The City (in London), the scientific community, the art world, and, of course, Rome, Mecca, Christians, Jews, Muslims or Buddhists, atheists, agnostics, and all the related labels.

As these examples suggest, focused publics may be centered on a physical space, but sometimes only on a more abstract social or cultural space. A wide variety of terms exist to characterize the latter: the fourth estate and the Republic of Letters are two examples. Chapter 9 will explore a number of common themes and issues that enable us to speak generally about a wide variety of such instances. Before that, however, we need to look further at some particular types of focused publics.

Canopies

In general usage, a canopy is a covering or roofed structure. Thus in forestry, it is a dense covering of branches and leaves high in the treetops of a forest or jungle. In the commons theory of voluntary action, a canopy can be said to be that component of a social space defining a recognizable physical space for presentation and recognition of the autonomous, self-defining authority or legitimacy of an assembled body; their right to be there and to do what they do. Such a canopy is composed of several dimensions, including attention, focus, or listening on the part of those present, and responsiveness, in such forms as applause or verbal reactions, questions and follow-on comments as well as a broad range of other implicit or unspoken moeurs. Canopies, in this sense, are integral parts of what has traditionally been termed "definition of situations." For our purposes, they are the understandings that people have of the context within which voluntary action does and can occur.

Canopies enclosing and defining social spaces may be of several types in addition to Anderson's (2011) cosmopolitan version, which is of particular interest under conditions of pluralism. For example, there are secret canopies like those that cover the associations of political dissidents everywhere, including the polygamists mentioned previously. A special sub-type of secret canopies are the canopies of computer hacker groups like Anonymous, terrorist groups like Al Qaeda, and domestic splinter groups like the Michigan Militia, assorted Mafioso and earlier in history the Ku Klux Klan. Third sector scholars have generally written such commons off along with political associations, but the concept of bad commons allows us to make a place for them in the larger schema of the third sector, while the term canopy of secrecy

differentiates those most strongly nonpublic in an information or awareness sense. There is also the canopy that arises when a group, association or assembly has a heightened or exaggerated sense of mission and its own lofty position in the scheme of things. Associations of "real world superheroes" who use their own superhero persona to cross the line from gaming and engage in essentially vigilante activity would be an example (Hughes, 2006; Mazé and Jacobs, undated). Such canopies, and we shall resist the temptation to name them at this point, are of two major types: There are canopies that emerge directly from common associations and assemblies, as expressions of group social and moral capital. Leaders and many participants in the civil rights movement, for example, were aware that they were engaged in unique activities and developing moeurs of historic importance, and that canopy gave their efforts an added sense of urgency, importance and dedication. Canopies of this sort develop a sense of collective self-worth that both earnest participants and the slightly cynical have been known to describe as "doing God's work" and with other, similar phrases. Then, there are the canopies of duplicity and hypocrisy thrown by others over "those people" who are suspected, rumored and accused of being insincere, posturing and false in some of their appearances. A further body of social science work exists characterizing religion under sacred canopies. Peter Berger may have been the first to use canopy in this sense, in a 1967 study of religion entitled *The Sacred Canopy* (1990 [1967]).

In Elijah Anderson's (2011) examples in Philadelphia, especially in Reading Market and Rittenhouse Square, the cosmopolitan canopies he describes and analyzes are social spaces that evolved spontaneously over time. By contrast, in many conventionally convened crowds, classrooms, street scenes or gathering assemblies of interest in voluntary action, there is likely to be a leader or group of organizers, conveners or facilitators deliberately seeking to establish a canopy. There may also be a defining moment when the canopy emerges (or not) and becomes apparent to those involved – for example, when the curtain opens, the conductor arrives onstage, the speaker is introduced, or the chairperson announces that the "real event" has begin. Even such a prosaic activity as calling a meeting to order may be an evocation of a canopy; we are no longer a group of separate individuals but rather now share the canopy of a common identity for the duration of the meeting. In such circumstances, the classic stance would to be say that the canopy is invoked or descends upon the commons, invoking divine or other authority. In democratic circumstances, it is more appropriate to see this as a distillate from the common authority of the group. In either case, when invoking a canopy is successful and that moment arrives we may speak of the emergence or appearance of a common space, a sense that most who are "there" can share as the contemporaneous realization of the sense of being together in time/space for some shared reasons. At that moment and until the subsequent closure of the canopy, the shared experience becomes an additional common resource for those present. Anyone who has ever held a committee meeting in a public other lounge or space like Reading Market where other nonparticipants are reading, conversing,

sleeping or listening should be able to grasp Anderson's concept as well as the narrower canopy of a canopy within that cosmopolitan space intended here.

The concept of the public sphere as elaborated by Habermas and others is also a canopy of sorts. There must have been moments of self-conscious opening and closing in the public sphere canopies that emerged in 18th century coffee houses of London, Paris, Vienna and Berlin, for example, when those spaces were transformed from ordinary commercial establishments for buying and selling coffee to enabled venues of the public sphere where information and knowledge of public affairs previously limited to those Prussian government ministers and their counterparts could be exchanged, newspapers were planned, edited, and read, discussions, deliberations and debates were held and other civic activities took place. Likewise, in the meetings of the various academies and other scientific societies that began in abundance in the 17th century distinct social spaces dedicated to scientific knowledge were first realized in the modern world. Quite probably, just as Anderson describes in the various venues in Philadelphia, these coffee house spaces functioned differently at different times of the day and year, at one time merely selling coffee to rotating rounds of customers, with 'regulars' intent on civic exchange gradually accumulating while until some type of plurality was attained or some recognized leader, wit or organizer arrived (e.g. Oliver Goldsmith, Jonathan Swift, Joseph Addison, Richard Steele or Benjamin Franklin). At that point, and associated with what can be called a *baudekin*, a transformation in the definition of the situation would have taken place and everyone in the venue would recognize that it would be proper to convene a meeting, make a brief speech, or engage in other behaviors not usually associated with commercial coffee houses, because the canopy made this part of the public sphere. Likewise, at some other point, it would be similarly clear that the social space of the public sphere had closed and the coffee house was once again an ordinary commercial venue. Much the same kind of canopies can be established for non-public affairs, such as collective religious, artistic or educational experiences. There are, in fact, all sorts of clever and waggish ways to describe similar transformations in the meaning of a situation, as in the expression "I went to a fight and a hockey game broke out." Experienced classroom teachers and students, for example, will both be familiar with the moment when invoking the canopy is the point at which students cease private conversations and turn their collective attention to the learning experience at hand and the instructor. Just as with the other examples, a classroom is neither a public nor a private venue, and that moment, like others when students are "talking in class" or engaged in other private behavior like texting outside the canopy illustrates another example, or venue of new commons.

Venue

Venue, defined as the scene or place where collective actions take place and canopies are invoked, is an important term to focus attention on the physical spatial space of an assembly where the regular or predictable emergence of a canopy is to be expected. Two types of venues

are particularly important for voluntary action: general, or multi-purpose sites, like the London coffee houses, contemporary community rooms, campus or student centers and specific or dedicated venues, like Masonic Halls, theaters, ball rooms, concert stages and sports arenas and stadia. Such dedicated venues are often commercial establishments where people pay for the opportunity to join the canopy. Note also that the canopy experience in a commercial venue (NFL stadium or MLB field) is typically very similar to the nonprofit (NCAA or Olympic) one. The tax-category of the sponsoring corporation apparently has little effect on the experience of voluntary action in dedicated venues.

Thus a meeting room is a multi-purpose venue that can host a bake sale, instruction, business meeting, or line dancing. By contrast, theaters, temples, concert halls, libraries, gymnasiums, chapels, and laboratories tend to be venues for specific purposes, although any of these, like Vaclav Havel's Magic Lantern Theater, might be used for other purposes under appropriate circumstances (Ash, 1990). The venues of voluntary action are a little-studied phenomenon. Also of interest is the shift away from purpose-built venues for third sector entities among voluntary action organizations between the late 19th century and the present. Every large city in the U.S., London, Paris and most other cities are dotted with buildings constructed especially for assemblies of social clubs, religious groups and fraternal organizations, Masonic temples, churches, synagogues and temples and a host of other purpose-built venues for voluntary action dating from the 19th and early 20th century. Today, gymnasiums (e.g., YMCA's, nonprofit and private health clubs) as well as churches and foundations with their own buildings are among the remaining purposive venues, but for the most part voluntary action venues have been absorbed into the general venues of office buildings, and in some cases, former homes converted to office or common use.

Baudekin

The provocative notion introduced by Anderson's discussion of the cosmopolitan canopy in Philadelphia also has additional implications for the commons theory of voluntary action. We can characterize some of these with *baudekin*, an archaic English term also spelled baldachin to describe the canopy or architectural feature covering a bishop's throne or seat (*cathedra)* as a symbol of authority. Thus we can define the baudekin of a commons as the canopy of authority covering any particular new commons. For example, there was a very clear baudekin surrounding the Continental Congress in Philadelphia in 1776, and assorted state constitutional conventions, like the First and Second Wheeling Conventions on May 13 and June 11, 1861 from which the new state of West Virginia was formed by secession from the secessionist state of Virginia and remained in the union. Baudekins as canopies of authority are particularly interesting features in the context of human rights and freedom movements. There are numerous additional examples of events that established moral baudekins like the student lunch counter sit-ins and the Selma, Alabama demonstration at the Pettis bridge, the Seneca

Falls convention in 1848, the Stonewall riots in 1969, Bloody Sunday, November 21, 1920, in Dublin.

In contemporary voluntary action, baudekins come in a variety of (figuratively speaking) shapes, sizes, and forms. Whereas medieval baudekins were tangible symbols of office like the cathedra and part of the collection of venerable objects possessed by notable persons and institutions as signs of their authority, modern baudekins tend to be intangible symbols of democratic authority claimed by individuals or groups, often in the form of reserved spaces or venerated places. Thus, presidents, conveners or chairpeople frequently sit at the head of a conference table or stand at the front of the room for purposes of convening and "running" or presiding over meetings, while other group leaders seek to enhance their democratic credentials by explicitly rejecting such baudekins. However, for modern board members, a gavel as a symbol of authority is decided limited. In large gatherings the convening official(s) willingly or not stand at a rostrum or on a dais or raised platform and use a microphone. The performance or procedure of rotating speaking privileges may include moving to and from the rostrum/microphone, microphones stationed in the audience, or in the case of a portable microphone of passing it from one speaker to another. The very shape of portable microphones sometimes tends to resemble a kind of miniature ruler's mace and subconsciously reinforce its role as a symbol of authority. These all represent instances of what we are here calling the baudekins as symbols of authority in voluntary action.

Baudikins, Focused Publics, Social Problems and Movements

Shared recognition of canopies and baudekins are characteristic of a focused public. Focused public members may not all belong to the same organization, yet share some common values, mission or interests, including recognition of shared canopies of authority. Two important forms through which focused publics are established and sustained are found in the seemingly independent topics of social problems and social movements. Members of a focused public will recognize a social problem or affirm a social movement in ways that others do not, even though they do not see themselves as active members or participants. Focused publics, in this sense, can emerge either directly from the membership of associations or assemblies but also include those who are only aware of or supportive of them, with no intent to join or participate. Thus, in recent years both the Tea Party and the Occupy movements, like the "flower power", conservative and other counter-cultural movements of the 1960s all inspired large coronas of focused publics who claimed to understand and support what the movement was about but did not consider themselves participants. Similarly, the growing awareness of a social problem can be tracked in large part by the simultaneous growth of core participants ("activists") invoking the baudekin of the problem, and the focused public of core supporters who acknowledge, yes, this is a problem. For these reasons, we need to further examine social movements in the context of assembly as forms of voluntary action.

Conclusion

Assembly is one of the historically important, but widely neglected facets of collective action, yet it has received no serious attention in the literature of third sector studies. Assemblies, like associations, can be defined in terms of voluntary participation. Common purposes and the pooling of resources distinguish assemblies as collective behavior from other forms of crowds. Even so, the concept of the canopy introduced in Anderson's study of cosmopolitan canopies offers a useful way to understand the formation of focused publics and the situated aspects of assembly that differentiate them from associations. As we shall see in the next chapter, several types of associations and assemblies constitute types of knowledge commons.

The world of knowledge takes a crazy turn
When teachers themselves begin to learn.
~ Bertold Brecht

10. Knowledge Commons

One of the most potent and interesting recent products of the Bloomington School from the vantage point of voluntary action has been the introduction of a rational choice model of knowledge commons (Hess and Ostrom, 2007). The essential idea is of a common resource pool in which a particular field of knowledge is the principal shared resource, with other resources serving subsidiary or supportive roles. A knowledge commons can be defined for our purposes as a shared, common resource pool of knowledge of (that is, what is known about) any subject, from astrophysics to Zoroastrianism, including practices from mining to hypnosis, together with the agents who know or 'possess' that knowledge, their various associations, assemblies, and focused publics, and the rules they establish for determining what knowledge is for their purposes and how to deal with false knowledge.

The full significance of the knowledge commons model is currently hamstrung by two major limitations: reliance on a static, rational individualist model of knowledge that treats knowledge as an abstract commodity rather than the shared perspectives and socially constructed projects of associations, assemblies and their focused publics. As advocates of the Bloomington model of commons at times seem to acknowledge, such a model is presently too narrowly drawn to fully embrace the real, robust nature of knowledge; something that includes (or ought to) the collective hunches, imaginings, nuances, questions, and inklings surrounding what is known with any degree of certainty. Knowledge is always knowledge of or about something, and it is always someone's (and most often, some reference group's) knowledge – our knowledge, their knowledge, or someone else's knowledge. I have little doubt that personal knowledge of other individuals and even tacit knowledge exists for others much as it does for me – for example, an individual's awareness of their own thoughts, fantasies, imaginings and the like. Further, the notion of sub-conscious knowledge is an intriguing one, although for the most part beyond the bounds of inter-subjective testability. For the most part, however, these are not important as forms of knowledge resources in commons. For all I know, Andrew Carnegie may have had lifelong thoughts along the lines expressed in *The Gospel of Wealth* (1900), or the entire work may have been ghost written by Carnegie's advisors the week before it was published. This matters little. What matters are the public reality of the published artifacts attributed to the mature Carnegie and their connections to others' thoughts, words and deeds on philanthropy. The present effect on philanthropy of work attributed to Carnegie would be about the same regardless.

Knowledge exists collectively as part of us, both as individuals and collectivities, in our individual shared memories and collective recollections and in our artifacts. Knowledge can be

recorded, stored and disseminated in books, articles, journals, podcasts, lecture notes, audio and video recordings, computer disks, thumb drives, stone tablets, braided ropes, and all manner of other knowledge media. The ideal type of its dissemination is from one person who is knowledgeable to others who are not. Knowledge is not some abstract, metaphysical ether existing apart from us, even though it is sometimes discussed as if it were.

Knowledge is part of who we are. I think, therefore I am, says the Cartesian rationalist. Unspoken is that I think at least partly on the basis of what I know. As Charles H. Cooley (1912: 9) noted many decades ago, "Descartes might [just as well] have said 'We think' *cogitamus* on as good grounds as he said *cogito."* In Cooley's wake, communicative rationalists are more likely to say we think about who we want to be because of who we are, what we see, what we know and can read, write and imagine, what we can tell one another and learn from others. The Bloomington model of the knowledge commons (Hess & Ostrom, 2007) is an important first step, but ironically it is handicapped by the lack of explicit treatment of the social and physical distribution and the cultural organization of knowledge. Even more important for our purposes, it also lacks pathways for routine consideration of the implications of knowledge as a resource for voluntary action. This is not because the knowledge commons is a faulty conception, but only that the 2007 volume which is still the main ur-document on the subject was a preliminary, somewhat tentative, opening statement on this very important topic. Several contributors to the 2007 volume on knowledge commons clearly point in the direction of more sophisticated, less rationalistic models of knowledge commons and some of their contributions are noted below.

Knowledge Commons and Moeurs

The concept of moeurs (which in some of its knowledge aspects parallels the more recent cognitive concept of memes) is key to linking knowledge commons and voluntary action, and possibly all knowledge and action. As Kahan (1996: x) remarks, moeurs include "the different notions [people] possess, the opinions that hold sway among them, and the sum of ideas that form their mental habits." Such notions, opinions and ideas, including ideas about practices, conform in all important respects with the concept of common pool resources and common goods noted in previous chapters. Knowledge may be both a resource and an output of voluntary action production. Conventional research articles, for example, include both a literature review (an inventory of resources) and findings and conclusions (two different types of outputs or products). Knowledge production and use are, in the context of voluntary action, uncoerced and unconstrained, with a distinction (whether clear or uncertain and fluctuating as in Barber's definition of political) between those who know and those who do not. Such a conception of knowledge in active use or consideration implies another large category of those things that may be known but do not function as resources for action. For example, it has long been known, at least by a small group of historians and others, that Tocqueville traveled to and around the United States not alone but with his friend and companion Gustave de Beaumont

and that their trip was originally posed as a study of American prisons, That particular bit of knowledge has no important resonance in third sector research. Yet the comparably esoteric meme that Tocqueville visited New England, and may have observed one or more town meetings is seen by most observers as highly significant, while Gary Wills (2004) observation that Tocqueville's *Democracy in America,* was written primarily for French, not American, readers is still somewhat an uncertainty as of this writing.

Knowledge, like language and culture with which it is closely associated, is a uniquely human product. There is a necessary tautology working here. For all I know, bees and bears may have their own forms of knowledge, but if they do we are not among the knowers and tend to dismiss whatever knowledge they possess as purely instinctual. Thus, to be altogether convincing, a model of knowledge commons must take account of the social divisions of knowledge – like the classical Aristotelian nature, culture and people distinction noted by McCully (2008). Not only should we be concerned with who knows what, when and where, but also how and why they learned what they know, how they pass it on, and how and when they use what they know. As Alvin Gouldner (1970) observed, theories are also types of social organization; the type he termed infrastructures. They constitute forms of collective behavior not unlike the constituencies of public policies surrounding public agencies and bureaus or the seller-buyer constellations that form around products in markets. Not only do such organizations possess latent patterns or distributions of sentiment and assumptions, and connotations that resonate differently in various parts of the population (e.g, their focused publics), they may also have differing political implications that point in varying directions.

Gouldner (1970) also offered an altogether different tragic sense from the tendentiously narrow "tragedy" of Hardin's (1968) commons tragedy – succumbing to free riding – when he says:

> [Humans] surmount tragedy when they use themselves up fully. . . . The tragic sense does not derive from the feeling that [people] must always be less than history and culture demand; it derives, rather, from the sense that they have been less than they could have been, that they have needlessly betrayed themselves, needlessly foregone fulfillments that would have injured no one."

Gouldner, in the gendered style still common in 1970, actually said "Men surmount tragedy…" His point loses nothing if we extend it to the other half of humanity as well. Gouldner's comment shines the light of Taylor's social imaginary on the path from Hardin's stark duality of private tragedy or public success, through the Bloomington School model of rational rules to the actual practices of knowledgeable people engaged in voluntary action in new commons. His idea of humans "using themselves up fully" has connotations of involvement, commitment, engagement and solidarity that are very essential to any forms of voluntary action. Such absorption will be familiar to people fully engaged in religion, science, the arts, or

such esoteric forms of voluntary action as stamp collecting or other hobbies. In order to develop this idea further, we can examine two different examples of knowledge commons among many requiring such major commitment and offering solidarity: calculus and social problems.

Calculus As A Knowledge Commons

For people in the social sciences, with the notable exception of economists, few subjects are as daunting, strange and foreign as the calculus. (For readers who have little idea of the importance of calculus in mathematics, see: http://opinionator.blogs.nytimes.com/2010/04/11/change-we-can-believe-in/). The idea of calculus as an intergenerational social and cultural organization may be a strange one to some readers who are accustomed to thinking only of mathematics as esoteric knowledge and not considering the knowers who make it so. Yet, the calculus has a definite social organization that includes such clear roles as the founders, the 17th century mathematicians Leibnitz and Newton, teachers, expert and novice users in each generation, advocates, enthusiasts, aficionados, critics and more. The social organization of knowers of calculus is thus a clear example of a knowledge commons. Moreover, the calculus has important dimensions as a philanthropy, like those we will take up in Chapter Ten. For those who know calculus, it represents a common resource pool of terms, concepts, formulas, procedures and 'working knowledge' that any of the initiated can draw upon to define, model and resolve problems and communicate them to others. Moreover, the split between those who know calculus only as a mathematics and those who know it as a tool for solving problems in practice is important to note. The unique combination of knowers, rules and knowledge resources taken together sum up what is meant by the knowledge commons of calculus.

As part of the stratification system of the calculus knowledge commons, the most basic distinction can be drawn between those who 'know calculus' at any level and the rest of the population who don't. Further distinctions can be made between those who don't know it, but know a little bit about it, e.g., understand that it is a subfield of mathematics, and those who aren't even aware of that. This can be further divided into several categories of novices, including those who have partially mastered the subject, those who have a general understanding of the subject and make use of it in routine applications like economic and applied statistics formulae without the need for any further knowledge all the way to expert users. All of these are distinguished from the non-knowers who, regardless of whether they have heard the word, but have no idea what it may mean.

One of the reasons that calculus makes a good introductory example of a knowledge commons is because of the clarity of the distinctions that can be drawn. In the case of the calculus, many of these distinctions are so sharp that, in theory, any student of calculus could trace her/his lineage from teacher to teacher's teacher over the several hundred years directly back to the founders, much like an ancestral family tree. The ability to 'do' calculus also differentiates those who are members of the calculus knowledge commons - from those barely

able to read or understand the words, grasp the formulae or work the elementary textbook problems to those with great facility at applying calculus to creatively solving engineering, economic and scientific problems. As with other mathematics, creativity also enters into the calculus knowledge commons at multiple levels, setting those able to derive creative solutions truly characterized as 'beautiful to those whose work with calculus is entirely work-a-day, unimaginative and uninspiring. For example, regardless of how much of the mathematics they did themselves, Frank Lloyd Wright's cantilevers and Frank Gehry's fish scale-inspired buildings like the Bilbao Museum, are both highly creative exercises in calculus.

All those who know calculus in any of these ways are members of its knowledge commons: Not only are they able to 'speak' calculus, whether their native language is English, Chinese or Urdu. They are also able to engage in mutual aid and self help, assisting one another with problems in ways that no non-member of the calculus knowledge commons could probably even recognize, much less assist with. Calculus is thus a particularly good example of a field of knowledge with clear boundaries between knowers and 'not-knowers', a distinct set of social relations and even a social and cultural organization among members of the knowledge commons of calculus characterized by institutions of learning, mutual aid and self-help. Learning calculus is also a clear case of voluntary action, in which one must voluntarily seek membership in the association of those who know, and learns to use – and contribute to – the common resource pool of its knowledge. Although knowledge commons are not always as clear-cut as in this case, many forms of knowledge function in similar ways as common resource pools for those who learn, possess and use knowledge. Carpentry, chess, chemistry, clothing design and community organization, for example, all function in similar ways as knowledge commons. So also does knowledge of social problems which represents another form of knowledge commons closer to the core topic of voluntary action.

Social Problems As Knowledge Commons

Social problems are one of the important types of social organization included within the sphere of the theory of voluntary action. That sentence is not a misprint. Many people have become accustomed to thinking of social problems in purely idealistic terms as pure thoughts, ideas or theories of knowledge clouds existing more-or-less independently somewhere "out there" and able to act virtually as autonomous agents on human affairs. The existence of social problems as a distinct form of knowledge-based social and cultural organization – as new commons – may escape notice entirely unless we think very carefully about it. One of the possibilities that the commons theory of voluntary action, and specifically the concepts of common goods, association, assembly, canopy, venue and baudekin open is to bring social problems down from the clouds of idealism and pure thought, as it were, where they are often left as purely mental conceptions and tie them directly to the daily lifeworlds of voluntary action. Any full understanding of social problems as new commons, for example, would include insight into whose problems they are and when. What individuals, groups, classes or kinds of

people in what periods of history see something as problematic? Answering such questions is easier today than it would have been a generation ago.

Along with the other characteristics of social problems emphasized in previous theories, most recently theories of the social construction of social problems open pathways to such problem complexes as voluntary organizations with collective focus or missions, and collective resource pools as well as the emergent social and moral capital that characterize what we ordinarily think of as social problems (Kitsuse and Spector, 1987). The three distinct conceptions of polio as a social problem discussed in Chapter 5 and the organizations and networks associated with each approach – the research labs, treatment hospitals, teaching, advocacy and fundraising organizations – together serve as a good example of this phenomenon. Similar types of social and cultural organization associated with a wide variety of diseases and other social problems can be found. In these cases the knowledge of social problems is thoroughly connected with the knowledgeable people who inhabit them, as well as with their networks of associations and assemblies.

The intellectual origins of 20th century social problem thought in sociology, economics, and the other social sciences can be traced to several different sources including 19th century social realist novelists like Charles Dickens, writing in English, Theodor Fontane in German, and Victor Hugo and Emile Zola in French or dramatist Henrik Ibsen in Norwegian and any number of Russian novelists. Even a simple listing of all the literary contributors to modern social problem thought would quickly become a major study. For anyone interested, Janet Horne's (2002) study of the Museé Social offers a good starting point, detailing French literary contributions in the context of the evolving labor and other social movements and other social, cultural and organizational developments of the time. In the eighteenth century, Oliver Goldsmith, a contemporary of Adam Smith, Adam Ferguson and Jonathan Swift lamented the passing of the village commons in his poem, *The Deserted Village*. Both linguistically and sociologically, one of the key taproots is 19th century public awareness of what was often referred to as "*the* social problem" or "the labor problem" – an interconnected network of issues, notions and ideas like unemployment, underemployment, poverty, urban housing, drugs, violence and the many other facets first explored by the novelists and embraced in rapid order by urban reformers, labor organizers, revolutionaries, politicians and social and political theorists, notably the many varieties of 19th century socialists (Gide and Rist, 1948). None of these diverse early literary sources dealt explicitly with the social and cultural organization of the social problem/labor problem, although this clearly would have been an important issue or concern for any of the reformers, organizers, revolutionaries and other practitioners. These literary sources are important because they offer one basis for seeing social problems embodied in actual (albeit fictional) persons and their relations and even organizations, rather than as clouds of ethereal ideas.

Somewhere along the way, the group, organizational, institutional and cultural contexts of social and labor problems that are present in the plans and schemes of practitioners and woven into the plots, characterizations and dramatic action of fiction, were abstracted into the idealistic constructions and statistical generalities (clouds) of the social scientists. To see this clearly, one need only compare literary classics like *David Copperfield*, *Les Miserables*, *Germinal*, Ibsen's *Hedda Gabler,* or Fontane's character Effi Brest, or Tolstoy's monumental *War and Peace*, for example, with suffragist writings, Charles Booth's quantitative studies of the poor of London or any modern social problems textbook, especially prior to 1985. What is almost completely missing in the latter is the concrete, situated and historical nature of social problem knowledge. Knowledge of social problems is not the general or universal outlook of a society or time, but the understandings of particular new commons. It is the knowledge held in common by particular groups, classes, occupations, professions, religions or other social and cultural entities.

Mayan Calendar 'Predictions'

It may be helpful in this context to think of 'Apocalypse, 2012' which like 'the millennium', January 1, 2000 became a kind of social problem. We now know with certainty that predictions allegedly derived from the Mayan Calendar that forecast the end of the world in 2012 did not come to fruition. Further, you may know that after these predictions were widely disseminated, there was a period of active debunking of such predictions including assertions that the end was not actually forecast in the Mayan Calendar. While the whole thing is slightly amusing, it is also an occasion to distinguish various approaches to knowledge of that calendar: the original knowledge of the Mayan calendar held by Mayan intellectuals at the height of that culture between 250-900 C.E. has since been lost irretrievably. (However, for all I know, shreds of it may be retained in secret Mayan religious cults, as with Navaho 'sand paintings'. This knowledge can be distinguished from contemporary historical, anthropological and mathematical knowledge of the Mayan calendar as reconstructed by western scholars, which in turn is different from the 'knowledge' touted by advocates of the social problem posed by that calendar, who concocted an interesting myth and may have believed their own mythology. All of these are forms of knowledge, broadly speaking, and each is associated with its own associations, assemblies and demonstrations of collective behavior. Together with this and other discussions, they form the complex social and cultural organization of the Mayan Calendar knowledge commons.

When considering things as genuinely foreign as original knowledge of the Mayan Calendar – far away, linguistically remote, occurring long ago and ultimately, inaccessible to any contemporary mind, but potentially including surviving Mayan villagers in urban and rural Central America - it becomes relatively easy to visualize what can be more difficult to see in the case of knowledge closer to us in time and place. Original knowledge of the Mayan calendar and how and why it was constructed was likely knowledge possessed by a specific group (or

groups) of people in particular places and times – one or more associations of priests/timekeepers: social inventors, and teachers responsible for dissemination of knowledge of the calendar and perhaps many others. Together, they constituted a social organization of knowledge; a knowledge commons. The same might be said to greater and lesser degrees of the astrological knowledge of other more-or-less unknown group of priest/astronomers who supervised the alignment of ancient temples like Stonehenge, the Zoroastrian religious leaders who supervised the rites in ancient Persian temples, the teachings of iterant Greek philosophers in the generations preceding Plato, and untold numbers of other, similar examples. Knowledge whether it has been lost to history or currently known today like the knowledge of the experience of particular cancers held by cancer survivors in self-help organizations, does not exist outside or apart from human minds, but only in the individual and collective awareness of particular sets or networks – however small or indefinite – of knowers, displaying discoverable degrees of involvement or distance from one another. Sets of knowledge whether tacit, esoteric or general represent bases of distinct forms of human association or network of those 'in the know', possessed of some particular or discrete bits of knowledge. It may be the cancer researchers, or the oncologists who specialize in cancer treatment or the patients themselves; each is possessed of unique forms of common knowledge. Thus, an important part of understanding a social problem, or more generally any body of knowledge, is to understand the associations, assemblies, networks and other organized social relations of those who know it.

Application of the commons theory of voluntary action to social problems as associations or networks of those who know serves to supplement but not to replace existing and more cognitive understandings of social problems. This is, no doubt, due to the accumulative nature of knowledge: Like information, when one learns something it is simply added to the cumulative stock of knowledge one possesses and when passed on it also becomes part of the stock of those who learned it, while remaining with all who already know it. This is particularly the case with respect to recent constructive theories of social problems (e.g. Kitsuse and Spector, 1987; Nichols, 2003A; Nichols, 2003B). (Note: There is some disagreement among social problem sociologists between various 'constructivist' and 'constructional' theories on matters that do not bear directly on voluntary action. Thus the term constructive is used here to apply to all varieties of social problem theory grounded in the original work on "the social construction of reality" by Berger and Luckmann (1967) in the tradition of the original perspective of Kitsuse and Spector (1981).) The Spector-Kitsuse approach, according to Ibarra (2009), establishes the linkages between what C. Wright Mills termed "personal troubles" and "social issues" (Mills 1959: 8). Ibarra goes on to note "Spector and Kitsuse focused our attention on the myriad processes through which social problems are constructed — identified, defined, re-defined, acted upon, and dealt with by societal institutions, including the various offices and venues of law and corrections, medical and social services, and education and culture." It is only a small step from that awareness to identifying the specific institutions – associations, assemblies, groups and organizations – involved, and how they handle the task.

Kitsuse and Spector distinguish two important types of social problems, with associated actors and actions: claims and counter-claims, with claims-makers (or claimants) and counter-claimants. Ibarra notes, in affinity with Barber (1988) above, that both of these were presented as possessing certainty and called for attention to two additional classes of actors that can be termed uncertain claimants and uncertain counter-claimants. An additional point to note here also is that when there are only claimants, and no opposition from counter-claimants, certainty of knowledge may indeed exist, setting up the distinction between political and apolitical knowledge noted by Barber. The existence of counter-claimants regarding social problems (or any other form of knowledge) is usually sufficient to trigger the condition of uncertainty. As Barber notes, uncertainty may be sufficient to politicize a social problem, transforming counter-claimants and claimants into partisans, at which point their repertories of political skills, rather than the voracity of the knowledge claims, may become foremost consideration. There may be only a handful of scientific counter-claimants to evolution or global warming, for example, and yet the political skills of counter claimants and their allies and supporters (who would claim it is the rightness of their claims) have succeeded in transforming both into major policy debates.

Thus, while clear definition and careful analysis are of great importance, they are only two of the modes of social problem knowledge from the standpoint of voluntary action. There are two other modes of social problem knowledge that are of equal importance for understanding social problems as voluntary action: promotion or advancement and diffusion of problem knowledge and advocacy. The term promotion is to some degree appropriate because it emphasizes the use of resources like public relations, advertising and other, similar tools of media relations to promote better and more widespread understanding of the problem. We can also apply the term diffusion in recognition of the role of the "diffusion of innovations" model of social change of Everett Rogers (2003 [1962]) that has been fundamental to understanding how ideas spread from their origins throughout a community (including local, national or global knowledge commons). Thus, the idea of diffusion networks can be used here to explicitly acknowledge how a social problem like dying alone and unaided from cancer or HIV-AIDs, and the solution represented by hospice can spread from the original work of Cicely Saunders and St. Christopher's Hospice in Hackney, East London to the Connecticut Hospice in Branford, CT in 1974 and subsequently across the U.S., with similar diffusion networks in other countries. Also important in some cases is the role of what Thomas Kuhn (1970) termed paradigm shifts. McCully (2008), for example, has proclaimed a paradigm shift in understandings of philanthropy.

Full understanding of social problems involves not only knowledge of the conception, definition, and analytical circumstances of the problem, but also of the various associations and institutions of voluntary action that adopt and embrace these various steps. As previously noted, knowledge of the problem of polio cannot be separated from knowledge of the Sister Kenney Institute, the Salk Institute and the March of Dimes. The development of knowledge of

social problems does not just happen, just as such knowledge does not exist in a cognitive cloud somewhere. It requires a great deal of effort and interaction ("voluntary labor") by many people, and unlike pharmaceutical research, to take a quite different example, there are seldom clear or unambiguous commercial possibilities that arise from defining and describing social problems. Thus, there is typically little financial incentive for market-based institutions to enter social problem knowledge commons. In most instances, therefore, such tasks are undertaken initially by the institutions we designate as eleemosynary, nonprofit, independent sector, nongovernmental, or philanthropic; that is, the institutions of voluntary action.

Following further on Barber's epistemological concept of political knowledge, enables us to make one additional important point about voluntary action and new commons and advocacy. New commons focused on advocacy as knowledge commons operate in the borderlands between social problems and political issues, social and political movements and political and civil associations. A major subset of those who 'know' or understand any given social problem, as in Zola's advocacy in the Dreyfus case, understand as part of their knowledge not only that it is important that others also must learn or and come to understand the problem, but also that something must be done about it. Such considerations are the unique domain of advocacy. This may involve, as in the case of HIV-AIDS, organizing demands for legislative action. Or, in other cases, it may involve fundraising or research, as in the case of the many 'health' (actually disease) related associations. In each of these cases, the commons theory of voluntary action offers the opportunity to call attention to specific institutions of voluntary action devoted to identification, definition, analysis, causal analysis and intervention. This would include health groups like the American Cancer Society, research foundations focusing on social problems, like the Russell Sage Foundation, practice groups like the National Association of Social Workers, and a broad range of the other entities that make up what might be termed the social problems industry.

For Ostrom, et. al., study of the knowledge commons is grounded in the model of institutional analysis termed Institutional Analysis and Design (IAD) (Ostrom and Hess, 2007, 41-44). This model is a signature feature of what Aligica and Boettke (2009) call the "Bloomington School" of institutional analysis and one of the leading forces in what they and others call "the new institutionalism." This is in contrast to the "old" institutionalism of the early 20th century embodied in work by Thorstein Veblen, John Wesley Clark, John R. Commons, Mary Parker Follett and other historians, sociologists, political scientists and economists. For a consideration of the role of the new institutionalism in third sector studies, see DiMaggio and Powell (1990). The IAD framework is characterized as "a diagnostic tool that can be used to investigate any broad subject where humans repeatedly interact within rules and norms that guide their choice of strategies and behavior" (Ostrom and Hess, 2007, p. 41). The IAD is a multivariate analysis design specifying independent, intermediate and dependent variables. It is an example of a type of research frame that social researchers in the 1960s and 1970s often

presented as "systems analysis" or systems research (Boulding, 1956; Bertalanffy, 1969; Buckley, 2005). Reliance is placed not only on the Hardin tragedy model, but also on Mancur Olson's (1965) analysis of collective choice in (small) groups, and the non-zero sum game termed the "prisoners' dilemma."

Collective choice is important to track the flow of institutional resources and the production of goods, but by itself it offers only a very incomplete picture of what happened and why. This is particularly the case for knowledge commons, where equilibrium assumptions do not prevail because knowledge is nearly always additive. That is, my learning anything does not cause you to forget what I have learned. In other words, unlike fisheries, or common field agriculture, the most fundamental transactions of knowledge commons do not involve consumption or exhaustion of common pool knowledge resources in any conventional sense, and typically involve refurbishment, renewal and expansion of them. It is this difference that requires that in order to fully understand knowledge commons we expand the IAD conception of "rules" of rational conduct to also include other *moeurs*. Such an expansion is related to the nature of new commons and consistent with Ostrom's stipulations. This expansion is justified below on the basis of one of the emergent characteristics of commons in voluntary action: the capacity for – the formulation of new and revitalization of existing *moeurs* including moral generation and regeneration. This capacity is one of the most powerful features of voluntary action properly understood. The allusion here to Tocqueville's self-interest, properly understood, is intentional. The claim is that part of that proper understanding is recognition that, under a variety of conditions, rational individuals involved in commons have the capacity to generate new understandings of their own individual and the collective self-interest. Through this capacity, they are able to incorporate the interests of others, and that failure to see this when it occurs contributes to fundamental misunderstandings of voluntary action.

There are many similarities, as well as a few fundamental differences between the knowledge commons of the Bloomington School and the commons theory presented in Lohmann (1990; 1992; 1995) and here. Major differences include the rational individualism of the IAD to collective choice, and the lack in that view of any explicit consideration (beyond Olson's collective choice) of group or social behavior, and a few more detailed differences noted below. There are also (as befits two perspectives on commons) strong commonalities. It is noteworthy that in the IAD a commons, or common resource pool (CRP) is a "natural or man made resource system that is sufficiently large as to make it costly (but not impossible) to exclude potential beneficiaries from obtaining benefits from its use." (Ostrom, 1990, 30) Substituting the more neutral term "difficult" for the quasi-economic usage of "costly" in this definition highlights the conception of rationality as explanation noted previously, and takes the emphasis off the necessity of calculation in making decisions. This one of the ways in which commons offer a possible third way that Hardin missed, distinct both from public resource pools in which exclusion isn't feasible and the interests of all are concerned, and from private

resource pools (e.g., stock corporations) in which exclusive use by multiple owners is straightforward. In the IAD model, resources are measured as stocks, while harvests of use units are measured as flows. In the commons theory of voluntary action, resources may sometimes be measured either as stocks or flows, but more frequently are merely noted, deployed or withdrawn. In both approaches, appropriation is the process of withdrawing units from a stock of resources (or CRP); it figures in the commons theory of voluntary action primarily in cases of financial resources. Appropriators are the actors or agents who withdraw units (Ostrom, 1990, 30) while providers are those who arrange for the provisioning of a CPR (Ostrom, 1990, 31). In voluntary action, those who provision a common resource are most commonly termed donors or funders, and appropriators are most frequently the intermediaries or agents who mediate between donors and clients or beneficiaries. A producer is "anyone who actually constructs, repairs, or takes actions that insure the long-term sustenance of the resource system itself." (Ostrom, 1990, 31) In the commons theory of voluntary action as in knowledge commons, this definition of producer may be used either in an economic or a dramaturgical sense, and often both simultaneously.

Associations Produce Common Goods

An essay entitled "Collective Action, Civic Engagement and the Knowledge Commons," by Peter Levine, in Hess and Ostrom, (2007: 247-276) helps to bring the Bloomington School concept of commons, one of its important lacuna, and the knowledge commons more directly in line with the commons theory of voluntary action. Levine suggests that knowledge is always public knowledge, and consistently a public good, and that the process of creating public knowledge is also a good (Levine in Hess & Ostrom, 2007, p. 247) although his statement does not specify what kind of good. As with many who attempt to resolve important issues using the private/public dichotomy, Levine may have felt he needed to leave himself some wiggle room. Failure to specify the latter should be read as an indicator of the problematic nature of this dichotomy in this instance. Conceptions of knowledge as exclusively either private or public seriously misstate the matter by failing to take into account the very real transaction costs involved in acquiring and using knowledge, and also fail to adequately account for esoteric or secret knowledge of groups, professions and communities. (The notion of secret public knowledge is an obvious oxymoron.)

Levine highlights the very type of problem the addition of common goods is intended to resolve, the "sort of/kind of" problem often papered over in both the third sector and commons literatures with terms like quasi-public and semi-public. "There is" he says "an important category of commons that are owned by private nonprofit organizations. The fundamentally meaningless nature of this term "nonprofit organization" is treated elsewhere in this study. Levine's essential point remains valid and important if we substitute "corporations" for organizations in this sentence. The owner (a private organization) has the right and power to limit access but it considers itself the steward of a public good" (Levine, 2007, p. 251). The issue

of ownership here appears to refer to patent or copyright, and in the case of nonprofit corporations might be a right exercised either by the board or an individual employee, volunteer or donor on behalf of the collectivity (often called the "work for hire" doctrine). Public libraries and some other types of organizations, he suggests, such as archives and museums admit members only on the condition that they act to preserve and protect the common resource pool. Other independent sector institutions, like scientific and professional societies, may impose precisely such conditions on their members to enhance common resource pools, and religious and scientific, other organizations, universities and civic organizations may, he says, "vary in their rules and structures, but they often have this function of protecting or enhancing a quasi-public [*or common*] good" (p. 251; italics added).

The already discussed third type of common goods offers a fundamental alternative and a way out of assuming that knowledge must always be either private or public. Part of the proposed solution also involves getting beyond the directly equating the ideal types of each type of goods exclusively with one sector (market, state and commons). As discussed above, modules of organizations in any sector may be involved in production of any of these three types of goods: private, common and public.[3] This is altogether consistent with Levine's argument, if not his choice of words. It is also consistent with the apparent objectives of the Indiana approach to knowledge commons to treat knowledge as sometimes a common good and sometimes a private good, rather than always as a public good. The traditional use of patents and copyrights would appear to confirm the public/private distinction in both an economic and a legal sense. Lessig's introduction and the popularity of the "creative commons" license would similarly seem to support the reality of the third – common goods – option. It remains to be seen, however, whether this third approach will be workable in our commercial republic. Thus, we have the private goods of secret, esoteric, and patented knowledge, for example. In addition, knowledge production of all types is shared among private, public and common goods producers. It even appears to be the case that knowledge is seldom genuinely public in the fullest sense of that term, because of the transaction costs involved in acquiring it. Rather it is frequently a common good; a common-pool resource shared by some specific body of interested parties – researchers, scholars, archivists, librarians, instructors, students, chess players, stamp collectors or others. This is certainly the case with both calculus and social problems, as discussed above..

Thus, the addition of common to the familiar public/private dichotomy is in discussion of knowledge commons an altogether friendly amendment. In his article Levine " assumes that associations (and not just logical aggregates of people) are needed to support a knowledge commons in which ordinary citizens can be creative." He goes on to note further that it is

[3] This usage may initially be slightly disorienting because some theorists in political theory have long used the term 'common good' in roughly the universal sense (universal, that is, within a particular nation state) which economists impart to public goods.

essential for the success of knowledge commons that young people "above all adolescents not on a track to attend college" be included and that universities assume responsibilities in this area. A third assumption, he notes, is that "there is a particular need for associations that create local knowledge: information and insights of use to places and communities" (ibid. 247). In this brief discussion, Levine takes the subject of knowledge commons completely out of the narrow orbit of the IAD model with its rationalist, individualist and subjectivist limits and brings it directly in line with the commons theory of voluntary action. We agree, it seems, that knowledge implies associated knowers and groups of the knowledgeable.

Levine also makes a number of other useful observations that can serve as connections between the IAD model and the commons theory of voluntary action. For example, he cites a previous study setting forth a distinction between libertarian and associational commons. This comment is not intended as a partisan statement, although libertarian here relates to two frequently cited weaknesses of libertarianism, extreme individualism and anarchism as philosophies: the inability to act collectively and the absence of convincing models of community. In the former, anyone has a right to use, and sometimes to contribute back to, a public [or, as we have seen, a common] good. For our purposes, libertarian commons are those that anyone can use, and contribute voluntarily to the CRP. Many interesting examples of such libertarian knowledge commons have sprung up on the internet, including the familiar categories of Creative Commons licensing, open-source software. The well-known limit of libertarian commons is self-interest and the exhaustion of the common pool resource by excessive free riding. Interestingly, this may be less an issue in the case of knowledge commons than other areas because of the non-exclusive nature of knowledge. Examples of libertarian commons are many including, for a time, the privately-owned park in New York City where the Occupy Wall Street movement first encamped (which the land owners eventually enclosed). In contrast, an associational commons, Levine says, is a common resource pool controlled by a particular group. (p. 251) such as the Utah-based genealogical archives owned by the LDS church. Further, while in the case of the anarchic condition described for libertarian commons the adjective is necessary, there is no need for the adjective associational commons, since as we have seen in the chapters above, it is in the very nature of an association that, regardless of legal status or degree of formality, they are commons, possessed of common pool resources.

The importance of the libertarian/associational distinction comes from Levine's listing of the advantages of associations over libertarian commons. Among those cited are: (1) An association can protect its common resource pool (he cites litigation and lobbying as means of doing so. There are others including incorporation): Peterson's model of the anarchists' annual meeting is instructive as an example of an uncontrollable commons (Bergstrom, 2001). Without the capacity for organized collective action, conventions of principled anarchists, Peterson argued, lack the capacity for collective rational action under changed circumstances (like changing their convention to a cheaper hotel); (2) Associations can offer selective incentives to

prospective commoners ("such as free access to the good that they control") in exchange for their membership. (3) In contrast to associations, libertarian commons easily suffer from uncontrollable free-rider problems. A celebrated (and fictional?) example of such a libertarian commons is the "chamber of whispers" said to have been associated with the original Hebrew temple in Jerusalem, into which all could enter unobserved and anonymously, the poor in order to seek relief, and the non-poor to donate. (4) Associations are potentially democratic, and can offer their members opportunities to deliberate and make decisions about fair procedures. (5) Associations can publicly articulate values for which they wish to be known. (6) Associations can recruit and reach out to others in more effective ways than individuals working alone. (7) Associations can be ongoing and continuous, recruiting young members for the future, etc. Thus, although libertarian knowledge commons like the original Wikipedia, may be popular, fashionable or preferred, over time they tend to formalize as associations for these reasons.

Association, Community and Knowledge Commons

In a seeming bit of overstatement, Tocqueville in *Democracy in America* (1945, xx) characterized the science of association as "the mother of all sciences." Geographers, mathematicians, psychologists and numerous representatives of other disciplines have all made claims of the maternity of their own disciplines, but I am unaware of any evidence that anyone previously has taken Tocqueville's claim on behalf of association seriously. Analysts of voluntary action have generally passed over this claim in awkward silence: Could this be overstatement, exaggeration, or hyperbole; perhaps an excess of Gallic enthusiasm? What could he have meant by such a seemingly outlandish claim? Consider for a moment the consequences of taking him at his word. What if the very idea of a science as an *organized* body of knowledge implied not only cognitive order – terms, concepts, definitions, propositions, findings and theories embedded in a unifying logical and semantic structure – but also an actual association of the holders of that knowledge? What if full understanding of any body of knowledge did, in fact, involve understanding the associations of those in the know? While this idea was otherwise unstated in Tocqueville's day (thus who can say with certainty whether or not it was known by his contemporaries?), it has become something of a mainstay in contemporary philosophy of science. The idea of a body of knowledge as partly an association of knowers, is fundamental to such otherwise diverse views as the Kuhnian paradigm-shift model (Kuhn, 1970), the social construction of reality (Berger and Luckmann, 1967), the sociology of knowledge (Mannheim, 1941), diffusion of innovations (Rogers, 2003 [1962]), and assorted social network theories and other perspectives. Recently Kwame A. Appiah (2011) built on the Kuhnian idea of a paradigm shift and applied it to "moral revolutions" several examples of which began during the same 19th century period noted by Tilly above. What are social movements like the civil rights movement and social problems like poverty if not in part moral revolutions? At the very time of Tocqueville's visit to the U.S., American philosophy and several modern scientific disciplines were in the early stages of formation and recognition. Whether or

not Tocqueville's colorful metaphor of "mother of all knowledge" retains its vitality, there should be little question that large numbers of highly knowledgeable persons today understand their knowledge to be intimately tied to their association with others. Sciences and disciplines are characterized in part by their plurality and by their institutions for learning, as well as conflict resolution, diffusion and dissemination. It appears that the prescient French aristocrat may genuinely have caught an early glimpse of this in his observation of associations in the emerging democratic society of American communities; but also in his highly versatile concept of moeurs.

Knowledge, like language and culture with which it is closely associated, is a uniquely human, and therefore social, product. Thus, to be altogether convincing, a model of knowledge commons must take into account the social organization of knowledge – which may be as important in today's knowledge economy than the division of labor was to 19th century industrial society. Not only should we be concerned with who knows what, when and where, but also how and why they learned it and how they employ it. As Gouldner (1970) observed, theories are also infrastructures, and focused publics are an important part of that infrastructure.

It is safe to say that community is also one of the important characteristics of knowledge commons in some rather interesting ways first highlighted by the earliest of the American pragmatists. According to Richard Bernstein, Charles Saunders "Pierce's theory of inquiry stands as one of the great attempts in modern philosophy to show how the classic dichotomies between thought and action, or theory and praxis, can be united in a theory of a community of inquirers committed to continuous, rational, self-critical activity" (Bernstein, 1971: 199) Pierce's concept of community brings together knowledge and action in ways directly related to the concept of reality itself. This connection was made later and more explicitly in the claim by Peter Berger and Thomas Luckmann, based on work written in German by the phenomenologist Alfred Schutz, that reality is socially constructed through the association of diverse persons. Reaction against applications of this notion to the physical universe and biosphere from dedicated Cartesians has been sharp and loud. Nevertheless, the pragmatic conception of reality embraces the concept of community in a way that has direct consequences for value determination in a knowledge commons.

> The real, then, is that which, sooner or later, information and reasoning would finally result in, and which is therefore independent of the vagaries of you and me. Thus, the very origin of the concept of reality shows that this conception involves the notion of a community, without definite limits, and capable of a definite increase in knowledge. And so, these two series of cognitions - the real and the unreal - consist of those which, at a time sufficiently future, the community will always continue to affirm; and those which, under the same conditions, ever will be denied. Now a proposition whose falsity can never be discovered, and the error of which is absolutely incognizable, contains, on our

principle, no absolute error. Consequently, that which is thought in these cognitions, is real, as it really is. There is nothing, then, to prevent our knowing outward things as they really are, and it is most likely that we do thus know them in numberless cases, although we can never be absolutely certain of doing so in any special case. (Bernstein, 1971, 176, quoting Pierce)

The intent here is not to engage any of these interesting philosophical questions. It is sufficient to note the manner in which Pierce's view of the connection of knowledge, practice and community is consistent with the general thrust of the argument herein, It offers a distinctive take on knowledge commons. From Tocqueville's "mother of all sciences" observation in the mid 19th century to the present moment, there has been reason to recognize that knowledge is not merely an abstract logical association of ideas, but also the basis of interpersonal associations of knowers; communities of real people whose shared views of aspects or portions of reality are shaped by the shared knowledge they possess. This is as true for communities of scientific and technical knowledge as it is of those who locally know what happened and to whom at the Fourth of July celebration last year, or why the local newspaper suddenly began to cover United Way events the year that the publisher's wife was asked to chair the campaign, and what is the best pedestrian route to the local public park. Knowledge, thus, also implies community.

Scientific communities and academic disciplines are uniquely interesting examples of knowledge commons, however, because of the self-conscious, deliberate manner in which they not only construct and amend their views of reality through the systematic and open ("public") consideration of evidence and argument, but also for their moral-political work in construction and agreeing upon the rules by which such considerations go forth. They are in that sense, the paradigm examples of knowledge commons. In other cases, construction trades, for example, this same process is often hidden from view because, once formulated, other individuals, market firms and government bureaus all have both means and motives to borrow, claim and proclaim the knowledge of such commons as their own. But the independent sector of voluntary action within the legal infrastructure of protections that have grown up is capable of generating the necessary moeurs from nothing other than the interactions of an association of interested persons. These processes may be essentially similar in other knowledge commons and communities even when the processes for constructing norms and rules may appear to be radically different than the explicit, rational approach of scientists.

This is the most basic reason for bringing together voluntary action, association, assembly, commons and community under the heading of Tocqueville's mother of all sciences comment and knowledge commons. In scientific communities, as in residential and other communities, it is the social process of interaction - rubbing shoulders, as it were - that rules of appropriate conduct can be suggested, agreed upon, put to the test, and revised as necessary. Whether we look at the national and international scientific societies, or their 17th and 18th century royal counterparts, we see essentially similar processes. And, these same processes and procedures are also to be seen in other forms of knowledge commons. Then, when we look at

other associations from this vantage point, the analogous interactions between members of a social club or fraternal organization, pilgrimage, religious bodies, or self-help group, for example, and the resources of the knowledge they share will be apparent. Even so, sciences are unique as knowledge commons in the explicit, self-conscious nature of their rule making.

News As A Common Resource Pool

Another knowledge-based common resource pool to be considered here has close connections to both social movements and social problems and illustrates other facets, as well as some of the limits of knowledge commons. News is an important component of democratic society and culture; journalists even speak of the 'public's right to know' as a corollary of press freedom. On the other hand, it is wise to recall A.J. Liebling's comment that freedom of the press belongs to those who own one. In the age of the internet, we are approaching the point where that might include everyone. News was until recently the seemingly straightforward product, or output, of "the media" – newspapers, news magazines, radio and television. Describing the production of news has become a much more complex matter with the rise of new information technologies, the 24-hour news cycle, and a wide variety of completely new communications media: emails, blogs, tweets, and assorted other 'social media', including a sizeable and growing nonprofit news sector (Lohmann, 2014). Nonprofit news vendors like Pro Publica, the Texas Tribune, Minnesota's MinnPost, and numerous others have joined such stalwarts as National Public Radio and PBS and CSPAN to exploit the crisis of the news industry brought on by the rise of the internet and falling advertising revenues.

News in something like its present form emerged into the modern world at the intersection of technological developments in printing, the spread of literacy and the emergence of the new, broader public sphere tracked by Habermas (1989), the transitions in repertories of contestation noted by Tilly (Tarrow, 1993; Tilly, 1986), Tocqueville's notation of the distinction between political and civil associations, changes in cities wrought by urbanization and industrialization and the development of large scale organization (Hart, 2001). The first German and Dutch newspapers appeared in the first decades of the 17th century, with the first English language broadsheet appearing in Amsterdam in 1620. The earliest French paper, *La Gazette*, appearing in 1631, with one edition of the first American paper, *Occurrences Both Foreign and Domestic,* appearing in Boston in 1690. News sheets printed on silk and privately circulated among government officials and conforming to the officials-only conception of "public" affairs already noted were reportedly circulated in China as early as the Han Dynasty in the 2nd-3rd centuries C.E. Similar private circulations printed on paper are reported as late as the Ming Dynasty in the 16th century. By the mid-19th century many newspapers, like the one in Germany edited by Karl Marx before he was expelled to England, were closely associated with political parties and factions. It was really only at the start of the 20th century with the rise of press barons (an international type represented most

recently by Rupert Murdoch) like Joseph Pulitzer and William R. Hearst in the U.S. that the commercial model of mass-market news reached full maturity.

It's called news for a reason: Modern news is one of the first places that most people in civil society learn of the problematic nature of new social problems, or of the existence of new social movements. In saying that, it is important to recognize that news is not a product only of recognized news media. It is also a reflection of the surrounding knowledge commons, partly created by the media themselves but also partly the product of public opinion, both in general and among diverse focused publics. In voluntary action, specialists in social problems and movements may get their initial information from general media sources, but other important information flows move within and among members of knowledge commons through specialized newsletters, journal articles, published interviews, lectures, conference presentations, working papers, word of mouth and interpersonal communications. are also important sources of news and information. In the past several decades, discussion lists like ARNOVA-L (which I founded), blogs, websites and the full panoply of social media also play a role in philanthropy, social economy and all of the other the focused publics of the third sector.

There are two additional aspects of the conception of news that are of greatest interest in the context of knowledge commons. The first is the relation between focused publics and the audiences for news circulation and the second is the dynamic relation between commonly known information and knowledge and voluntary action that news represents. Not just public officials but everyone engaged in voluntary action acts upon their news-based understandings. This includes not only general news but also the news circulating within relevant focused publics. The hierarchical nature of the various meanings of common good previously discussed also applies here in its fullest sense. It is easy to take for granted that news is directed at "the general public" in the most universal sense of that term; that news as information and knowledge are intended for everyone and available to all who care to pay attention. Yet that is a very recent aspiration, and far from a universal development.

News also illustrates in vivid ways the dynamic relation between information, in Edelman's sense of novelty, uncertainty and unfamiliarity, and knowledge, in the sense of familiarity, predictability and certainty (Edelman, 1971). News as knowledge commons is thus a key element in the dynamic process of political knowledge described by Barber (1988). News writing is, for these reasons, sometimes referred to as the first draft of history. Today, it is well known that both Presidents Lincoln and Kennedy were assassinated, as well as where, when, how and by whom. On the days these events occurred, news of the events unfolded only gradually with new developments being reported at the speed of the technologies of the time: telegraph, daily newspapers and television.

In democratic society and culture, general news regarding the polity, economy, society and culture and resulting shifts of public opinion are among the staples of everyday life. This is

the reason so many media outlets feel confident proclaiming the "public's right to know." One of the most fundamental assumptions of civil society, something so basic that it seldom needs to be discussed explicitly, is that democratic citizens must be informed in order to act rationally. It is part of news as knowledge commons that we generally leave decisions about what we need to be informed about to editors, reporters and others. Roughly for the past century these decisions have been left in the hands of employees of commercial establishments whose decisions are, in large part, informed by available space or time – the *news hole* not filled by advertising. In that configuration, scholars of the third sector could comfortably afford to ignore news as a common good. After all, research on journalism was part of an entirely separate knowledge commons (communication studies). With the recent rise of nonprofit news vendors, however, the growing role of news as a common good becomes a topic of interest (Lohmann, 2012b).

A final reason for considering news as knowledge commons is the growing prospect that with the rich range of news sources available today, consumers of news are increasingly tailoring their selection of news outlets to confirm their established opinions/biases. As such, the role of general news and the corresponding role of public opinion are likely to decrease while the role of focused publics and public opinion within them is likely to grow. Thus, in the U.S., Republican/conservative voters are inclined to seek confirmation of their zeitgeist through Fox News, while Democratic/liberal voters lean more towards the New York Times, MSNBC, CNN and the traditional news networks: ABC, CBS and NBC. The very fact that one faction is concentrated heavily in a single news source while the other is distributed among several may also say something about the contemporary distribution of pluralism as a value. In this context, public opinion in the 21st century comes to look more like the 19th than the 20th century: bifurcated into two (or more) knowledge commons that are increasingly exclusive matters of attention of focused publics converging around major political ideologies.

Peer Production

There is some convergence among scholars working in the Bloomington commons theory tradition with the main currents of the commons theory of voluntary action over the assertion that at least some types of associations are commons. Commons theory also offers a more profound alternative to the economics of the firm for understanding the dynamics of associations, assemblies and voluntary action. One facet of that alternative comes most clearly into focus in the work of an independent theorist, Yochai Benkler on what he terms "social" or "peer production" much of which is focused on information and knowledge industries and thus informs the perspective of knowledge commons introduced here. The term "peer production" is preferred here in discussing Benkler's analysis of the production of open source software as an example of voluntary action on the grounds that there are other possible forms of social production involved in voluntary action in addition to markets, firms and the form of collective behavior he calls peer producers.

In an essay titled "Coase's Penguin" Benkler (2002) expands the range of options for social (or collective) production beyond Ronald Coase's (1937) dyad of markets and firms and, although he doesn't mention it, Hardin's (1968) use of public and private. The penguin in the title is Tux, the trademark of Linux, the open source operating system that serves as Benkler's principal example. Social production is Benkler's term for solutions to the class of problems traditionally called collective choice problems. As such, his approach needs to be seen alongside Coase but also Hardin, Mancur Olson, Elinor and Vincent Ostrom, and others. But unlike the others, Benkler very deftly shifts the question from how to what, from means to ends: "Collaborative production systems pose an information problem." Benkler writes, " The question that individual agents in such a system need to solve in order to be productive is what they should do." This problem, as the title of the essay indicates intentionally echoes Coase's examination of the economic case for firms, but with remarkably different results. "Markets" according to Benkler, solve the problem of information "by attaching price signals to alternative courses of action." Firms, he says, solve the problem by assigning differing importance or value to varying signals from different agents. Peer production, he argues, is yet another approach.

In Benkler's view, "commons-based peer production", of the type seen in the development of the Linux open-source operating system, offers an "emerging third model of production" that "relies on decentralized information gathering and exchange to reduce the uncertainty of participants" (Benkler, 2002). "The advantages of peer production" to Benkler, are "improved identification and allocation of human creativity." It is important to note that while peer production is a radically new and innovative form of action by volunteer participants, it is only feasible in some instances of voluntary action at the community level, for "it depends on very large aggregations of individuals independently scouring their information environment in search of opportunities to be creative in small or large increments. These individuals then self-identify for tasks and perform them for a variety of motivational reasons that I discuss at some length." While it may seem a minor technical limit, this is actually a very demanding constraint on voluntary behavior. In a number of cases, the model of peer production of philanthropy, for example, has been tried and explicitly rejected. Benkler's condition of "large numbers of individuals independently scouring their information environment in search of opportunities" actually reverses Olson's (1965) condition of very small group size. Thus, in juxtaposition, Olson's and Benkler's models together may have the potential to define the limits or boundaries of voluntary action in some very intriguing ways.

Knowledge commons as peer production in Benkler's sense has many different applications in voluntary action. The current system of mutual aid and self-help is built substantially on distinctive models of peer production (Borkman, 1999). There are also other interesting cases in which the Benkler model of peer production can be applied to voluntary action. One of the most widespread, perhaps, is Deweyian problem solving, which has been the general model of planning, decision-making, action and evaluation behind a great deal of

voluntary action for more than half a century. In light of the previous discussion of social problems as knowledge commons, Deweyian problem solving as a serial model of peer production of knowledge commons working through problem definitions, selection of action strategies, and evaluation of results brings together many of the themes and issues most important to those engaged in voluntary action. Sometimes solutions must be invented, for example, introducing a role for social imaginaries. In other cases they can simply be selected from among existing repertories and enacted. A community of research scientists, each self-defining "the research problem" to be solved and taking individual action to tackle a part of it, for example, represents a commons-based model of knowledge production that has proven very robust over the past three centuries. Much the same might be said for peer review in journal-based publication across the full range of academic disciplines. Sciences, arts and humanities each employ their own variations on models of commons-based peer production, in a manner completely consistent with the self-defining nature of knowledge commons. In the absence of direction by patrons and the academy, for example, modern movements in painting, sculpture, music and other arts (e.g., the French Impressionists, surrealists, abstract impressionists, and so many other movements) have relied time and again on forms of peer production, less to produce individual works than to define and install whole new aesthetics. For this reason they belong not just under Benkler's heading of peer production but of peer production of common goods by knowledge commons.

Such examples, however, all represent something of a weakening of the rigorous conditions Benkler sets up to characterize the case of Linux. Thus, it may be only partly relevant that in Benkler's analysis those cases where "the problems of motivation and organization can be solved, then commons-based peer production has two major advantages over firms and markets. First, it places the point of decision about assigning any given person to any given set of resources with the individual.. . ." Secondly, peer production uses peer review and analogous procedures to regulate and channel the flow of information.

In peer production, Benkler says, the "motivation problem is solved by two distinct analytic moves." The first is the proposition that humans may engage in the same act for many different reasons. More importantly, he says, across the full range of human experience, there are instances in which "the presence of monetary rewards is inversely related to the presence of other, social-psychological rewards." Peer production thus brings into rational individualism the recognition that is self evident to many people engaged in voluntary action: others are not always simply motivated purely by self-interest and the prospect of measurable reward, as models of market, firm and closely related models of reciprocity would have it. People will also work some of the time for recognition, commendation, personal affirmation, affiliation, solidarity and a wide variety of other reasons. Examination of the work of James Boyle below will go even further and introduce the circumstances under which, Boyle argues, motivation does not matter at all.

Benkler's "second analytic move involves understanding that when a project of any size is broken up into little pieces, each of which can be performed by an individual in a short amount of time, the motivation to get any given individual to contribute need only be very small." Although Benkler was speaking of the internet-based development of open source operating systems and application software, the applicability to other forms of voluntary action should be clear: This is, for example, the precise logic supporting the use of large numbers of community volunteers in disaster relief as well as large scale fundraising efforts. And, it points to one of the constant tensions in such efforts: the need to "coordinate" the overall effort is often in conflict with individual assessments of what needs to be done.

In Benkler's assessment, "peer production will thrive where projects have three characteristics." Such projects must be seen as modular types; that is breakable into smaller pieces or units. Secondly, such modules must be "predominately fine-grained, or small in size…. " Finally, the cost of integration of the modules into a final, finished product must be low, including the cost of quality control. It is important to note here that Benkler's observations are purely speculative inferences based on a single case, and like all theory warrant further examination. There has been virtually no examination of the possibilities of social production in voluntary action in which one or more of these conditions are not present: Where projects are not readily modular, or not "fine-grained" and where the costs of integration or quality control are high. Even so, the Benkler model of peer or social production is extremely interesting as a possible guide for understanding a great deal about voluntary action and knowledge commons. Part of the reason that Benkler's efforts in outlining peer production represent a notable extension of the Bloomington School model of knowledge commons is because of the way he builds upon the basic recognition of norms-as-rules: "Social norms . . . play a role in sustaining some of these collaborations, in both small groups and larger groups where the platform allows for effective monitoring and repair when individuals defect."

At the same time, Benkler is emphatic in what we might call his own Coasian two-sector model: social production vs. firms. Unlike Hardin, public options are not considered, but like practically everyone else independent or third sector options are ignored completely. He insists that he is "not suggesting that peer production will supplant markets or firms" or that "it is always the more efficient model of production for information and culture." What he is saying, he notes, "is that this emerging third model is (1) distinct from the other two (market and firm) and (2) has certain systematic advantages over the other two in identifying and allocating human capital/creativity." We might be equally emphatic in suggesting that, while peer production in Benkler's sense constitutes an important alternative to production by both markets and firms, there is no reason to believe that this exhausts the range of possibilities for additional forms of commons-based production.

Enclosure and the Internet

Much of James Boyle's attention has been devoted to the internet-as-commons (Boyle, 2003a; Boyle 2003b). Boyle, a lawyer, also used the commons metaphor as the source of a powerful new claim that the internet is provoking a "second enclosure movement" as various information providers seek to "enclose" or privatize greater and greater quantities of freely available information (Boyle, 2008). His general analysis is interesting, but one aspect of it is particularly germane to the knowledge commons and the commons theory of voluntary action. That is his explanation for the circumstances under which the motives of peer producers are unimportant. He begins with several assumptions: A random distribution of incentives for different people; a global network like the Internet (which, ala Benkler, also would seem to imply large numbers); transmission, information sharing and copying costs that approach zero; and (also like Benkler) a modular creation process.

Based on these assumptions, Boyle says "it just does not matter why they do it. In lots of cases, they will do it. One person works for love of the species, another in the hope of a better job, a third for the joy of solving puzzles, and so on. Each person has his own reserve price, the point at which he says, 'Now I will turn off *Survivor* and go and create something.' But on a global network, there are a lot of people, and with numbers that big and information overhead that small, even relatively hard projects will attract motivated and skilled people whose particular reserve price has been crossed. For the whole structure to work without large-scale centralized coordination, the creation process has to be modular, with units of different sizes and complexities, each requiring slightly different expertise, all of which can be added together to make a grand whole." The parallels with other forms of voluntary action arising out of Boyle's reflections on the internet are, like Benkler's, very intriguing and worthy of further consideration by voluntary action theorists. In its own way, Boyle's argument against the central importance of motivation in peer production undermines the importance of not only rational self-interest but also Tocqueville's "self-interest properly understood" just as suggested earlier. It matters little in peer production (like voluntary action generally) why people do what they do; what matters most is the reasons they offer to one another for their actions.

Dignity and Honor

Knowledge is not merely scientific and technical. Moral knowledge is also one of the important categories for voluntary action, as well as an opportunity to explore further the claim introduced earlier that the capacity to produce elements of moral order in the form of *moeurs*, perhaps as a form of peer or social production, is one of the most interesting emergent properties of new commons in voluntary action. One of the important ways in which commons are capable of producing their own moeurs can be demonstrated with reference to the complex relations between dignity and honor in new commons. We can illustrate the moral dynamism of commons in voluntary action by focusing on Peter Berger's (1990) analysis of the way(s) in which dignity has displaced honor in the modern world and at least one recent analysis of

Berger's view by Augsburger (1992).

Berger (1990, 339-347) argued that in the modern world, dignity has replaced honor in understanding the social construction of self-definition, or identity. Honor in traditional society was a moral absolute. In contemporary (often rural) social systems where this displacement has not occurred, communities include an all-inclusive honor-based system grounded in gender and status [and, one might add, age] in the community (Augsburger, 1992:107). Honor is due to persons absolutely on the basis of these statuses and quite independent of any other personal characteristics of the honoree. Dishonor, in such regimes, involves not only loss of face, but also spoilage of identity and possibly even loss of one's secure place in the social structure. "The concept of honor implies that identity is essentially, or at least importantly, linked to institutional roles" (Berger, 1990: 343, as quoted in Augsburger, 1992: 108). For our immediate purposes, commons in such traditional, honor-based systems are outside the focus of concern here, except to note that the central place of honor is easily overlooked by advocates of community who otherwise look fondly on the traditional conditions of *gemeinschaft* disconnected from this dimension. They may fail to note, among other things, that honor unlike dignity is a local and not at all a universal condition.

In modern communities, dignity is universal or nearly universal reaching beyond the particular community, but also more subjective and personal, attaching to the personality and not to all instances of a particular status. Dignity is a condition of the intrinsic humanity of the person. Individual persons and not the community are the bearers of their own dignity, partly or wholly apart from their gender, age or other status indicators. "The modern concept of dignity . . . implies that identity is essentially independent of institutional roles" (Berger, 1990: 343 as quoted in Augsburger, 1992: 108) In medieval Europe, for example, "honor was lodged in the world of intact, stable institutions and their disintegration makes it an increasingly meaningless notion. . . . Identity is no longer an objectively certified, subjectively received, fact; a given. Instead it is a goal of a devious and difficult quest." (Augsburger,1992, summarizing Berger, 1990, 108)

So what does this have to do with voluntary action and the ability of knowledge commons to generate *moeurs* along with other forms of common goods? The answer to that question involves the role of institution-specific survivals or revivals of honor. According to Berger, "[t]he crucial ethical test is whether we can succeed in embodying and stabilizing the discoveries of human dignity to transform and direct the sense of honor that returns, *ipso facto,* with any return to institutions in society." (Augsburger, 1992 summarizing Berger, 1990, 109) This makes for a peculiar dialectical relation between honor and dignity in those institutions. The standard of human dignity tells us that we should, for example, honor university and foundation presidents, association leaders, important researchers, and others in institutionalized commons, but only when they have been deemed personally worthy of honor; when their personal dignity measures up to that expected of them in particular institutional roles. The trouble is that part of the institutionalization process today includes organizational and public relations dynamics that create strong pressures in many institutions to return to the

earlier, medieval, standard of honor based solely on office or status.

Berger, Augsburger, and others see this replacement largely in theological terms. From the vantage point of voluntary action, however, the dialectic of dignity and honor is a more generic one with implications for the moral dynamics of most, if not all, forms of voluntary action. In particular, what Augsberger calls Berger's "crucial ethical test" points to a centrally important dynamic for voluntary action. In the initial (often, social movement) phases of philanthropic action, for example, characterized principally by collective behavior and what we might call social invention, activists engaged in voluntary action and their opponents will be almost exclusively relying on and concerned with matters of personal dignity. Referring to agitators for social change as outsiders or dirty, unkempt, unruly, out of control, irrational, ignorant, subversive persons organized in gangs and mobs has been a time honored approach to criticism from well before the civil rights sit-ins and marches of the 1950s and 1960s through the Tea Party, Arab Spring, London, and Occupy Wall Street uprisings of 2010 and 2011. All of these adjectives are intended to impugn the dignity and thereby the honor of those so characterized. Seldom will any identity-based defense be sufficient, or even attempted in such cases; except that part of the journalistic formula in covering such stories is to note the diversity of statuses represented: doctors, lawyers, businessmen, housewives, college professors and students, etc.

The character of this dynamic process in voluntary action suggests that dignity and honor should not be viewed as categorical opposites under modern conditions. Instead, from an institutional standpoint, manifestations of dignity/honor can instead be distinguished by their relative degrees of difference. Even within an institution as ancient and venerable as the Catholic Church, this distinction appears to hold. Thus, for the ancient and venerable Irish Catholic church, the same kinds of sex scandals involving priests and other religious that in the relatively upstart and pluralistic U.S. Catholic community were treated as breeches of dignity, as the personal failings and crimes of individual priests, and in some cases bishops who failed to act have been seen much more as matters of honor and institutional failure, calling into question the entire establishment of the Irish Catholic church. (Dalby & Donadio, 2011)

The dignity/honor complex also has an important manifestation in nonprofit management in the variable responses to the set of acts of seriously inappropriate conduct that are (or should be) the basis for resignation by supervisory personnel whose subordinates have acted inappropriately. As a moral rule involving dignity, we might expect all persons guilty of serious misconduct to accept responsibility for the consequences of their actions, whether or not they actually do. But this is a matter of individual identity and responsibility. What about the necessity of accepting responsibility for the actions of others under your supervision, as a matter of protecting the honor of the institution? Is a manager expected to at least offer to resign only for her own misconduct? For personal misconduct and the actions of subordinates that were explicitly countenanced and condoned? Is this the case for acts by peers, or by subordinates that the supervisor was aware of but never explicitly approved? Or, for all acts of serious misconduct, whether or not the moral agent knew of them? Merely lumping such

questions into the large eclectic pot of accountability is unlikely to resolve them. However, recognizing the honor-dignity complex identified by Berger and its place in third sector institutions offers a good start.

One other rather curious and utterly self-serving contemporary working of this dignity/honor complex involves the rather archaic, even medieval, view that top management of well-established institutions (corporate CEOs, university presidents, foundation heads, state governors and U.S. Presidents) can best preserve the honor inherent in the institutions (not to mention their personal dignity!) by demanding the resignations of subordinates not only for their own misconduct, but also for the failings of the top leaders who ask them to "fall on their swords for the boss".

Conclusion: Enclosure of Knowledge Commons

In the contemporary world, scientific and technical knowledge has moved to a central place of importance in all sectors, and knowledge commons have taken a central place in the independent sphere of voluntary action. Recognizing the role of knowledge commons can enhance understanding of a wide diversity of topics, from subjects like calculus to social problems and news. The general threat facing all knowledge commons is the threat of enclosure and privatization of knowledge, although those fears can be attached to quite different objects and lead to very different conclusions. Conservatives and libertarians have well-founded fears that government will seek to impound knowledge, restricting the free flow of information and knowledge for the service of its own ends. Liberals have equally well-founded fears that knowledge will be enclosed, privatized and commodified for the private gain of the wealthy and powerful. Such enclosures may be of several different types. One of the principal dynamics behind the formation and maintenance of knowledge commons is the set of purposes or mission we associate with the term philanthropy.

Drama's laws the drama's patrons give.
For we who live to please must please to live.
~ Samuel Johnson

11. Philanthropy

Commons, common goods and the associations and assemblies capable of producing them, and especially knowledge commons, are all part of the ideal-typical framework for multi-disciplinary consideration of a broad class of the social, economic, political and cultural organization of voluntary action. Commons occur in emergent spaces termed collectively the third sector outside of economic markets and the formal institutional frameworks of popular or democratic governments when groups of individuals jointly and voluntarily agree upon shared purposes and combine their money, knowledge, skills and other resources into common resource pools. This chapter is devoted to consideration of two of the most important missions of commons, philanthropy and charity. It might be argued by some that the two together subsume the entire mission of voluntary action. Indeed the U.S. tax code *does* argue precisely that at least with respect to the sole basis for tax exemption; a category which is termed, rather confusingly, "public charity." And to add to the confusion tax exemption under Section 501(c)4 is said to be for organizational missions of "social welfare", once a category devoted exclusively to civil or voluntary association. In the wake of the *Citizens United* case in 2010 the category has been opened up to novel forms of Political Action Committee (PAC) and political campaign financing involving astronomical sums. This transformation has been popularly "credited" to Karl Rove although the Comedy Channel's Stephen Colbert was quite vocal, seemingly tongue-in-cheek, in his advocacy of the same approach.

The shared resources of philanthropy and charity, beginning with shared language and individual relationships, become the basis for the production of common goods, the most fundamental of which are the form of social capital the Greeks termed *philia*, or civic friendship and solidarity; and *diaconia*, or social capital. The Romans had a related term, *caritas* or love of others, which is the basis of the modern term charity. In the case of organized voluntary action, all three of these terms have proven equally capable of generating mutually agreed upon *moeurs*, including rules, practices, routines, rituals, repertories of action, and contestation, and advocacy, individual and group identities, and news, any or all of which both precipitate outcomes and serve as resources for the basis for action. The most profound common goods produced in the same way are scientific, technical, humanistic and other forms of knowledge, culture, in both the sense of high culture and low or popular culture, and ultimately, civilization itself.

In this chapter, we will focus upon clarifying the concepts of philanthropy, charity and a set of related concepts, associated with and flowing from the connections between them and the model of common goods associations. This includes clarifying a small number of

assumptions upon which the model of common goods association appears to rest, and a number of theoretical propositions derived from the model. The concept of the benefactory will be basic to this discussion, which is important, in part, because it allows us to get an entirely different, more detailed, perspective on the relations between individuals, social roles and the production of commons goods. Too often today, in both popular and scholarly accounts, voluntary action is portrayed in purely psychological terms as an extension of simple individual self-interest; just another avenue for individuals to get as much as they can of what ever it is they happen to want. We should be clear that in cases of genuine philanthropy and charity, and other forms of voluntary action, there is typically something much more complex and interesting taking place.

The discussion here is informed by a sense very like Isaiah Berlin's value-pluralism, which in itself might be read as a rather compact definition of the wider third sector from the vantage point of its metavalues: "the conception that there are many different ends that men (*sic*) may seek and still be fully rational, fully men, capable of understanding each other and sympathizing and deriving light from each other" (Berlin as quoted by Banville, 2013). In the ideal type of the market, participants are unified by their shared pursuit of maximizing self interest, and in the ideal type of the state participants are said to be unified by shared commitment to the public interest, which is public good. In both cases, the sectors are defined by singular objectives: profit in the case of the market, and a singular public good in the case of the state. By contrast, plurality – a plurality of missions, means, and media is the basic condition of the third sector; a condition that allows new commons to thrive. Many different groups can establish many different objectives. The third sector is among the key domains for the pursuit of many different ends, and that voluntary action in new commons are vehicles for building human understanding, sympathy and mutual enlightenment.

Charity As A Form of Philanthropy

One of the most fundamental, and most confusing, issues to be considered here is the relation between charity as that idea is conventionally understood, "public charity" as a figure of tax policy, and philanthropy. This is actually a contemporary variant on a set of old issues reflected by the philosophical conflict between joiners and splitters: Is charity, as some splitters claim, a type of philanthropy, or is charity, as joiners claim, the more basic category and philanthropy an activity "built up" from individual acts of charity? The claim that the two are completely separate and unrelated is rejected here as implausible and tendentious. The best answer may well be that such questions are ultimately unsolvable except philologically. Philanthropy is originally Greek, with strong roots in the democratic Athenian polis, and charity is Roman with no particular ties to the Republic but strong historical ties to the Roman Empire and its European aftermath, the Roman Catholic Church in northern and Western Europe.

In very complex ways, one can also connect the even older Jewish tradition of *zedekah* and the more recent Muslim *zakat* historically interwoven with charity and philanthropy as

well. Even less frequently considered are Buddhist traditions of *dana*, earlier Indian beliefs from which *dana* arose, the entire Confucian ethical tradition and a wide variety of additional culturally based moeurs that resemble Western charity and philanthropy. These must be seen as major oversights in our increasingly pluralistic world. For reasons that will be clear below, one approach to all of these complex religious and cultural tradition is to view contemporary charity, *zedakah* and *zakat*, *dana* and other beliefs regarding giving, helping others, benevolence and good works as variations of a single, all-encompassing category of philanthropy *as defined below.*

Self Interest, Love and Philanthropy

Perhaps to avoid the complex issues of meaning, and most of all, connotation noted above, many knowledgeable people treat philanthropy in strictly financial terms as a matter of fundraising and foundations. This has the effect of reducing philanthropy to a purely instrumental notion. While this may be acceptable for narrow issues of nonprofit management, it is unsatisfactory here for consideration of philanthropy in the context of democracy in society and culture. In short, this view fails to take into account the mission and purposive aspects – the ends – of philanthropy. One of the many useful contributions of the concept of knowledge commons, detailed in the previous chapter, is that it serves as a reminder that philanthropy is not exclusively a matter of money, but of *all types* of efforts to engage one's humanity and contribute to the production of common goods. Andrew Carnegie, Margaret Olivia Sage, John D. Rockefeller Jr., and Bill Gates most assuredly are philanthropists, but so too are Benjamin Franklin, James Madison, Jane Addams, Albert Einstein, Jonas Salk, Mother Teresa and Steve Jobs. In this and following chapters an attempt is made to clarify view of philanthropy as voluntary action either within or in creating or constituting new commons, with particular attention to the relation of individual philanthropists and common goods of various types.

Self-interest properly understood, love and philanthropy are terms that are very important in the context of collective efforts in new commons, but which seldom occur together in the existing published literature. Researchers and theorists have been striving for several decades to come to a better understanding of philanthropy, including more sophisticated understandings of the role of self-interest. Robert Payton, founding director of the Indiana Center on Philanthropy and George McCully, pracademic and moving force at the Massachusetts-based Philanthropic Directory have been at the forefront of identifying and calling attention to new, innovative, robust and convincing accounts of philanthropy suitable for the 21st century. What is presented here is based on a mix of quotations from McCully's published writings, email correspondence and conversations with him. McCully (2008) sees contemporary understanding and practice of philanthropy undergoing a paradigm shift. Philanthropy, in Payton's (1988) well-known definition and title, is said to be "voluntary action for the public good" (Payton, 1988). Close reading of that work supports the view that Payton did not use the term public good in the narrow economic sense (as in Anheier, 2005), but more

in the sense of the general common good noted above. Philanthropy according to McCully refers to action for the common good undertaken for the love of humanity and what it means to be human. Trained as a historian and humanities scholar, McCully does not rely on the customary vague references tracing the concept to ancient Greece scattered throughout the social science literature. Instead, he traces the original term to line 46 in Aeschylus's *Prometheus Bound*, written around 460 BCE, at which the protagonist Prometheus is accused by Zeus of an excessive love of humanity – *philanthropia* – and made to suffer greatly for his transgression. *Prometheus Bound* is one of the best known of the ancient Greek tragedies, which gave meaning to the term used by Hardin in introducing commons theory. For those who, like the author, may actually be interested in such matters, Garrett Hardin's "tragedy" of the commons does not refer to any actual tragedy in anything like this original Greek sense, but merely to a set of undesirable outcomes. In spite of the tragic implications of that origin, according to McCully, for the next 2,500 years the term philanthropy as the love of humanity has held up consistently as an ideal.

One test of what it means to be human that includes this sense of the tragic in an overall sense of philanthropy is given voice by Shakespeare's *Hamlet*:

> What a piece of work is a (hu)man, how noble in reason, how infinite in faculties, in form and moving how express and admirable, in action how like an angel! In apprehension how like a god! The beauty of the world, the paragon of animals, and yet to me, what is this quintessence of dust?

One advantage of including (and differentiating) the Payton and McCully approaches to philanthropy and Berlin's sense of value pluralism is that this allows us to treat the knowledge and value gifts of scientific, religious, artistic and other figures within a broad common frame of philanthropy; to see Moses, Jesus, Mohammed, Francis d'Assisi, René Descartes, Galileo, Michael Angelo, Niccolo Machiavelli, Albert Einstein, et. al. along with the money men and providers of other resources as part of our philanthropic heritage.

An interesting array of distinctions arise when we combine the concept of various types of common good discussed in Chapter Four with Payton's concept of voluntary action for the public good and love of what it means to be human. We can begin to see that there are numerous distinct approaches to philanthropy that vary in important ways. Implicit in nearly all of these views of philanthropy is the "win-win" assumption; that philanthropic and charitable and other common good is not achieved at the cost of harm to others. This is in marked contrast to assorted 20th century revolutionary doctrines which often assume the necessity of casualties and victims for the greater good of the cause. As the revolutionary cliché has it, *you can't make an omlette if you don't break some eggs*. At the very most, philanthropists may adhere to a kind of Paretoan optimality, whereby gains to some are to be realized only without harm to others. Philanthropic harm, when it does occur is acceptable only as an

unanticipated consequence and not inherent in the goal or mission; a learning experience and lesson for next time. There can be philanthropy that is good for members of an association or organization (club goods), a community (community goods), a nation (national community goods, a type of general common good), a region (general common good) or universal common good, like reduction of the threat of thermonuclear war that is genuinely good for all of humanity, perhaps explicitly including future generations. The difficulty in such optimistic outlook may be that there are times that it can only be realized by willful neglect of negative consequences. Thus, one of the constant challenges posed by philanthropy as voluntary action is to think carefully about and clarify who the segment of humanity may be that is actually positively affected by specific acts of philanthropy and whether there are ignored or overlooked consequences for others.

In the past half century the term philanthropy lost some of its more profound connotations and took on the narrower connotations of a synonym for fundraising, foundations and an organizational function of nonprofit corporations – a field of operations with a decidedly non-tragic outlook! In its original broad sense philanthropy as love of humanity connoted caring for, enhancing, or developing what it means to be human as McCully (2008) noted. Any tragic aspect of this is ordinarily interpreted in terms of the finality of life and the necessities of estate planning. No amount of good work is sufficient to overcome the reality that in the end all of us will die, and therefore provision for intergenerational distribution of wealth must be made.

McCully strives to set forth a more humane and humanistic concept, more expansive and inclusive than the narrowly historical and empirical concept laid out in Robert Bremner's *American Philanthropy* ([1960] 1988). Bremner's somewhat cautions approach is understandable, perhaps; that book was the first of its kind published in many years and works primarily by example, never explicitly defining its principal term. (It could be argued, of course, that the entire book stands as a definition of philanthropy.) McCully tells us that the term was defined in ancient Greece by a dictionary produced by the Platonic Academy as ""A state of well-educated habits, stemming from love of humanity… *productive of benefit to humans*" (emphasis added). In a very real sense, the origins of the benefactory, introduced previously and discussed below, are not to be found in modern management theory, but long ago in Athens, as I wrote in 1992 (Lohmann, 1992, 94).

McCully notes also that the Greek term *philanthropia* was translated into Latin as *humanitas*, as "humaneness" or "humanity" or "humanitarian, giving rise to a number of important connotations, including the humanities as academic disciplines, and civic humanism discussed in Chapter Eleven. It is worth noting that this love of humanity is also the connotation that gave rise to the term humanities in the contemporary collegiate curriculum. That point is especially important in Chapter Fifteen. In one of the interesting applications of this model of

philanthropy, McCully makes the argument that the United States was founded as a nation based on philanthropic understanding:

> Alexander Hamilton, in the first paragraph of the first Federalist Paper, launched the Founders' argument for ratification of our Constitution by noting that "It is commonly remarked" that Americans were at a new place in history, in which for the first time they could design their own government, *for the betterment of mankind*. (emphasis added) "This" he said "adds the inducements of philanthropy to those of patriotism." He was not talking about rich people helping poor people, or "giving back"; he was saying that the United States of America was intended to be a philanthropic nation, a gift to mankind, to improve the human condition. To be "philanthropic" in this Classical sense was therefore, and still is today, quintessentially American—adding, as it were, the inducements of patriotism to those of philanthropy. (George McCully, blog entry at http://www.tacticalphilanthropy.com/2011/08/reinvigorating-a-humanistic-philanthropy; downloaded on August 28, 2011).

This succinct, powerful model of philanthropy helps to explain and tie together fundraising, foundations, tax exempt "public charities", new commons in science and religion, Alexis de Tocqueville's distinction of political and civic associations a generation after Hamilton wrote, to the Marshall Plan, hurricane aid to Haiti, famine aid to Somalia and other African nations, political instances like the Marshall Plan following World War II and countless examples, including the worldwide diffusion of the moeurs at the basis of the "association revolution" and the philanthropy of BRAC (the Bangladesh Regional Action Centre). It should also be noted that a good deal of prudence and modesty are required here if the model is not to be merely another tool in the armamentarium of "ugly Americans" boorishly boasting and immodestly flaunting our chauvinism and superiority to an ungrateful world of foreigners.

Philanthropy for people everywhere can be the basis for expressions of chauvinism, nativism and false humility and pride, and some Americans are notably good at it. More importantly than taking credit for ideas set forth more than two centuries ago, is recognition of the continuing vitality of the idea of contemporary gifts to the world wherever they originate. McCully's model offers the important additional reminder that 18th century Americans did not invent philanthropy; they merely embraced it much as people around the world in the 21st century have. Gradually, but unmistakably beginning with the voluntary associations that Tocqueville observed, new commons were and continue to be an important part of this new cultural dynamic of community, national and international philanthropy. The model is, like knowledge of calculus and effective treatments of polio, openly given and available for all to emulate and indigenize, or adapt to their own circumstances. The many strands of the example of BRAC sending NGO missions from Bangladesh to, among other places, Western Europe and the Americas illustrates this clearly.

Nature, Culture and Human Service

Philanthropy as action for the love of humanity poses a virtual avalanche of interesting examples and implications for theory and practice. McCully and his associates at the Catalog for Philanthropy have developed a grounded taxonomy to rival (and replace) the NTEE, based in three key categories: Nature, Culture and Human Services, the latter defined as what humans can do for each other (McCully, 2008: 123-125) McCully, founder and President of the Catalog and principal author of its taxonomy, notes, "These are not just stable [categories], they are [truly] Classical (cf. Aristotle's *Physics, Metaphysics, Ethics*)." Although the Catalog is a group or organizational effort, the guilding vision is McCully's. For further discussion of the Taxonomy, see McCully, 2008. One of the charming features of this model of philanthropy is it's sweeping interdisciplinary scope, bridging the very gap that C.P. Snow (1959) once remarked upon and bringing interested humanists into the mix alongside scientists, social scientists and practitioners of all sorts. The NTEE classification scheme in its ambling "…and the kitchen sink…" manner, shows the marks of the committee product that it is. Not to see the advantages of more securely grounding taxonomic efforts in an epistemological distinction nearly 2,500 years old merely because it is based in humanities rather than 19th century social science would smack of the worst of disciplinary chauvinism.

Unlike the NTEE, which is grounded in the U.S. tax code, the Catalog taxonomy is grounded in social, political and cultural traditions reaching back to ancient Athens and embracing all of western civilization. This model of philanthropy suggests a logical hierarchy in which other terms and concepts can easily find a place. Most importantly, charities (whether individual acts of charity or organized public charity in the Anglo-American legal sense) are types of human services or in the Aristotelian sense, ethics. Locating this under the broader category of human services or ethics is unproblematic. Over the last century, for example, social work, one of the largest and most important professional category in this area, has embraced almost exactly this same terminology. Among other things, this typology works well both with commons theory, as a basis for differentiating three types of commons, whether new or old, and voluntary action theory, where it provides yet another basis for the distinction of charity (people-oriented, or human services) as a subset of philanthropy as noted above.

Before I was familiar with McCully's typology, I derived a grounded distinction somewhat at variance with it from the commons literature (Lohmann, 2009): I distinguished natural commons from human involved natural commons (e.g. fishing grounds and common field agriculture) and social commons based on examining a large body of published studies. It is a relatively simple exercise to reconcile this with McCully's more fundamental terms. It remains to be seen whether the classicism of McCully's approach will be able to overcome some or all of the objections raised by Evers, LaVille and other European scholars, as noted in Chapter Four. It is already clear that McCully's approach has major adverse implications for the regnant nonprofit model outlined in that same chapter. One of the more controversial aspects of McCully's approach is his repeated claim that only some of the missions of nonprofit corporations qualify as philanthropic. His current estimate is that only about 10 percent of U.S.

nonprofit corporations are engaged in philanthropy as defined by the Catalog. The model of bureaucratic firms discussed in this volume offers one way to deal with this difference.

Philanthropy, Commons, and Democratic Society and Culture

There is little doubt that the group portrait of the third sector continues to grow more complex and variegated. The juxtaposition of models enables us to view within a unified frame an ever broader range of voluntary action and new commons including all the types mentioned in Chapter 3: philanthropy as love of humanity, charity as a subset of philanthropy, public charity as a U.S. tax category that only partially overlaps with philanthropy, nonprofit firms that may or may not be concerned with philanthropy or particular other common goods, and finally, the whole broad class of 'nonprofit organizations'. There is much yet to be sorted out here. McCully's notion of philanthropy might or might not embrace all social clubs, membership associations and types of activities whose sole or principal purpose is purely recreational (a fundamental human need?), with mutual aid and self help activities (diverse forms of particular common goods) and point toward an understanding in terms of getting together with others and action in the presence of others. The sheer confusion created by the U.S. Supreme Court's *Citizens United* decision and subsequent expansion of the 501(c) 4 category into obvious political associations is just one example. Also clearly part of democratic society and culture would be all forms of deliberation and dialogue, where the purpose of getting together with others would embrace or incorporate what we might term, following Barber, *doxalogy*, the studied arts of speaking, listening, influencing and seeking to be influenced by the opinions of others in civic friendship. Doxology (with a capital D and an o) has a particular meaning in Christian liturgy where it refers to a short hymn of praise to God. The term is derived from two Greek roots: *doxa*, meaning glory, and *logos*, meaning words or speaking. Hence: speaking of the glory of God. However, as the Barber quote above notes, Barber and others also use the term *doxa* in the sense of expressions of opinion. In this sense (also basic to orthodoxy and heterodoxy) we can speak of (lower case) doxalogy (small d and an a) as knowledge of the general process or art of speaking (which necessarily also implies listening to) opinions. Although the *a* is purposely inserted here to differentiate the religious and secular connotations, people of many faiths would concur fully with this meaning with the additional insight that thoughtful conversation is to the glory of God. Whether or not some or all of such activities merit consideration as philanthropy remains to be seen. Yet, these are largely mopping up exercises. The essential core of this new expansive view of philanthropy, that McCully, with a nod to his former faculty colleague Thomas Kuhn (1970), terms a paradigm shift is clear.

Philanthropy and *Self Interest, Properly Understood*

The main threat to this view of philanthropy is the rationalism, and in particular the narrow concept of self-interest, currently enshrined in the current economic and management view of the third sector of nonprofit corporations, and at least to some degree in the Ostrom

commons model. On its face, the whole idea of holding the entire 2,500 year universal history of philanthropy up to a single standard of 18th century western rationality is absurd. Worse, the entire intellectual edifice of treating organized philanthropic activity and voluntary action as the production of self-interested nonprofit bureaucratic firms rests on misreading of a single quotation in a book published more than 200 years ago. It is to misunderstandings and misapplications of Adam Smith's supposedly narrow doctrine of self-interest like those currently touted by various analysts and advocates of nonprofit bureaucratic firms that the concept of philanthropy as love of what it means to be human poses the most effective counter.

The idea that any individual's or association's love of humanity must be contingent upon not just Adam Smith's but *any* theorist's concepts of self-interest, or subject to any particular relationship of means and ends (as contemporary concepts like efficiency and effectiveness and best practices suggest) is a threat to the most fundamental ideals of freedom of association and assembly in a pluralistic society. It is also a prime example, one that involves economists and management theorists and not philosophers, of Barber's maxim, quoted above, on the sovereignty of the political. In this case, our preference ought to be the sovereignty of independent sector practice over disciplinary theory of one or two fields. I readily concede that very point here: This is a work of theory but based in long years of observation and practice. If any of my observations are deemed to be wrong by participants in a new commons or engaged in philanthropy, I claim no further epistemological basis, other than factual errors on their part, for proving their conclusions in error.

This gloomy assessment remains true whether attempts to impose such values are deliberate or intentional or not. The difficulty of defining the "self interest" of social clubs, charity, education, basic sciences and the arts and other common goods production from outside of the actual commons themselves raises the first and most important challenge of proper understanding in such cases. Arguments like this one for the autonomy of independent voluntary action are very powerful, with one important qualifier: They offer no defense for those commons that voluntarily surrender their autonomy and self-determination to consultants, professional management authorities, political philosophers, social scientists or others who promulgate standards of efficiency, effectiveness, "best" practices, or other external moeurs by which "rational" commons "should" be governed, or agree to contracts imposing such requirements. Adam Smith is usually cited as the original source of the idea of self-interest. In a famous, and often quoted line the Scottish philosopher wrote: "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own self-interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages."

A careful reading of this statement in context should make clear that, unlike Hobbes, quoted below, Smith is not presenting anything approaching a universal standard for human action here, but only addressing self-interest in the context of the commercial transactions (of the butcher, brewer and baker, none of which is a notably philanthropic occupation.) The most obvious question is: *and what about after we've had our dinner?* Or served a meal to others at

the church social or the soup kitchen? To conclude from this statement alone or with Smith's two other recorded comments in a similar vein in *The Wealth of Nations* (1776 [1981]) that humans are simply, universally and exclusively self-centered and self-interested in some fundamental sense is a false and misleading reading of Smith and one that is subversive to the very idea and history of philanthropy, not to mention all of the related particular and general common goods, including religion, culture, science and education. It is understandable why the assumption of self-interest construed in this manner makes complete sense in micro-economic theory, which deals with exchanges between self-interested persons pursuing their own gain. The objection here is to characterizing philanthropic exchanges in the same manner. The challenge this poses, however, for philanthropic exchange should not be underestimated. Scholars have been trying for decades to solve it. This may be the principal reason why "nonprofit theory" in any country has made so little gain in the past four decades and why so many scholars have sought refuge in the friendlier climes of civil society theory.

Proper credit for the constricted view of humanity usually attributed to the generally cheerful and optimistic Smith, who got things right about the marketplace and never intended to speak universally about all human behavior, as we shall see, belongs with the earlier and far gloomier times of Thomas Hobbes, who said in an analysis not of economics but of politics "of the voluntary acts of every man, the object is some Good to himselfe" (Hobbes 1996 [1651], p. 192). Smith's view of self-interest was more nuanced than Hobbes' and probably more resembled Tocqueville's. Far less frequently quoted in the literature of voluntary action than the lines above is Smith's (Smith, Raphael & Macfie, 1976 [1759]) similarly well-known first paragraph of "The Theory of Moral Sentiments": "How selfish soever man (*sic*) may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it." A gender-neutral version of this statement might be something like: *However selfish we assume humans to be, there also appear to be some principles in our nature that interest us in the fortune of others and make their happiness important to us even when we derive nothing from others' happiness except for the pleasure of seeing it.* In a proper three-dimensional understanding of Smith, such "interest. . . in the fortune of others" and the related Smithian notion of sympathy, and "the pleasure of seeing it" which is a tolerably good definition must be seen, along with the butcher's (and our own) concern for our respective dinners, as key components of what Tocqueville in English translations later called *self-interest, properly understood*. There is no suggestion whatsoever in Smith or Tocqueville that one of these concepts of self-interest must trump the other or is a secondary consideration of lesser importance, although the suggestion in Smith is quite clear that it may, in a market economy philanthropic interest may be a partial or minority concern. Thus there is simply no basis for the current erroneous interpretation that the narrow self-interest of the butcher earning his dinner is the *sine qua non* of rational conduct of all types.

One of the most fundamental anchor points from philanthropy in the commons theory of voluntary action is the premise that it is theoretically incoherence and historically inaccuracy of

grounding authentic doctrines of organized charity and philanthropy which are far older than the Smith's shoemaker's dinner quotation, or even Hobbes' comment in such carefully selected and misleading expressions of individual self-interest in a commercial context. We should, instead, read all of Smith more carefully and sympathetically, or perhaps even along with another of the Scottish moralists, David Hume and follow a rich tradition in philanthropy rejecting 'the selfish system' altogether:

> "I am sensible that, generally speaking, the representations of this quality [selfishness] have been carried much too far;. . . So far from thinking that men have no affection for anything beyond themselves, I am of opinion that, though it be rare to meet with one who loves a single person better than himself, yet it is as rare to meet with one in whom all the kind affections, taken together, do not overbalance all the selfish." (Hume, Norton & Norton, [1738] 2000: 486-7.)

There is a notable irony in holding up this statement by Hume, who was elsewhere notorious for his corrosive comments against the Christian religion as a paragon of charitable attitudes. Nevertheless, the purely selfish person is, in Hume's 18th century estimation, not the norm but something of a freak. Perhaps this is less true today in the world of philanthropy, but only because of the pervasive influence of "being more business-like". Hume goes on to count promise keeping, justice, obedience to government, and several other virtues that are useful to mankind generally (Treatise, III. iii). Nowhere does he maintain, however, that these predominate, or even that most human beings are possessed of any high degree of disinterested affection for others. He does insist that there is some, and that it might in the end prevail. (This point was made in R. J. Kilcullen. *Adam Smith: The Moral Sentiments.* 1996).

Hume further expressed his own distinct philanthropic conception thus: "Let these generous sentiments be supposed ever so weak; let them be insufficient to move even a hand or finger of our body; they must still direct the determinations of our mind, and where every thing else is equal, produce a cool preference of what is useful and serviceable to mankind... A moral distinction, therefore, immediately arises; a general sentiment of blame and approbation [or approval]." Such a "cool preference of what is useful and serviceable" accords well – much better than any of the usual connotations of "self-interest" in fact – not only with the concept of philanthropy outlined above, but also with the standard of rationality as the stating and acceptance of reasons introduced in Chapter 2. Taken together with Adam Smith's view above, it offers a tolerably good conception of what came later as Tocqueville's conception of *self interest properly understood.* On the whole, these expressions of Smith and Hume (as well as others in a similar vein by Shaftsbury, Cotton Mather, as well as Alexander Hamilton, James Madison and other makers of the American Revolution and many since) tend not only to reinforce a standard quite different from the narrow self-interest view of Hobbes and the misrepresented Smith. They also open the pathway to a view of the new commons as a vehicle for the voluntary, collective pursuit of shared philanthropic objectives or missions without the

necessity of imposing any pre-conceived notions of self-interest, or related ideas about being "business-like" or alternative profit motives upon all concerned. Equally emphatic in Smith's rejection of Hobbes was the British philosopher Joseph Butler, who noted that among our 'desires' may be a genuine desire for the happiness of others. Butler distinguished between self-interest and self-love and rejected the idea that Smith's statement regarding "the pleasure of seeing it" meant that apparent other interest was really only just another dimension of looking after our own self interest. This is the basis of the "warm glow" response that micro-economists sometimes seek to track. (See, for example, Andreoni, 1990.) Action for the love of humanity, in the context of a well-thought out life plan, involves something more than a "warm glow"; a temporary emotional flush of positive sensation. Yet, this is generally outside the consideration of rational individualism where memory and history are of no account and moment-to-moment sensations are all that matter.

Of course, all these clarifications and statements prove nothing about the matter in any definitive sense. They merely serve to remind us that at least since the 18th century there have been objections raised to the narrow claim that self-interest is a sufficient general explanation for all human conduct. Moreover, they underscore the point that, regardless of any counter-claims regarding the reality of self-interest as a primary motive in state and market, in situations involving the pursuit of common goods, humans are fully capable of acting on the basis of their legal and constitutional rights to do as they choose, including act as if Smith, Hume and Tocqueville were right. In this important sense, the love of humanity can prevail – provided that we and the butcher, brewer and baker and their family members, customers and all others serving on assorted philanthropic boards and committees have had our dinner. Of course, non-self-interested behavior in commons is conditional on the condition that those involved have met their basic needs for food, and other necessities of survival, consistent with Arendt's definition of labor.

Enlightenment and Philanthropy

The very core of the diverse concerns for philanthropy in our age and its role in the project for the next stage in democracy come together around what has been termed "the unfinished project of enlightenment" (c.f. Honneth, 1992). Like Dewey, Mead, Follett, Hannah Arendt, Jürgen Habermas, James Madison and Benjamin Franklin, Seyla Benhabib, a contemporary political philosopher "locates the resources to realize the values underwritten by universal rationality within our reach. Modernity, [she says], embodies the as-yet unexploited potential of the Enlightenment for achieving human potential through a sphere of public discourse and action within which every norm governing collective life can be contested and validated." Philosophers being philosophers, the mistake that is easily made is to assume that this is only a realm for talk. Benhabib makes clear, however, that it is a "sphere of public discourse *and action*". (emphasis added)

She goes on "Modernity, in this sense, is an unfinished human project, [whether it is labeled modern, or post-modern or something else entirely]. But it is an endangered human

project, as well, she says. Modernity has been imperfectly realized in established liberal democratic practices, which are the heir to nearly three hundred years of bourgeois revolutions culminating in the one-sided institutionalization of a rationality that threatens to entirely erode moral values and moral capacities not related instrumentally to systematic goals and interests." (xi. Series Editor's Introduction. in Benhabib, 2003).

There is perhaps no more critical example of the institutionalization of self-interest in the model of enlightenment rationality and the model of individualist rationality that enforces it than this "one sided institutionalization" as it plays out in the conduct of philanthropy. It isn't simply wrong; it is destructively so. Yet, the real meaning of enlightenment in this context remains somewhat elusive. To be sure, educational programs of all types that awaken and enlighten students to the potentials of living together fit easily here. Some of the most interesting examples of the last fifty years have come from racial, women's', mental illness, disability, gay rights and other civil rights movements that have served philanthropic ends and acted to enlighten their participants to public good and other facets of what it means to be human. This statement will be controversial with some readers, and seem excessively "touchy-feely" with others, particularly those who are affluent, emotionally secure, and possessed of a strong sense of identity and secure social status. Anyone who has observed or worked with even a single person who is none of these long enough to see them overcome a damaged sense of self-worth and a "spoiled" identity will recognize what I am saying.

Love and Common Goods Production

In this section, the notion of common goods introduced in Chapter 6 will be extended considerably without change to the underlying concept. There is no better place to begin such a task than by considering the challenge of love, in it's philanthropic sense, as a common good. For another perspective - both Christian and progressive - on this, see the web site of the New Evangelical Partnership for the common good (http://newevangelicalpartnership.org/ retrieved on 8/1/2011).

The role of common goods in philanthropy can only be understood in the context of the strategic and tactical expression of several distinct forms of love, all of them related to philanthropy as what it means to be human revived by McCully. Love in this context is not fundamentally an emotional response but a dimension of human social relations that explains how, and more importantly why, individual persons in new commons, would rationally choose to pursue common, rather than purely private goods. Romantic love, it is often suggested, can make people do crazy things. But, that reference is to *eros*, or sexual love. Our principal interest is in two other kinds of love that are far more important for voluntary action, and both quite rational in character: *philantropia* or the embrace of things human, and *caritas*, the Latin term for love of another which is at the root of the modern term. Charity involves a special case of philanthropy, as noted above; love of some particular aspect or segment of humanity. Together, philanthropy and charity figure importantly in the history of voluntary action and as we shall see together offer good beginning points for understanding common goods production in

voluntary action.

Not only charity and philanthropy as these terms are ordinarily construed, but clubs and associations, are all premised on variations of expanded forms of *philanthropia* in which it is fully and completely rational not merely to serve one's own (or one's organization's) self-interests, but to expand that very concept of self-interest to include consideration for the interests of others.

Tocqueville and his translators have spun a somewhat obscure version of this quality with the phrase "self-interest properly understood", although it is certainly understandable why this phrase was used. Many people are quite uncomfortable with the idea of speaking in terms of rational love, yet that is what the great Frenchman should have said. That is clearly what he meant, as Bellah and his colleagues suggested with their title, "Habits of the Heart" (1985), which as noted previously was Tocqueville's phrase not for emotions but for moeurs, including rules and practices. Thus common goods qua moeurs are not merely intermediate between public and private goods in a narrow technical sense. They are also imbued with or characterized by philanthropic or charitable love, that is, concern for another or others. They are thus, as Tocqueville, Bellah, et. al., have said habits of the heart, however much their production must also be concerned with matters of the mind; their rational pursuit and explanation to others. It is, above all else, these qualities of rational love of humanity, of humanness, of what it means to be human - philanthropy (*philanthropia)* and charity (*caritas)* – that form the basis for the distinction noted in Chapter 6 between good and other, not-so-good commons.

Philanthropy: Enlightenment and Sublimity

Conventional perspectives on charity and human services as a broad general type of philanthropy fit readily within notions of philanthropic love and expand upon our ideas of what it means to be human. Likewise, notions of the incomplete project of enlightenment fit readily with ideas of education and science. But there are large parts of the world of modern philanthropy that cannot be readily fitted to these considerations; in particular, religion and the arts have proven particularly difficult to connect to voluntary action except at a purely instrumental level that addresses only questions of means and leaves the larger question of ends and ultimate purposes untouched. Arts management and church management, thus can provide some valuable and useful lessons in how to pay bills, design space and use limited funds in "more business-like" ways, but the nonprofit model and other third sector perspectives offer little guidance in the larger institutional issues of churches, synagogues, temples, museums, nonprofit, public or community theaters, and other artistic and religious pursuits as philanthropy. It is possible, however, to begin to remedy that deficit without venturing too deeply into controversial or overly complex territories.

We can begin by noting that philanthropy should no longer be seen as the teacakes and lace gingerbread construct of our Victorian forebears. Payton and McCully together with the actions of thousands (perhaps millions, worldwide) have given us a powerful new, deeply

grounded and modern framework within which to view the mission of voluntary action as philanthropy and to speak meaningfully to our time of the institutions of philanthropy and philanthropic institutions. Proper reading of Adam Smith and David Hume and the American pragmatists together with a revised reading of the Ostroms and the Bloomington school on knowledge commons point the way for us out of the territory of narrow rational self-interest, and Tocqueville has bequeathed us the robust standard of self-interest, properly understood as philanthropic love. All of the previous discussion on new commons, including associations, assemblies, collective behavior, social movements and social problems and all the rest, also gives us an organized, collective context quite distinct from the framework of the self-interested nonprofit bureaucratic corporate firm within which to organize and act upon these understandings.

Among their other qualities, the pluralistic character of new commons gives the capacity to handle many different types of judgment peacefully. Judgments of what is good are fundamental moral concerns. Yet distinguishing common goods from public and private goods can only take us partway toward a full understanding of philanthropy. Judgments of truth are a philosophical concern, while science is more concerned with verification and replication. Religion and art are, at their cores, concerned with quite different types of judgments to which many authorities have attached the terms beauty and the sublime. In both instances, these are distinctive contributions – gifts of knowledge – to the common good of humanity. Part of the very fabric of that knowledge – just as with calculus or astronomy – is it's universal character. This strain toward the universal is perhaps most clearly evident in Kant's felicific calculus and Rawls theory of justice, but in a global, interconnected world it is an important undercurrent of all third sector thought. The paradox in the perspective outlined here is that what is most universal about the third sector is its locality, difference and diversity. Free agents acting for collective ends, voluntarily with common resource pools will diverge more often than they will converge with the interests of others.

Action in the new commons is importantly, but not exclusively, an ethical concern. Those of us associated with social services, social change and other facets of the third sector need to remind ourselves, from time to time, that rational choice and ethics are not the only or even the foremost concerns for many in past and present voluntary action. Determinations of mission are also partly aesthetic judgments and while the collective behavior of religious and artistic institutions engaged in voluntary action can largely be characterized in terms of the general model of new commons, questions of mission and purpose often cannot. Therefore, I propose in the remainder of this chapter to examine philanthropy in art and religion using the concept of the sublime. This is not as idiosyncratic as it may at first appear. Standards of beauty have an important place in philanthropy, and philanthropic thinkers like Jane Addams and Allen Eaton. Eaton was a long-time staff member at the Russell Sage Foundation from the 1920s to the 1950s. Under the directorship of Shelby Harrison, he long advocated for, and briefly ran, the Department of Art and Social Work, more committed to the arts and crafts movement than to social work as that term is now understood. Eaton's organizational work is of fundamental

importance in the development of Appalachian studies and local and regional crafts. In his writing, he operated primarily with an aesthetic of beauty. Under the influence of romanticism, practitioners in countless religious and arts organizations were, for a long time, concerned with the place of beauty, but to my knowledge no one has sought to examine the sublime, which in the context of modern art is an even more relevant category.

The philosopher Iris Murdoch is one of the few writers to tackle even part of this complex matter in an essay entitled "The Sublime and the Good." She began by disagreeing in part with Leo Tolstoy's observation that "Instead of giving a definition of true art and then deciding what is and what is not good art by judging whether a work conforms or does not conform to this definition, a certain class of works *that for some reason pleases a certain class of people is accepted as being art* and a definition is then devised to cover all these productions" (Tolstoy, quoted by Murdoch, 1959. italics added.). Note the role of what were termed focused publics in that statement.

Murdoch disagrees with Tolstoy on one point in this quotation. She says her concern is with defining art in general and not judging particular works. Such a general definition, she says, "must stand to be judged by great works of art which we know to be such independently" (Murdoch 1959). Murdoch's formulation is offered here not because she offers any really sound advice applicable to philanthropy in the arts, but because her attempt more than half a century ago *is the most current effort I could find juxtaposing these moral and aesthetic categories*. She offers what sounds like her own definition of a focused public: "a certain class of works that for some reason pleases a certain class of people is accepted as being art and a definition is then devised to cover all these productions"..

In that half century, an increasing variety of such publics focused on the arts have rejected the standard of beauty in favor of other standards entirely, usually termed the sublime. Although the concept had an even earlier provenance, it is usually traced to an essay by Immanuel Kant entitled "On the Feelings of Beauty and the Sublime" drawing the distinction between the two (see entry in Kant 1999). Kant's essay was not a work of formal philosophy but simply a commentary on aesthetics. Nonetheless, his distinction between beauty and the sublime caught on and is, in fact, responsible for a number of important cleavages in painting, literature, drama, poetry and other art forms throughout the 19th and 20th centuries and into the 21st. Beauty, as an aesthetic standard is often said (according to Murdoch) to consist of such diverse things as pleasing appearance, proportion, harmony, symmetry and a variety of similar considerations. Beauty is also said to be in the eye (or ear or other sense) of the beholder, but since the early 20th century, students of the arts have frequently downplayed or dismissed entirely the importance of beauty as an aesthetic standard, often in favor of sublimity.

It was not Kant, but the novelist Victor Hugo who in 1831 introduced the notion of the grotesque as sublime into literature and, as a consequence, laid at least part of the groundwork for contemporary approaches to social problems with his characterization of Quasimodo, the hunchback of Notre Dame. In the century following Hugo, the concept of the grotesque was

gradually broadened and refined to extend sympathetic understanding to a wide variety of previously untouchable/unremarkable objects. In contemporary café society – a term elaborated further in the final chapter – the grotesque is often released from any aesthetic connection to the sublime and becomes an aesthetic of its own. As such, many third sector theorists strongly resist suggestions of any possible connection between modern art of any sort and philanthropy; except as a matters of collections and exhibitions. Yet the connections are there.

One can track the entire pre-history of social problem studies as a proliferation of Hugo's sublimity through operas like *Le Boheme*, novels like *Les Miserables*, the oeuvre of Charles Dickens, Emile Zola, and through many other venues. The realist aesthetic sensibilities of modern social problem studies in social science, to the extent we can speak of such an idea, are essentially a continuation of sublimity in 19th century writers, augmented by perspectives like G.H. Mead's "taking the role of the other" (Mead 1938). Popular dramatic and musical works as diverse as *Porgy and Bess, The Phantom of the Opera, Sweeney Todd: The Demon Barber of Fleet Street, Les Miserablés, Rent* and *Urinetown* specifically address both social problems and from a vantage point that can be characterized as capitalizing on the sublimity of the grotesque. With this list, I certainly do not intend to characterize either homosexuality or poverty as grotesque. However, the theme of the sudden onset of large numbers of unanticipated deaths of friends and loved ones in the community portrayed in Rent certainly qualifies as a sublime theme and probably grotesque as well. There is a large body of published literature tracking the relations between social problems and literature. I intend nothing further here than pointing readers unfamiliar with it in that general direction and suggesting that organized response to social problems, even before it takes the form of service delivery is also part of the third sector. And, this is only one of numerous directions that artistic attention to the sublime has taken, even as specific instances of aesthetic focus in philanthropy, such as the efforts in the 1940s by Allen Eaton to establish a Department of Art and Social Work at the Russell Sage Foundation, held out strongly for beauty (Lohmann, 1994).

Virtually the entire cumulative social scientific body of research on collective behavior, social movement, social problem, and deviance studies are, in the larger sense, derived from the shift of focus in literature from beauty to the sublime. And, from a fascination with noble and enlightening characters to not merely the downtrodden but lost innocence and even depravity. With aesthetics in a largely off-screen role, focus on the grotesque has been a key part of the revolution in modern philanthropy in the past two centuries, if only by cutting social problems loose from the dominant tendencies in culture. Everything from 19th century French, English and American developments of "moral treatment" of the mentally ill, to Jane Addams' move to Halstead Street in Chicago – where the first program at Hull House was an art museum (Glowiki & Hendry, 2004; Grob 2009; Rosenberg 2004). Yet the separation has not been complete. Not least, the entire field of thanatology (death and dying) and hospice programs fit readily within a

framework of sublimity and provide an important link between aesthetic and theological approaches to the sublime (Szabo 2010). In order to make all of these connections and see their relation to the new commons, it may help to look more closely at what Kant and others meant by the sublime.

What is it that the sublime as a philosophical category refers to, how does this relate to our conception of philanthropy as voluntary action for common good, defined in terms of what it means to be human? In its most general sense, the concept of the sublime refers to greatness, or largeness, such as the theological idea of greatness beyond measure or bounds. As Kant noted, something that is sublime is so large that it overwhelms our capacity to imagine it. The idea of eternity, for example, is a sublime idea, as are the human plurality of notions of God (hence, the tie of this aesthetic category to religion as well as science). Although most frequently used as an artistic category, the idea of sublimity also has religious, moral, scientific and other implications. Scientifically, for example, the associated notions of the unbounded universe and of curved space are sublime ideas. Sublimity is used in the discussion of philanthropy to refer to some dimensions of what it means to be human. Although not often discussed in these terms, the ideas of charity and community are both usually intended as sublime ideals by their users. Enlightenment of an entire population is also a sublime ideal. Thus, it is not a major stretch to suggest that notions of the sublime, in art, science, charity, education, like common (or public, in Payton's sense) good are among the major unifying themes of philanthropy.

Murdoch set out in 1959 to state the relation between the sublime and the good, and got distracted into the question of the general meaning of art. I don't believe that I can push her argument further more than 50 years later, but I can note that the aesthetic qualities of beauty and sublimity, like the moral quality of goodness, may offer alternative usable standards for the assessment of some, and perhaps all, dimensions of philanthropy. Thus, when we speak of common goods we are often also speaking of sublime goods. This is important to remember in the moral universes of modern philanthropy, influenced as it is by management, marketing and public relations. It can be easy and comfortable to promote heavily discounted versions of the sublime: "Where Greatness is Learned" my university once proclaimed, thus turning the sublime into a marketing strategy, and encouraging the more circumspect to add "And couches are burned". However, obstetricians who superintend the birth of babies, social workers ministers, nurses and others who attend the dying of hospice patients, actors who enact the poetry of Shakespeare, those who experience Michael Angelo's *David* firsthand or attend a live performance of Beethoven's Ninth Symphony, scientists who plumb the mysteries of the universe and many other denizens of the independent sector know full well that sublimity – true greatness in its many forms – is both real and worthy of what it means to be human.

Conclusion

Philanthropy is a central – perhaps the core – concept for understanding voluntary action in new commons and may currently be involved in a major paradigm shift recognizing its contemporary centrality and its continuing vital role in western civilization, history and contemporary world cultures. Philanthropy, in George McCully's sense also opens up the narrow corridors of management-oriented, rationalistic, and social science perspectives on both the third sector as a nonprofit sector and on commons and also an avenue for moving beyond the narrow, technocratic focus on abstract qualities of effectiveness, and efficiency. Philanthropy thus offers multiple bases for reimagining (and expanding) the role and scope of the third sector and locating what is most important in common goods. Similar humanistic perspectives are found in the tap root of sublimity that has nourished most, if not all, contemporary social science approaches to social problems. Thus, philanthropy, broadly conceived as voluntary action affirming what it means to be human, in a broadly conceived independent sector has an important role to play in any movement toward an expanded view of democracy in society and culture.

Having a market economy is really different from having a market society
~ Camila Villejo, Chilean education reformer

12. Social Economy As Gift Economy

Kant, in fashioning the issue of the sublime, and Victor Hugo's presentation of Quasimodo as the *locus classicus* of character studies of the grotesque as sublime have, as much as the framers of the American republic, made important philanthropic contributions to the modern world. To the extent we chose to do so, we can also give added meaning to them by tracing the contributions that precede and follow them. Such is the way of additions to democratic culture. All of these contributions are widely regarded by one focused public or another as gifts to the their world, or our common world. The same can be said of authors of the books of the Bible, Greek philosophers, the Koran, the writers of the Upanishads, Shakespeare, Bacon and Leibnitz, Einstein, Taylor's *The Science of Shoveling,* and countless other individuals and groups contributing to knowledge commons through the ages. Wherever we can identify a body of knowledge we can also identify or assume the presence of its knowledge commons, the social or cultural associations and assemblies of proponents, developers, critics, and sometimes anti-commons of those actively opposed to it.

The major outputs of knowledge commons, regardless of the knowledge involved, whether sublime, mundane or ridiculous, constitute gifts just as surely as donations and grants, and the recurrent patterns of giving and utilizing knowledge resources constitute knowledge-based social economies (in the plural). Some gifts are accounted as more important and some are less, but scholars, authors, researchers, artists and others all make contributions to fields of knowledge in the same manner that donors make contributions of (albeit of different, financial or property) resources to the common resource pools of voluntary action. Likewise, contributions of knowledge, like other common goods outputs, may also serve as resources for further contributions and the production of further knowledge. This is the justification for literature reviews in research papers, for example. All such gifts are philanthropic in nature, but some are eventually judged to be truly notable, world-class gifts or philanthropic acts of historic dimensions. Such judging is generally the responsibility of differing combinations of three types of knowledge commons (listed in order of priority): (1) Knowledge commons themselves. Scientists are the best judges of what are important contributions to scientific knowledge. Theologians, social workers genealogists and gin rummy players perform the same role in their special areas of knowledge. They are the ones who we recognize know the most on their particular subjects. This is one of the unrecognized corollaries of freedom of association. (2) Specialized knowledge commons organized for critical or evaluative purposes, like historians, drama, art, and literary critics, anthropologists, and others. When looking only at the individual products of criticism and evaluation – monographs, reviews, reports, and the like – it can be

very easy to miss the collective nature of these enterprises. Such criticism without a consistent audience – a focused public – is diminished in importance. Some critical associations operate within formally organized professional or membership associations. (3) In some cases, organization and association are purely cultural, most commonly "bodies of opinion" or focused publics, rather than formal organizations and corporations. Yet, whether an organization is formal or purely cultural, the result is much the same. A single expression of opinion or critical judgment assigning value to the outputs of a knowledge commons is ordinarily meaningless outside the larger context of opinions that precede, follow, confirm or challenge it.

At the same time, surprisingly little of the output of knowledge commons truly qualifies as public goods, if only because the contributions within one field may be matters of indifference, or even opposition and conflict, within other associations, assemblies or focused publics. If you are not a bridge player, for example, an account justifying a change in the rules of the game will likely be a matter of genuine indifference. Even so, limited interest, opposition and even conflict to the outputs of particular knowledge commons do not mitigate the fact that these outputs of knowledge commons are gifts. It is this character as gifts and the larger cultural meanings of giving that are responsible for the tensions, security measures to prevent "industrial espionage", patents, and other paraphernalia surrounding the outputs of knowledge commons owned (and fully enclosed) by market firms. If such apparatus isn't in place, the knowledge can easily be "given away" and once that Pandora's box is opened, it cannot easily be shut again. When one says knowledge commons, one also implies gifts.

It may be for this reason that a number of years ago Schrift (1997: 1) wrote, "Over the past two decades, the theme of gifts and giving has emerged as a central issue within a range of divergent fields." Since that time, strong interest in gift exchange has continued and even accelerated; a trend that is particularly important to the commons theory of voluntary action. From its origins, gift theory has been recognized as a subject of great complexity and subtlety (Godbout, Caillé, and Winkler, 1998 is one of my personal favorites. See also Bailey, 1971; Barnes, 2003; Davis, 2000; Eaton, 1932; Hyde, 2007; Kass, 2002; Kettering, 1988a; Kettering, 1988b; Lindahl, 1995; Mei-Hui, 1994; Wadell, 1991). Giving has been deeply woven into the themes of voluntary action and, in particular, philanthropy. We can begin to consider this more carefully with a brief survey of existing gift theory.

Gift Theory

What we can call gift theory, according to Schrift (1997: 3) can be traced to an act of philanthropy within *belles lettres* or the 19th century literary knowledge commons; an 1844 essay entitled "Gifts" by the American philosopher and essayist, Ralph Waldo Emerson that includes, among other things, an early statement of reciprocity as moeur. (An online version of Emerson's essay is at: http://grammar.about.com/od/classicessays/a/emersongifts.htm). Emerson's essay was published only a dozen years after Hugo's 1832 *Hunchback of Notre Dame* and about the same time as Tocqueville's famous trip to America. From the start, Emerson "makes clear the paradoxical and problematic nature of the gift" (Schrift, 1997:1). A few

decades later Frederick Nietzsche initiated another gift theme in German literature in the opening passage of *Alzo Sprach Zarathustra* (*Thus Spoke Zarathustra),* first published in 1884. Despite such American and German origins, however, it has largely been 20th century French intellectuals who have shown the greatest sustained interest in the topic of gifts. Of particular note is Marcel Mauss' *essay sur le don (essay on the gift)* published in 1924 since it initiated a continuing interest in gifts in anthropology that includes more recent contributions by Claude Levi-Strauss, Rodolphe Gasché and others, including the American anthropologist, Marshall Sahlens and others in that discipline. Schrift also cites additional, and sometimes quite obscure, points of French interest, including Georges Bataille's (1933) essay, *The Notion of Expenditure,* long known primarily only among French intellectuals, and Martin Heideigger's (German) philosophical discussion of *es gibt (it gives)* in his publication, *Being and Time*, first published in 1927 would be fascinating to consider from the standpoint of giving in new commons. In recent decades, a wide range of other French philosophers such as Jacques Derrida, Heléne Cixous and Pierre Bourdeau have also published important work on gifts and giving; these also have had little impact on contemporary thinking about philanthropy and new commons. Bourdeau's work on gifts, done in connection with his theory of practice, may be of particular note for voluntary action, as is the previously mentioned work by the French Canadian Godbout, et. al. (1998).

In recent decades Schrift (1997: 3) says, gift theory has moved to center stage in several disciplines and in interdisciplinary work: "The theme of the gift … can be located at the center of discussions in deconstruction, gender, ethics, philosophy, anthropology and economics" and it already serves as a major intersection for interdisciplinary discussion. If we added such topics as class, race and religion to those where gifts have already been a major focus we would have a formula for bringing giving directly into the discussion of pluralism, the third sector and philanthropy. The general thrust of current thinking has already been to link gifts and giving into larger perspectives on exchange, contrasting, for example, gift exchange with both market exchange and coercive exchanges like the collection of taxes. Anthropologists have noted giving as a major feature of an enormous number of different cultures, perhaps even a cultural universal, including the importance of the Kula cycle (Malinowski, 1944), the Mola ring, potlatches, and numerous other examples supporting the general conclusion, among others, that exchange in Pacific Island cultures prior to the 19th century was gift-based.

Schrift mentions but does not detail the large literature in economics and sociology devoted to the analysis of reciprocity, which has been one among several interrelated questions of interest to analysts of gifts from the time of Emerson (e.g., Dufwenberg & Kirchsteiger, 2004; Falk & Fischbacher, 2006; Gouldner, 1960; Hooghe, 2002; Komter, 1996; Nowak & Sigmund, 2005; Sugden, 1984). Despite all of this richness and for reasons not altogether clear or defensible, economic perspectives on narrow, self-interested exchange and reciprocity rather than these anthropological, sociological, or philosophical work on giving, appear to have had the greatest impact on theorists of voluntary action. Even superficial examination of this rich literature suggests that this is a perspective that ought to be revised in the future.

The study of gifts arises from very different places, and there are a lot of theoretical rough edges as a result. For example, the present focus on gifts in democratic society and voluntary action runs counter to at least one gift-based critique of public life, in a way that has particular implications for understanding the role of gifts, association and philanthropy in relation to the public economy. The issue raised in this discussion raises the possibility of the reappearance of familiar disciplinary cleavages in our understanding of the role of gifts with economists, political scientists and public administrators taking one approach to the gift economy, while sociologists, anthropologists and social workers, especially those with particular interest in home and family, take another. As detailed in the chapter below, the concept of "bad commons" can be used productively to mediate some of these differences. A growing number of analyses focused exclusively on government and public affairs have concluded that big money gifts intended to purchase political influence is not only a major problem, it is the root problem for democracy today (Kaiser, 2010; Lessig, 2011). Recent comments by former Justice Stevens suggest that this was a minority concern in the Citizens United (2010) case (Leaming, 2012). As Lawrence Lessig puts it, money in politics is "the root – not the single cause of everything that ails us (as a people), not the one reform that would make democracy hum, but instead the root, the thing that feeds the other ills and the one thing that we must kill first. The cure would be generative – the single, if impossibly difficult intervention that would give us the chance to repair the rest" (Lessig, quoted by Klein, 2012)

While Lessig's diagnosis is generally correct, the difficulties with his prescription are threefold: First, his assessment might not be deemed relevant to discussions of philanthropy at all were it not for Lessig's previous contributions to commons theory and gift theory, and more important, the proximity of parts of the social economy to public policy (Boris and Steuerle, 2006; Smith and Lipsky, 1992; Salamon, 2003). Lessig is a lawyer who pioneered the theory and practice of "the Creative Commons" license. In the quoted statement, Lessig's conception of democracy is clearly limited to government and to the current, passive model of citizenship in a democracy consisting primarily of voting to elect public officials and leaving the rest to those officials and interest groups. Whether this is Lessig's general understanding or merely a description of the current state of affairs in Washington DC is not altogether clear. It is possible that the differences here may amount to straw man argument, as regards Lessig's specific intent. Even so, the distinctions made are important ones. If we look beyond that view, it is anything but clear from Lessig's account how or why the open democratic society and culture (sometimes referred to in contemporary political argot as "the world outside the beltway") is affected by corruption in the legislative branch. For some citizens political corruption of any kind is simply further grounds for withdrawing from public life, declining civic participation and greater engagement with café society or other alternatives to civil society examined in the final chapter. Of most immediate concern here is Lessig's indictment of what he calls *the* gift economy (italics added) as fundamental to the problem.

There is little doubt that, as both the convicted influence peddler Jack Abramoff and Lessig note, gifts *are* a major part of the problem of the corrosive influence of K Street, or

Washington lobbyists on American public life. However, in characterizing the role of expensive meals, golf weekends and travel junkets, exotic vacations, cash payments, luxury items, and all of the other 'gifts' of subornation that define modern lobbying as *the* gift economy, there is an inherent threat to the entire regime of legitimate philanthropy of such a broad brush approach. It is almost as though he is equating a billionaire or corporation bribing a congressman with an ordinary citizen's donation to a favorite charity or giving a gift to a child, or lovers exchanging gifts. The social economy of gifts is simply too complex to sustain any such a generalization, and there is no reason to accept one so corrosive and jaded. It seems unlikely that Lessig, the canny and sophisticated inventor of the creative commons license, would knowingly embrace such a view. It is very likely, however, that others less charitably disposed to philanthropy may seize upon Lessig's comments as further proof of a general indictment of gift economies in general and philanthropy.

What is currently going on in Washington, and what has gone on to one degree or another in governments from time immemorial shows what happens when the moral environment of philanthropy is built entirely on moeurs (beliefs, rules and practices) of individual self-interest, and not on love of humanity. The focus in the remainder of this chapter is the involvement of new commons and giving in social economies concerned with genuine gift exchange for charitable and philanthropic purposes.

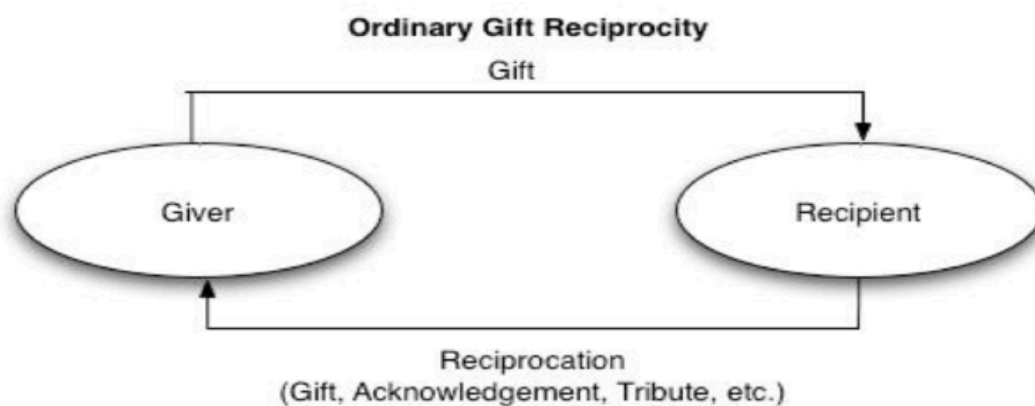
Marshall Sahlins (1972) reads Mauss in the context of Hobbes and suggests that he substituted for the latter's war of all against all, the seemingly more encouraging possibility of the exchange of everything between everybody; a mode of gift exchange substituting for war/violence. That idea in itself might offer an interesting starting point for a theory of the third sector. Perhaps market exchange as quid pro quo; State exchange as redistribution; Need-based exchange in the household/intimate sphere and gift exchange in new commons. There is merit (and also some obvious limits) to this idea. However, Sahlens, like Hardin, Olson and the Bloomington School fails to get beyond the familiar dualism of public/private, economy/politics or market/state dichotomies, and open up room for an independent sector mixing individual and collective voluntary action, philanthropy, association and social economies. Although micro-gift economies are modular and widely found in statecraft, market settings and households, it is only the third, or independent sector that is formed or defined in fundamental ways by gift exchange. It is also in the independent sector, and particularly in new commons that a distinctive three-way gift transaction is found.

Philanthropy As Gift Exchange

The notion that all gift exchanges, like market transactions, are binary exchanges between two entities, figuratively speaking the giver and the receiver as in Figure 12.1, represents a fundamental misunderstanding of the gift exchanges of organized philanthropy, and in particular charity. Moreover, it is one that has been debunked by anthropological studies of actual giving which have found cycles, rings, circles and numerous instances of more complex exchanges. Much of this work was originally done outside of third sector studies and has only

been selectively incorporated there because it is so out of character with the dominant rational choice perspectives. Recent work on giving circles by Eikenberry (2009) begins to capture some of the nuances of those complex exchanges. Even so, the main body of work in philanthropy leaves out the illusive "third (and additional) parties" to gift transactions, and therein misreads single, complex gifting acts as separate and independent exchanges. Giving as voluntary action has more in common with Malinowski's Kula ring or the Tlingit Potlatch than it does with any ordinary market transaction. Yet in the rush to apply market perspectives to new commons and philanthropy, and with the nearly exclusive focus on bureaucratic firms, third sector scholars have seriously misrepresented the nature of gift exchange in the independent sectors of social economies. In the following section, a preliminary alternative model of gift exchange termed the philanthropod will be outlined.

Figure 12.1.



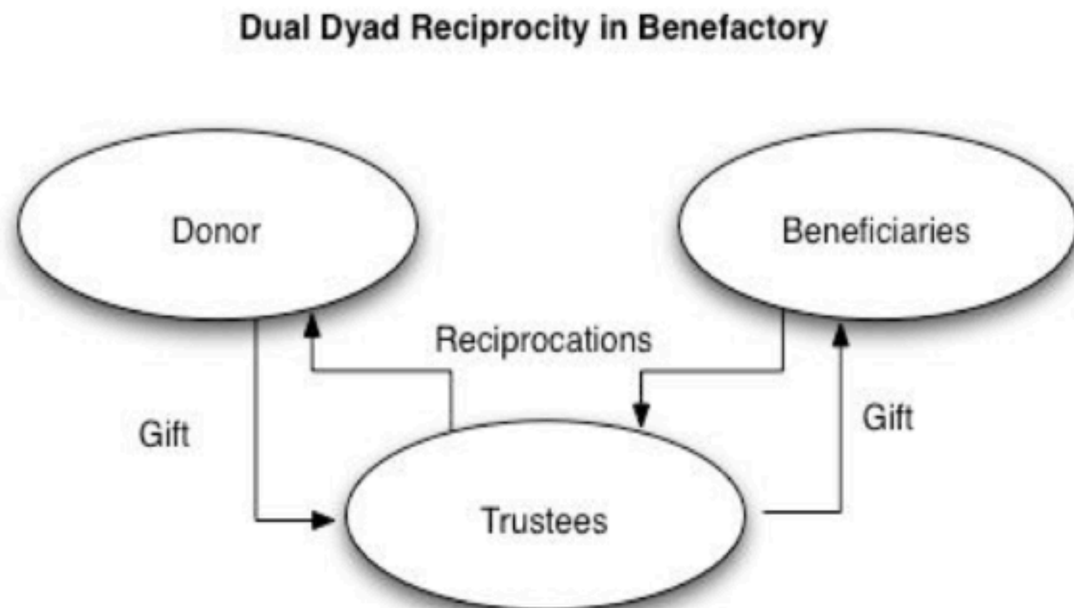
Philanthropod: The Triad of Gift Exchange

Gift exchange in commons is fundamentally different in its form and structure from ordinary commercial exchange of microeconomic theory, both in terms of the purposes of the exchange and in terms of the number of key roles and statuses or positions involved. Gift exchange in voluntary action requires a minimum of three or more actors or roles to adequately describe what happens. A principal challenge for contemporary voluntary action theory after years of trying to characterize gifts in terms of ordinary commercial transactions is to rediscover once-familiar models of gift exchange to describe and explain what is actually taking place. This is a particular problem at present since such efforts have been rewritten into the binary code of Adam Smith's butcher and baker and the equilibrium models of profitable exchange, even though Smith himself desisted from that view, as we have already seen.

A more complex and nuanced model of gift exchange applicable to the social economy of institutional philanthropic benefactories, performatories and moeuratoria involves a minimum

of three terms (See Figure 12.2). Most philanthropic gifts are a closely related set of experiences and inter-connected situations (or moments) that can be characterized as multi-phase, multi-party exchange having more in common with the Kula and other Polynesian gift exchanges identified by anthropologists than with market exchange. One of these – the donor moment - involves philanthropic donors (or patrons) donating to the agents of target causes, while another – the common goods production moment – occurs between service providers and clients and is usually treated in the quasi-market model as a completely independent transaction with no direct reference to the gift. In social and health service settings this serves to reinforce moeurs like the confidentiality of the patient/client. It also leads to a fundamental over-simplification of the philanthropic character of the exchange. A better model of gift exchange would treat donations to common resource pools and the resulting service delivery (or, more generally common goods production) based on those pools are not discrete and unrelated transactions, but as parts of a unified set of transactions that give meaning and purpose to the exchange. These exchanges are presented as three-party transactions here for simplicity. Why donate? So that some good may result. How to do good works except by procuring necessary resources? The connections are ineluctable. This may involve any number of transactions (of n-parties) as common-pool resources make their way from donors (the original suppliers of resources) to the production of common goods. But the connections linking donor to final result remain clear.

Figure 12.2



One of the things that complicates understanding this type of gift exchange is that it doesn't need to take place within an organized institutional context, although a large variety do

take place there. Yet it is ethical, legal and possible for one person – a *donor* – to say to another – the *agent or intermediary* – "take this [resource] and use it to help [that class of *beneficiary*]. We can name this type of transaction a triad, in order to contrast it with sales or purchases in markets characterized by the binary exchange between buyers and sellers of a priced good. To give it a name of its own, we can call it a *philanthropod*; a complex, multi-part gift exchange occurring outside markets, governments and households. The category includes not only ordinary donations, but also giving circles (Eikenberry, 2009), Kula exchanges (Malinowski, 1944), potlatches (Allen, 1987; Kan, 1986; Piddocke, 1965), gift rings (Landa, 1983), and other known examples of complex gift exchange.

In contemporary philanthropic organizations, *patrons* or *donors* are the recognized providers of key resources who make gifts to specialized agents or intermediaries (*fundraisers, librarians, teachers, social workers, lawyers and others)* who must handle all of the necessary relationships from first meetings to casual relations or life-long relations and sometimes even post-mortem situations. These intermediaries receive the gifts of resources (typically called donations or gifts) explicitly on behalf of others, and continue their relations with the donors, along the way dealing with the complex issues of reciprocity. It would be a serious error, however, to assume that this organized portion constitutes the full extent of operational philanthropods in modern life. Even in organized settings, we have no names for, and only minimal recognition of the post-gift stages of this process. In the less-socially accepted and legitimate context of the con game Erving Goffman (1952), called similar operations "cooling out the mark". This phrase is highly inappropriate in legitimate forms of gift giving, because both donor and fundraiser consider the gift appropriate, but a superficially similar process commonly occurs. Because a donation is potentially a non-reciprocal gift, careful attention to these post-gift relations is necessary to prevent ill-will on the part of the donor.

Within the same institutional settings as these agents, other specialists deposit, and as appropriate, invest the money gift and make its availability known to still other specialists who apply ("budget") the resources for appropriate purposes, and engage the services to be delivered or the benefits to be provided for the production of benefits, performances or moeurs. Yet another entire class of intermediary specialists that includes volunteer coordinators, docent managers and others, manages gifts of time and effort, while other donations – whether of knowledge, equipment, and a wide variety of other stuff – may be handled by still more specialists or in an entirely ad hoc manner as circumstances dictate. Even so, all of these donations provoke or stimulate the formation or operation of philanthropods, or gift chains. Such gift chains tend to arise or occur in similar fashion regardless of whether the gift comes from an individual donor or in the form of a grant from an institutional donor. An entire industry has grown up around the handling of institutional gifts, or grants, and includes a number of specialized occupations like prospect researchers, grant writers and those who specialize in the sometimes delicate and sometimes highly political negotiations involved. The

simplest form of the n-dimensional philanthropod is a three-part transaction between patron (donor), intermediary and beneficiary, but in most cases multiple intermediaries are involved and it is really a multi-part complex social act of the type originally identified by Blumer (1955), Turner & Killian (1987), et. al. as collective behavior.

As discussed above, philanthropods can also be analyzed from a perspective of collective choice, but to do so in the current context of uncertainty would almost certainly miss important aspects of what is occurring. The entire, complex gift exchange only acquires its full meaning from the situation or context as a whole; when viewed as a complete social act. Givers without beneficiaries in mind are merely chumps. The term "beneficiary" is used as a generic term here, even though technically speaking, only benefactories produce common goods (or benefits) clients or beneficiaries. Performatories produce common goods for audiences and focused publics and moeuratoria produce common goods (or moeurs) for focused publics. To say that in each instance, however, becomes exceedingly complex and exhaustive of the language resources, so let beneficiaries be the stand-in for all three types in this discussion. Beneficiaries with problems but without the givers are disappointed and can expect no resolution, benefit, gain or service.

The perspective of the philanthropod reaches far beyond the narrow confines of financially oriented fundraising and defines the micro-social organization of the entire domain of philanthropy. Donations of priceless objects (paintings, sculptures, rare books, new knowledge) and the volunteering of skills and talents to a repertory can be characterized as comparable gift exchanges using the philanthropod. The same perspective can be applied to knowledge commons. Thus, learning calculus may appear initially to be a simple, binary exchange between teacher and student, but that view objectifies the knowledge and begs the question of where the teacher acquired the knowledge that is taught, placing knowledge along with social problems in some abstract cloud somewhere. Calculus, as noted in the previous chapter, serves as an excellent example of knowledge commons, in part because the boundaries between knowers who understand the subject and those who do not are so clear-cut. It is also a good example because the practice of calculus in modern science, engineering, and technology is so easy and uncontroversial to link to the model of philanthropy as acting upon what it means to be human. One is reminded, for example, of Thorsten Veblen's argument for engineers as the engine of social change in *The Engineer and the Price System* (Veblen, 1982). Hardly anyone ever learns calculus without formal, explicit homage to the original patrons whose original gift was the formulation of that body of knowledge: Isaac Newton and Gottfried Leibnitz.

Much the same may be said for the knowledge gathered together in this volume. The contributions of each of the contributors – note the term, which is in some contexts a synonym of donor – who are quoted or cited represents their gift to a common body of knowledge, leveraged by the present author as an intermediary. Together, these form a distinct philanthropod and the sum of such philanthropods forms a social economy, within which citing

and acknowledging the gifts of others is an author's acknowledgement of the need for reciprocity – specifically, reciprocal recognition. Together, these considerations also link to our both the earlier discussions of knowledge commons and community. In the contemporary climate of great disruption and controversy over copy-rights and protection of property rights, it is important to remember that these philanthropic gifts are interwoven with, but distinct from the publisher's commodity. It is often said that exact combinations of words can be copyrighted; the gift of knowledge in any form cannot.

Language and the Philanthropod

A philanthropod in operation can be illustrated by the case of an author writing in one language and a reader able to read and benefit from the work in another language thanks to the intermediate agency of the translator. Within a given language community, of course, any written manuscript also forms a common resource pool involving the author, reader and a variety of largely invisible intermediaries including editors, publishers, printers, distributors, vendors and others. The simple, seemingly utilitarian tools of citation and attribution by authors may for some appear to be merely acceptances of legal reality, but they are also links to underlying operations of knowledge commons and community formations characterized as knowledge communities, that can in turn can easily be traced back further into sciences and disciplines, and the whole recognizable edifice of the knowledge commons. What is seldom noted are the large portions of this activity that fall within the domain of voluntary action, giving and social economy.

The case of translation, however, merits special attention because of the way in which it highlights the essential role of intermediaries between the writer as donor or patron) and reader (a type of beneficiary, and potentially also the performer of a particular common knowledge in the process sometimes called paying it forward. It is clearer in the case of translation than in almost any other that without the translator as intermediary no transaction between author and reader can occur. Thus, without translations from Hebrew, Greek and Aramaic, the vast majority of English-language readers would be deprived of familiar and beloved Bible teachings. The triad of the common goods exchange, patrons, intermediaries, and clients, is there always in the case of written knowledge, but it is particularly easy to see in the case of translated work. There are even two major cases where explicit consideration of translations offer a marked contrast in the present case: Tocqueville is the knowledge-providing patron whose gift of *Democracy in America* was occasioned by French political issues, and originally written in French for a French audience (Wills, 2004). Without the all-but-invisible intermediation of the initial 1835 Henry Reeve translation, and the successive gifts of a series of co-editors, notably the 1863 re-translation by Frank Bowen, culminating in the classic 1945 edition by Bradley Phillips, the familiar words of one of the foundational works of American political culture and the distinctive model distinguishing political and civil associations might not have taken their familiar form. In fact, without these translations that

book might be as little known to non-specialist English language readers as Otto von Gierke's four volume work on associations which has never been translated in its entirety, or of several important modern Japanese, Dutch, and Swedish books on volunteerism.

The Dual Dyad: Complex Exchange

The analogies of rational organization and market exchange are behind both the jerry-rigged dyadic model of nonprofit organizations as "buyers" of donations and "sellers" of benefits. In the present, market-based model of nonprofit firms, for example, fundraising and service delivery activities are treated as separate and distinct classes of transactions. This model of donation and benefaction as separate transactions has been unable to account for a number of essential characteristics of voluntary action, knowledge commons and philanthropy. The most notable examples of this involve legal restrictions on voluntary action to preserve the integrity of philanthropy.

One such restriction is the general prohibition by the IRS on "self-dealing" as a condition for retaining tax exempt status – which will have to remain in place as long as potential self-dealers fail to see the adverse consequences this can have for beneficiaries, although the positive advantages for inter-donor transactions which presumably motivate such transactions should be clear to everyone. Offending self-dealers who look only at the price-based transactions they are involved in ask, "what's the harm in it?" and conventional economic and management understandings of self-interest and reciprocity have no adequate explanation or justification. They fail to adequately account for why self-dealing is incompatible with philanthropy, except in the most obvious and egregious ways. The inadequacy of rational individualist explanations of reciprocity is confirmed, in part, by the long and continuing series of efforts to account for this concept in the published literature. Since no one seems to be able to produce a satisfactory account, subsequent writers continue to try. Tocqueville's qualifier of *self-interest, properly understood* and the morally informed views of Adam Smith and David Hume describe but fail to explain why or how, leaving that to conventional wisdom. The commons theory of voluntary action has the resources to provide a sufficient explanation of both: Such self-dealings threaten or upend the exchange of total resources involved in the transactions of patrons, intermediaries and beneficiaries, including the trust (social capital) and identity (moral order) of participants.

Self-dealing is also unacceptable under U.S. law because it frames an inauthentic relationship; because it is not what it appears to be. It creates a fictional "other" as beneficiary who is, in reality, the purported donor. The kind of moral approval, recognition and status in the community that are due to the generous person, whether donor or agent, do not extend to the person who is using the appearance of philanthropy for personal gain or self-enhancement. Using the model of dyadic transactions, it is very difficult to even see why this might be the case. Accepting a donation is one such transaction. Providing a benefit or service is another. If the donor gains in the process, who, they might ask is hurt thereby?

Drawing any connection between the two seemingly discrete transactions necessarily involves an explicit contract. In the absence of such a contract, the “nod-nod; wink-wink” understandings of informal, tacit, or covert transactions can easily be used to justify a wide variety of indiscretions by less than scrupulous persons. This is, it would seem, just good business practice: what, indeed, is the harm in it? By contrast, recognition of the triadic nature of the transaction between patron, agent and beneficiary makes clear the two distinct but, in reality, related stages of a larger gift transaction of giving and receiving: a gift from the patron or donor to the trusted agent or intermediary makes possible the subsequent gift from the agent to the beneficiary usually after its fungible combination with other such gifts or other such transformations, all of which serve to highlight the need for trust of the intermediate agent. This triadic model also establishes a basis for the real nature of reciprocity in voluntary action. Such reciprocity is generally recognized as quite different from the dyadic stimulus-response models associated with market exchange. But the current literature has not been very forthcoming in offering explanations for this difference.

Social Economy Defined

At the current time, the social economies of voluntary action today may have more in common with the local, communal economies of the Middle Ages than with the integrated national and global market economies of today. In terms of production of common goods, the six mile (or, taking into account automobiles and gas prices, perhaps a corresponding 25 mile) limit remains largely in effect: Much of what happens in contemporary social economies happens within a 25 mile radius among people (donors, volunteers, paid employees, beneficiaries, collaborators and others) who come to know one another on a day-to-day basis. In large measure because of the non-fungible nature of certain key resource inputs (volunteer time and energy and gifts of repertories of local knowledge) social economies tend to be largely local, parochial, and communal in nature with very large but unrecorded “in-kind” components. In these social economies, the availability of resources tends to be local, whether involving donations, volunteer time, social capital, the knowledge and skill inputs, or institutional rules and other moeurs involved. Likewise, the outputs of production from philanthropy, knowledge commons, and voluntary action also tend to be largely local. Regional and national exceptions to this generalization tend to be precisely that – exceptions. The elderly snowbirds of Florida and Arizona who contribute to worthy causes “back home”, for example.

When the moeurs of voluntary action are more widely diffused across localities they tend to be so in patterns that might be termed *island hopping* across information archipelagos, as one largely autonomous community or focused public after another embraces the emerging new standard with little concern for whether others have done so, with almost no impact in terms of merging or melding the individual social economies into larger regional or national units. Even when modules of a new commons join or contract with market or government units, the effects of the outside world are often localized within that particular unit.

Three Social Economies

As noted previously in Chapter Four, the term social economy is one of the contenders for an umbrella term for the third sector. The concept of social economy has given rise to regionally- and nationally- based expressions of pluralism as European scholars associated with EMES and Canadian scholars associated with ANSER, have put forth two distinct models of social economy. (Evers and Laville, 2004; Quarter, Mook and Armstrong, 2009). New perspectives in the U.S. third sector are often advanced with at least a nod toward a Tocqueville-styled American exceptionalism while particularly in Europe, alternatives to nonprofit sector terminology, and the nondistribution constraint in particular, often appears to appeal to varieties of intellectual anti-Americanism. Both are equally regrettable.

There is a clear, well-rounded and robust structural model of the U.S. social economy embedded in current U.S. tax law; a social economy that is recognizably distinct from both the European and the Canadian alternatives. I spelled out this claim in greater detail in an ARNOVA conference paper a few years ago (Lohmann, 2006). The European model is a practice one and an amalgam of earlier labor, solidarity and welfare state perspectives, and, in the view of the European Union consists of associations, mutuals, foundations and cooperatives (http://www.socialeconomy.eu.org/spip.php?rubrique215, Retrieved January 6, 2014). The Canadian model is more academic and places priority on nonprofits and cooperatives (Quarter, Mook & Ryan, 2010).

The Accidental Social Economy

The U.S. model is rough around the edges, conceptually speaking. In origin, it is both legal and academic but little discussed, as a social economy. Practitioners, when they look beyond their own local pursuits at all, tend to speak only of "the nonprofit sector". Clearly, the U.S. social economy incorporates a distinctive, well-defined sector of roughly 300,000 tax-exempt/tax-deductible (501-c-3) corporations and a recognized but largely undefined sector of an indeterminate number of "unincorporated associations". It also includes multiple other categories of nonprofit activity, paralleling those in the European and Canadian social economies.

The centrality of 501(c)3's and the observation that U.S. tax law and practice places a strong emphasis on "non-distribution" of profits should not deflect observers from noting that the U.S. approach includes the full range of associations, organizations, foundations, mutuals and cooperatives detailed in the European approach to the social economy, plus a few unique (and politically prescribed) outliers. Moreover, the U.S. social economy has been largely defined and intact since the third decade of the 20th century. Currently, the U.S. social economy and its largely local character consist of three parts: measured, the unmeasured and the seemingly immeasurable sub-sectors. Perhaps the single most important characteristic of the U.S. social economy apart from the particular local entities that compose it, is its accidental nature. It has not been deliberately planned, created or intentionally established to any degree. It is more

accurate to say that the U.S. social economy was enabled incrementally, through a series of recognitions of opportunities and possibilities. U.S. corporate law and tax policy, or for that matter, constitutional law protecting association and assembly are not in any way straightforwardly *constitutive* of an independent sector in communities, states or nationally. There is no single statute, ruling, or degree anywhere defining or decreeing that there will be a third, independent or nonprofit sector and the categories of the tax code are written to recognize certain existing activities rather than to establish them. No further proof of this should be required than the observation that the First Amendment rights of association, assembly, religion and speech, the use of corporations for common good, and the 20th century tax provisions for exemptions, deductions and credits sat largely unnoticed and unused for nearly two centuries, in the first instance, and five decades in the latter. They were finally triggered by a series of accidental historical convergences in recent decades, several of which are mentioned above, but no one of which was decisive.

In light of that history, the U.S. approach to social economy might best be described as a *permissive* one based on *enabling* policy that allows many different possible forms of social economics without actually endorsing any particular approach. This would include the currently popular social enterprise model with which some nonprofit economists and business schools are so enamored, as well as more traditional forms of trusts, mutual (e.g., insurance) companies, cooperatives and foundations, and the idealist, needs-based models of the 19th century, the socialist-inspired mutual and cooperatives of the early 20th century, and the hard-nosed, no-nonsense quantitative, measurement-oriented approaches of the present. All are legal and legitimate, although business and government may not be equally receptive to doing business with all of them at any particular moment. The U.S. model of social economy, is less grounded in ideological or political concerns than either the Canadian or European versions. Yet, despite its lack of close association with social democracy or any similar ideology, it is a robust match for anything found in Europe or Canada. This fact is easily missed, however.

The full scope and range of the American social economy has been for much of its history deeply buried in the arcane precincts of state corporation law and federal and state tax codes, foundation archives and obscure historical monographs. What is actually done with the U.S. model of social economy in practice may, in many times and places appear to be a rather paltry production emphasizing extension of local government and rule-based bureaucracy. This is, however, due far more to institutional isomorphism, and more importantly, lack of imagination, community support or access to resources (a kind of moeurs deficit among them) than it is any deficiencies in law or policy.

It remains to be seen which of these three models of social economy, or others yet to be discovered or articulated, will prevail. It is also difficult to say in any definitive sense whether one or the other is more conducive to voluntary action in new commons, or to the formation of knowledge commons, since all of these are found in all three social economies. Consistent with

the predominant pluralism of the localism and pluralism of the independent sector, it is entirely plausible that each will remain a vibrant and viable alternative to the others for many years to come. The following discussion attempts to highlight features common to all three and perhaps others yet to be identified.

Social Economy Defined

The idea of a social economy inhabiting the economic precincts outside the market and the state where we have already located all forms of voluntary action should be easy to see: Westlund, for example, stated "(a social economy is) democratically driven economic activities which neither are carried on within the public sector nor have economic profit as the main purpose of activity" (Westlund, et. al., 1996: 6). Similarly, the government of Sweden (1998) declared that "The social economy consists of organized activities that primarily have a social purpose and is organizationally free-standing from the public sector." The idea of social economy also points up some explicitly normative directions consistent with its widespread social democratic origins: According to Trädgardh, a social economy is "the social organization of production and distribution to achieve the highest possible sum of common well-being/welfare" (quoted in Westlund, 1996). This would seem to offer a macro-economic expression of the concept of common goods explored in Chapter 6. The mission statement of the Association for Social Economy, founded in Washington DC in 1941, speaks of economic concern for human dignity, ethics and philosophy. Definitions such as these clearly point up the qualities of “thirdness” outside the state and the market as well as a philanthropic intent, as those ideas were outlined above. Thus, it should be clear that the idea of a social economy, whether in the European, Canadian or U.S. versions is also closely related to distinct purposes and missions frequently encountered in the independent sector.

Conclusion

Their various advocates are correct: Third sector studies have paid insufficient attention to the social economy as a locality-based gift economy (LaVille, 2011; Vaillancourt, 2003; Quarter, 2010). From casual conversations with colleagues in other countries it would seem likely that the locality-based character of the U.S. social economy also applies elsewhere. At the very least, the existence of the three models of social economy – and there are undoubtedly others in Russia, Japan and elsewhere – is suggestive of a kind of national level community diversity that may or may not transfer down to the local community level. Whether or not the triad of the philanthropod applies to voluntary action, new commons and knowledge commons in all of those situations remains to be established through careful examination of the available evidence. It almost certainly does throughout the English-speaking world where philanthropy stands in contrast to market economics and government. In the following chapter we will explore additional implications of this view under the broad banner of community.

Sacrifice is for my children, generosity is for my siblings.
Fairness is for my neighbor, justice for my fellow townsmen.
Wary tit-for-tat is for the chaps in the next valley
And outright raiding for the people on the other side of the sea.

~ Fredrick Turner, to the Philanthropic Enterprise discussion list, July 27, 2012

13. Community

Attention to national "nonprofit sectors" and even the globalization of national service franchises like United Way, together with the location of a variety of national "voices" like INDEPENDENT SECTOR, the Urban Institute's Center for Charitable Statistics, and the United Way of America, in the Washington DC metro area and the development of national resources like Guidestar, the Foundation Center with its network of libraries, Charity Navigator, The Center for Responsible Philanthropy, *Nonprofit News*, *The Chronicle of Philanthropy* and *The Nonprofit Quarterly* have for the moment diverted attention away from the essentially local character of social economies, voluntary action and civil society and added credence to the idea that all voluntary action is in something more than a purely statistical sense an integral part of a genuinely national "nonprofit sector" (Anheier, 2005; Hall, 2013; Salamon, 2001;). However, these pale in comparison to the paradoxical way in which the mega-processes of globalization have focused attention back on the local community. In a truly global world, national and state capitals are becoming, for most people, simply nodes in vast, linked worldwide information networks specializing in governmental operations. The real voluntary action with which they are familiar occurs within their local communities, in the full, multi-dimensional senses of that term. No attempt is made here to justify use of the controversial concept of community, or to win over skeptics. Anyone who fails to see the value of community for understanding the third sector will have to look elsewhere for basic explanations or justifications. The writings of Roland Warren and Robert Nisbet are good places to start. It is worth noting also that the first published English language translation of Tönnies' masterwork in 1955 translated *Gemeinschaft and Gesellschaft* as "Community and Association", while subsequent editions in 1957 and 1988 were entitled "Community and Society" and a 2001 edition was entitled "Community and Civil Society"! I seek only to clarify my use of the term and to explain its relevance to voluntary action and new commons.

The third sector concept, and accompanying notions like the idea of "third party government" (Salamon, 1987) tend to see community through the national lens through which local communities become sub-divisions and "local outlets" for national and international corporations and nonprofit service systems. Richard Cornuelle, who first named the independent sector (1965), offered an alternative vision that he called "denationalizing community" (Cornuelle, 1996). Although Cornuelle was motivated partly by particular

libertarian concerns about limiting the size and scope of national government, one need not share that particular priority in order to see value in his vision of the autonomy of communities. There is little inherently political or ideological in the view of a "denationalized" (e.g., local) community as the primary locus of an independent, third sector. Indeed, the term itself is an accurate description of the behavior of the preponderance of voluntary action from Tocqueville's time to the present: locally oriented to the particular concerns of peer or membership groups in street, block, neighborhood, town or city.

While Cornuelle's libertarian preference was clearly for a *completely independent* sector as a radical alternative to government, many who downplay or reject the importance of such either-or propositions may still find many degrees of value in the concept for describing, explaining and striving for major forms of voluntary action in local community. Voluntary action independent of both governments and markets is still a very real and vibrant reality in such settings. The original concern of Cornuelle and others was that the independent sector was about to disappear completely in the face of expanding government in the New Frontier/Great Society period of the 1960s. Perhaps like Putnam's later concern about declining civic participation, this ultimately proved unfounded. There is an important and vibrant independent sector that remains intact today half a century after Cornuelle's expressed concern, and it is still in such local community where most voluntary action occurs. This applies not only to the hamlets, villages and small towns of Tocqueville's time surviving today from the world's shared rural past. It applies, perhaps even more vigorously, to the small cities, micropolitan areas, inner cities and suburban metropolitan regions, and yes, major urban centers like Los Angeles, London, Paris, Berlin and everything in between.

In many ways, the United States became a national and international community in the second half of the previous century. Western Europe was there long before, but much of it had to be rebuilt after the war. In the period after World War II right up to the present, a growing number of us listened to and watched the same news programs, television programs and movies, and many of us identified with our respective nations as much or more that our local identities. Yet, in our voluntary action, participation for most people remained strictly local, and as the forces of globalization have accelerated, cable television and other centripetal forces continue to dissolve much of the general interest of that tenuous national community into narrower "interest" alignments. The "great community" of us all extolled by Enlightenment universalism remains an elusive ideal, and in our voluntary action and commons we typically remain intensely local. Even in those cases where some of our educational and cultural institutions achieve national and even international followings, local affiliations and grounding are immediately clear: the Pittsburgh Symphony, the Metropolitan Museum (of the New York metropolitan area), the Kimball Museum in Fort Worth, and a great many other examples.

Even so, in this particular modern transition what it means to be local has been retained but utterly transformed: Contemporary knowledge commons nearly all possess an important

local character, whether geographic or interest-wise. The international membership of the Association for Nonprofit Organizations and Voluntary Action (ARNOVA) and International Society for Third Sector Research (ISTR), one originating in local U.S. concerns and the other in marked attempts at globalization, first of the nonprofit sector perspective and then of European civil society perspectives, are typical among both disciplinary and interdisciplinary academic societies in producing knowledge less for the world as a whole than for review and critique by their own members.

Even though community is not easily defined, and concepts of community remain unsatisfactorily vague in some ways, there is little question that the term community taps into some of our most basic cultural concerns. As with the negation of the term not-for-profit, these often take the form of paradox and antonym. As Robert Nisbet noted, the quest for community is the essence of western social philosophy, yet conflict is its indispensible context (Nisbet, 1973: 5). Even if one prefers, with John Rawls (2005a [1971]) to place justice, or with Frederick Hayek to place market exchange, in that exalted central position there is still little question that the plural and federal character of modern communities is an essential element of the advancement of democratic society. Chapter 6 of Nisbet (1973) is entitled "The Plural Community", an idea that he traces to Althusius. The term federal is used in this sentence and elsewhere, in the general sense identified by Daniel Elazar (1972; 1997) to refer to something rather broader than the American national government. A federal community, such as most modern metropolitan areas and regions, and the urban centers of much of contemporary Europe, is characterized by what Althusius named the *communitas communitatum.* That is, it is a community composed of many communities. Althusius' concept is sometimes modernized with reference to "the many neighborhoods" of cities (or metropolitan regions) like Pittsburgh, San Francisco or New Orleans, et. al. and sometimes with the technical planning concept of multiple nuclei. Models of increased and enhanced participation make sense in a community context of horizontal and vertical federation that makes room for many types of community. The Athenian polis still exercises a strong hold on our collective imagination even though nothing quite like it exists in modern circumstances.

Local community, in the context of voluntary action might best be seen as a geographically or ideationally situated example of the four-sector regime discussed in Chapter 3, bringing together the coercive forces (or police powers) of government, the price-based exchanges of markets, the intimate relations of households and, most importantly for our purposes, commons, those pooled means and agreed-upon ends that characterize the independent sector. These four sectors of local communities represent distinct institutional action spaces and their respective action spaces will always be located or situated within particular local communities.

The broad outlines of central place theory are very helpful in this regard. All communities, and in particular geographical communities, can be seen as consisting of a central

core and one or more peripheral regions. This is the model of the city first laid out by Robert Park and associates in the 1920s, generalized. Thus, for example, London is the central place not only of England but also of Great Britain and in its heyday a century ago of the vast British Empire on which, it was said, the sun never set. But by the 20th century, London itself was not a single place but rather a vast region of places. Much the same may be said for Paris, Berlin, New York, Rome, and any number of additional metropolitan regions. This does not diminish their importance as central places in social and cultural terms, but it does make talking about them quite complex. In many respects, modern society and culture emanate from an archipelago of inter-connected cores, each of which is, in turn, part of the periphery of somewhere else.

At the same time, each local community is a core and periphery unto itself, *sui generis,* with its own unique history, identity and dynamics but only some communities are cores for broader regions, and only for some purposes. Thus, for example, a portion of official Washington DC, known colloquially as "inside the beltway", is the core of the U.S. national government and of its periphery which reaches all across the country and throughout the American Empire. One of the D.C. inner suburbs, Alexandria VA, is notably the headquarters of a large number of national membership associations, including offices of both major political parties, traditional national voluntary sector groups like the Red Cross, the Girl Scouts and United Way, and hundreds of other national professional, trade, scientific and other political associations and knowledge commons. At the same time, Washington ("the district"), the Maryland and Virginia edge cities and many of the suburbs, including Alexandria, Silver Spring and Columbia MD and numerous others also have their own separate and distinct local independent sectors and the region also has numerous inter-related local and regional voluntary action networks.

All of this local community activity is downplayed, minimized or discounted completely by national sector models as well as by centralizing tendencies in the economy and polity over the course of the 20th century. In *The Democratic Experience* (1973) Daniel Boorstin noted the emergence of national consumption communities bound in *communitas* through clothing styles, housing amenities and purchases of consumer goods and statistical communities, held together through statistical sampling by the characteristics they have in common and the publicizing of those similarities. One need only note the numbers of pairs of jeans worn at Starbucks anywhere or the varieties of beer sold in bars everywhere to recognize these centralizing tendencies. At its core, the national independent sector is both a consumption community and a statistical community as well as a producer community. However, unlike the standardized products of the consumer economy, the products of associations, assemblies, knowledge commons, and other components of the independent sector are to a large extent local in effect, limited in scope, unique and non-transferrable. This is the case to a far greater degree than universalizing labels allow. While they all carry the label, United Way annual campaign, for example, none of the more than 2,600 instances of that species is exactly like any other.

In conventional approaches to nonprofit sectors today, implicit or explicit reference is made primarily to national community in the U.S. British, German, Norwegian, Israeli, Irish and other third sectors. The assumption is that aggregate national data offer meaningful units of analysis like numbers of exempt corporations and aggregate expenditures and proportions of total employment. In the final analysis, national aggregate data are most useful for only one purpose: Measuring nonprofit corporate contributions to the national product. It is not my intent to minimize this development. Such measurements were hard-fought and represent a major advancement. The point is only that there is more to life in the independent sector, or for that matter, the wider third sector, than its contributions to the GDP and for theoretical purposes such measurements represent a weak, faulty and even deceptive, starting point. Yet, for most other purposes, including understanding voluntary action, local community and individual organizations represent far better starting points.

In numerous nation states, sub-national communities of various types exercise important roles in defining the institutional profile of the independent sectors. In the case of the U.S., state legislation is fundamental in defining nonprofit incorporation, although the influence of national model statutes by the legal community mitigates differences. Nevertheless, most states are themselves economic, political and civil communities in which the unique history, culture and character of the state impacts upon the nature of voluntary action that occurs there. Regional communities like New England, Appalachia, the South, the Southwest, the Midwest, and Pacific Northwest are also important in identifying the role of voluntary action in communities. Likewise, worldwide urban growth has been such that in a distinctly 21st century sense, in every part of the world today large urban concentrations (with their sub-regions of distinct neighborhoods, inner city, multiple nuclei, suburbs) are regions, usually named for a central city: New York, London, Mumbai, Seoul, Cleveland, Los Angeles, Budapest, etc.

Commons – common pool resources shared by a group of voluntary participants agreed upon some mission or purpose – are explicitly both products of community and organized and institutionalized in the context of any of these types of communities. Collective choice and rational individualist models will remain important for the examination of allocative decisions, as will models like the Bloomington School's IAD for the rational planning and design of commons-based institutions. However, collective action and collective behavior models are equally important for understanding the actual interaction and dynamics of voluntary action in everyday life of democratic society and culture. Community will remain an important aspect of that perspective.

Multiple Meanings

The concept of community is both popular and problematic. The basic problem is that we all know approximately what it means, but no one can be certain what someone else means by it. A study by George Hillary (1963) identified more than 500 definitions of the basic term, and the community literature has grown considerably since then. There could be thousands of

definitions by now. Even with qualifiers, it is hard to make the term usefully precise. Thus, the use here will be admittedly somewhat general; community is more a matter of orientation than precise definition. The focus in this chapter is on community as the principal locale of voluntary action and more specifically, on local or face-to-face voluntary action in neighborhoods, towns, cities, and metropolitan and rural regions.

There is a strong tradition in public charities stretching all the way back to the Elizabethan Poor Laws for voluntary, as well as legally obligated, local government action, and a very long tradition of scholarly studies of such efforts (Chalmers, 1827; Gurteen, 1882; Lowell, 1880; Maine, 1876). The study of commons is approximately of a similar age (Scrutton, 1887; Maine, 1876). The term community organization has long been used in the dual senses of the organization of community level voluntary (mostly welfare) institutions, and of the moeurs used to organize and mobilize such institutions, known in U.S. tax law as "public charities" (Alinsky, 1989 [1946]; McMillen, 1945; Steiner, 1925). The term community organization appears to have first come into use to characterize community-level defense efforts in World War I (Feagin, 1914; Cheyney, 1918). There is a basic inconsistency between the uses of the term "social welfare" for such organizations and the tax-code use of the term for 501(c)4 organizations like Chambers of Commerce and the NAACP, not to mention political fundraising vehicles like Americans for Progress. Such confusion, already inherent in the tax-based measurement scheme for the nonprofit sector, has been radically exacerbated by the Citizens United ruling (2010).

In the context of voluntary action, community organization may refer either to neighborhoods, cities of all sizes, metropolitan regions, states like Texas or WV, geographic regions like Appalachia, nations, clusters of nations, e.g. the European community, or the global community, or to subsets of formal organizations in those locales. Rather than attempting yet another conceptualization here from the standpoint of community theory, this chapter will review some of the recent conceptualization of community-oriented commons research. But first, it is necessary to mention briefly some of the key concepts of community theory from the standpoint of voluntary action.

Core Concepts

Ferdinand Tönnies' seminal work entitled *Gemeinschaft und Gesellschaft* is the ur-document on contemporary social science work on community. Most authorities consider contemporary local communities to be characterized by *gemeinschaft* while idealized versions of *gesellschaft* continue to intrigue. Thus, in several ways, even translations of Tönnies title into English illustrate several of the ambiguities with the concept of community. There have been three translations into English published in the U.S. in the past half century. They reveal important nuances in the translators' understandings of the concept itself. The first translation by Charles Loomis in 1957 rendered the German title as *Association and Community*; two years later the same translation was retitled *Community and Society* and a 2001 translation by José

Harris and Margaret Hollis was titled *Community and Civil Society*. It is possible to conclude from this titular history alone that Tönnies may still have implications for third sector studies, even though almost no one in third sector studies seems to actually cite this work except in superficial, non-nuanced ways. It may be time for a reconsideration of the man and the ideas.

Through a long and productive career, Robert Nisbet was one of the foremost sociological proponents of community concepts. Ironically, Nisbet's ideological conservatism, most evident in some of his later works, has meant that the importance of his contributions to a robust understanding of community in democratic society and culture may have been downplayed and even ignored by friend and foe alike. 'Liberals' have tended to deny or discount the 'conservative' implications of Nisbet's and others' non-ideological writings on community, while conservatives have taken a libertarian turn over the past four decades and abandoned or neglected Nisbet's and others' communitarian references altogether. Dame Margaret Thatcher's supposed denial that 'society' exists during the 1980s, ideologically charged as it was and stripped of the subtleties and elegance that give that statement plausibility for many in the social sciences, is a good example of the problem (See http://www.thedailybeast.com/articles/2013/04/08/context-for-margaret-thatcher-s-there-is-no-such-thing-as-society-remarks.html for some much-needed context). The issue as well as the risks involved were perhaps most evident in the 2012 U.S. Presidential campaign, when the large field of Republican candidates – traditionally defenders of local community and voluntary action – apparently made no mention of either throughout the long campaign.

Another scholar closely linked to community is Roland Warren. His horizontal and vertical dimensions of community parallels in many respects the later bonding and bridging approaches to social capital. Warren's ideas have long been particularly well received by social welfare liberals in the U.S., even though his overall sociological vision of community is not that far from Nisbet's and the writings of the two men together still offer an excellent understanding of the concept first outlined by Tönnies. Carl Milofsky, a student of Warren's as an undergraduate, has done much to interpret Warren's ideas on community for third sector audiences (Milofsky, 1988; Milofsky, 2008A; Milofsky, 2008B).

Community and Commons

One of the challenges for contemporary perspectives on commons theory is to link both new and old commons to ideas of community. In some respects, the new commons and knowledge commons concepts are taking on some of the load traditionally born by community. Charlotte Hess (2008, 5) advanced such an effort with a categorization of new commons into seven main (and overlapping) topics that she calls sectors (not to be confused with the sectors discussed above). She identifies: cultural commons, neighborhood commons, knowledge commons, social commons, infrastructure commons, market commons and global commons. The first six all involve potentially different notions or dimensions of community, emphasizing in turn shared symbols, physical proximity, understandings, perceptions, and exchange. These

categories can be used to frame a brief literature review of recent commons studies bearing on the main themes of the current work.

Cultural Commons

One of the persistent themes of a substantial body of commons research has been cultural enclosure in which investigators identify facets of a culture commons "open" or common to a population, group, or other social collectivity and efforts to "enclose" or privatize what had previously been (or was perceived as) a common pool resource and turn it into a market product or commodity. Such 'commodifications' of culture, have also been a general theme in political and social theory, and an important concern of activists and community organizers. Among many such cases, examples have been noted in traditional folk music, popular eco- and cultural tourist sites like the Garifuna Community of Roatan (Kirtsoglou and Theodossopoulos, 2004), fashion as a commons (Bollier and Racine, 2005) or "seed wars" and indigenous culture (Aoki, 2003). Anthony McCann (2002) studied enclosure and traditional culture using the case of the Irish Music Rights Association. In this context, Michael Brown (2005) asked *Who Owns Native Culture?* and Susan Clerc (2002) asked *Who Owns Our Culture?* Each of these can be read as a contribution to the growing view of culture as a kind of new commons and culture production as common goods production. Such perspectives run directly counter to the legal developments of a second enclosure movement by Boyle (2003b), noted in the previous chapter.

Neighborhood Commons

Hess' categories (2008) remind us also that neighborhoods have been the subject of examination through the lens of the commons, "[B]oth urban and rural commons where people living in close proximity come together to strengthen, manage, preserve or protect a local [common pool] resource" (Hess, 2008: 16). This is the case both in terms of the neighborhood as a social unit (Wellman, 2005) and of neighborhood-level associations, like Latino community gardens (Saldivar-Tanaka and Krasny. 2004). Some recent studies of neighborhood associations, neighborhood councils or membership groups of residents or property owners, currently fall outside the main body of commons studies but within the larger domain of political science), but connections are not hard to discover (Dilger, 1992; Nelson, 2003). Mesch & Schwirian (1996) characterized neighborhood associations as collective action and Paulsen & Bartkowski (1997) dealt with the role of activists in such associations and gender differences in perceptions of their organizations' effectiveness. Recent distinctions have been drawn between neighborhood associations, per se, residentially based homeowner's associations, and neighborhood watch organizations formed to defend residents against real and perceived outside threats (Garofalo & McCloud, 1989; Rosenbaum, 1987; Ross & Jang, 2000). In all of these and other studies, repertories of themes and issues of common interest among neighbors, common missions, such as protection of property and residents, neighborhood ambience as a common good, common resource pooling and other commons-based themes figure importantly.

Knowledge Commons

One of Hess' important themes is the knowledge commons, which has already dealt with knowledge commons in Chapter 9 above. Literature in this area is in its early stages, there are already apparent connections to the dominant themes of this study, such as those of Nancy Kranick on libraries as "storehouses of democracy" (Kranick, 2007), while adding, perhaps, that libraries as knowledge commons are also storehouses of monarchy, anarchy, and autocracy and other political systems as well. In noting the class she calls cultural commons, Hess (2008) notes that it overlaps significantly with neighborhood and knowledge commons (p. 15). Cultural commons might also include local, neighborhood and community arts associations and historical societies, artists' and art producers groups and organizations intended to facilitate the tasks of production of works of art, consumer groups like book and other discussion groups, as well as museums of all types. Orchestras generally tend to be locality based as their names often connote (e.g., Philadelphia Orchestra; Pittsburgh Symphony; Cleveland Symphony, Wheeling Symphony, et. al.) or even institution specific (WVU Orchestra; Harvard-Radcliffe Orchestra; et. al). Museums are more often named after their benefactors (e.g., the Whitney, Frick and many, many others in New York; the Renwick in Washington DC; the Barnes in Philadelphia; the Getty in Los Angeles, etc. There are, of course, numerous counter-tendencies of both these generalizations. Perhaps the most provocative implication of the commons theory of voluntary action is to raise the possibility, noted above, that concert goers, museum subscribers and donors (especially large donors and those who purchase annual passes) should be seen as just as much part of the organization of cultural commons as the performers, curators and arts administrators who make up the formal organization of paid employees. From the standpoint of the rational individualism of conventional mainstream commons theory, of course, such questions never arise.

Social commons

Social commons is listed as a category of new commons but not discussed by Hess (2008). Presumably, social commons would include a great many associations, assemblies and organized and informal social clubs, membership associations and all of the other commons based on communication and interaction discussed here. The basic idea of a social commons, like that of community, is inherently ambiguous, perhaps because of its widespread usage today. Discussions of community are typically focused primarily on the social relations of community residents, and on specific dimensions like local and regional power structures (Gaventa, 1982). C. Wright Mills (1999 [1956]) and work in that tradition, such as concerned with power in the national community).

For the most part, theoretical literature on the commons profitably exploits the three-sector model of commons, market and government. Yet, there is a small but durable literature that explores the role of commons within markets, an idea that is an example of the modular principle introduced above. Araral (2009) translates the force of market pressure into a

measurable impact upon commons in the Philippines. Hassan & Mertens (2010) treats financial risk as a tragedy of the commons. Boettke (2010) asks whether self-regulation is the only reasonable form of regulation? From the standpoint of voluntary action, perhaps the most convincing cases of market-oriented commons are an old and well-established form – producer and consumer cooperatives (De Peuter & Dyer-Witheford, 2010); Holmberg, 2011). It is important in this context to remember that while natural commons like moss or tree mold are not social commons, and the sense in which the hives and nests of 'social' insects like bees and ants are truly 'social' requires very careful sorting out, all property, information and knowledge commons as well as voluntary action have inherently social dimensions to them.

Infrastructure commons

It isn't completely clear in context what Hess has in mind under this heading. She may be referring to the large body of studies done at the Bloomington School and elsewhere of water rights, irrigation, fishing rights and other such commons. As noted previously, Mike McGinnis' suggestion that this body of work may have implications for understanding voluntary action is a good one. There is, however, also an enormous range of possibilities for specific examination of knowledge commons serving infrastructure roles. Just within third sector studies, many of these like ARNOVA, ISTR, Guidestar, the Center for Charitable Statistics, the Foundation Center, and others have already been mentioned. Within commons studies, the Indiana University-based Internet Library of the Commons and the International Association for the Study of the Commons have also been mentioned, and each of these organizations is also involved in meetings, conferences and other assemblies.

Global commons

The last – global commons – would seem to allow a genuinely plural, multi-valued perspective. Susan J. Buck (1998) identifies four global (old) commons: Antarctica, the world ocean, earth's atmosphere, and outer space. Other commons theorists generally agree upon this small set of genuinely global commons, including the atmosphere, the oceans (Auster, et. al., 2009; Vogler, 2012), Antarctica (Tin, et. al. 2012), outer space (Mills, 2011), and some add the electromagnetic spectrum (Wormbs, 2011). Each of these is also associated with a knowledge commons and to this list, one might add at least one more recent global commons/knowledge commons -- the human genome – even though there is still controversy over how much of the human genetic legacy can be patented and thereby enclosed.

There are also a small but growing number of social problem knowledge commons that approach genuinely global commons status. These include world poverty, famine and disaster relief, humanitarianism, freedoms of speech, association, assembly and religion and a few others. This growing list might also include knowledge commons like the aforementioned calculus and knowledge of numerous diseases, particularly those seemingly following the path toward eradication that began with smallpox in 1980. In each of these cases, a plurality (one might say, a community) of transnational nongovernmental organizations (TNGOs or INGOs)

each created under the laws of one nation and operating in one or more others have collectively appropriated, defined, developed performances, practices and other moeurs and in other ways sought to 'own' a particular knowledge commons. This is a distinctly contemporary phenomenon perhaps first arising in the universalist cultural aspirations of the Enlightenment and continuing to gain momentum into the 21st.

Common Themes

Thematically defined global knowledge commons are also in evidence in a variety of other instances as well. Hess (2008: 6) identifies five such themes as "entry points" for understanding recent work on commons. Each one of these themes has similarly evolved a growing base of agreed upon knowledge, a network of organizations and associations, and other accouterments of knowledge commons. These five domains are: (1) protecting an existing common resource from enclosure or commodification; (2) investigation of peer production and mass collaboration, "especially in electronic media"; (3) identification of new types of commons tragedies; (4) efforts to advance civic education through commons-like ideas; and (5) rediscovery of the commons. Again, there is no need to mention or cite all of the hundreds of studies Hess refers to. Her paper is readily available online, and given her announced intent may be updated by the time this volume is in print. The bibliography of the 2008 paper is 34 pages long and a wealth of additional, earlier citations are available at the Digital Library of the Commons.

Protecting the Commons

One of the most universally shared sentiments of the knowledge commons that is contemporary commons studies is the trope that common pool resources are something of value and worthy of protection and preservation; although there is likely to be widespread disagreement on the form which such protection should take in specific cases. Hess (2008) notes that there is a "strikingly large body of work around enclosures" (p. 6) and the threat to particular commonly shared resources enclosures represent. In many cases, the culprit is cited as markets or market forces, although some sources (e.g., Boettke, 2011) are more inclined to see government as the problem. Privatization (enclosure) of a previous commons is seen as a threat in academic work (Krimsky, 2002) or the academy (Bowers, 2006); culture (Clerc, 2002; Lessig, 2004); public art (Kleiman, 2005); native culture (M. Brown, 2003). Also important here are science, information and scientific data (Branscomb, 1994; R. Elliott, 2005; Kennedy, 2005; Shiva, 2002); the legal basis of the public domain (Benkler, 1999); and villages as commons (Pelikeis, 2003)

Far and away, the largest continuous body of work over the years following Hardin (1968) has been directed at protecting the environment as a common pool resource (Brousseau, et. al., 2012; Van Vugt, 2009).

"Collective Action, Peer Production, and Mass Collaboration"

Hess' use of collective action would seem to include many of the mass collaboration projects online. e.g. the massive, global Linux and Wikipedia and a huge and growing number of similar open source software efforts, collaborative projects like the Public Library of Science, and the Digital Library of the Commons, and hundreds of other information aggregators like Del.icio.us, Reddit, Social media like Facebook, with its billion registrants, Twitter and countless other "social networking" sites could be added to this list as well, although a careful reading of the peer production literature will lead to some serious questions about when such mass collaborations are genuinely productive and when merely collaborative without discernable productive outputs.

Commons Tragedies

In the true spirit of Hardin's (1968) original concern with the commons tragedy of the environment, it is also worth noting also that concern over possible commons tragedies continues to be a motivating factor for a considerable body of work on the commons. In a statement that accurately characterizes the introduction of commons theory into voluntary action (Lohmann, 1989), Hess says "The tragedy of the commons has been the entry point in almost every sector of the new commons." (2008: 9) She then goes on to list nearly 50 studies that illustrate the point and a much larger updated list can be easily compiled by a Google Scholar search on the terms "commons tragedy" delimited by the years since 2008. One of the new terms which more recent thinking about commons tragedies has produced is the idea of the anticommons, the tragedy of which is said to be underutilization (Heller, 2011).

Civic Commons

Commons theory is potentially the most radical departure in community theory since the incorporation of small group insights into community thinking (Northouse, 2012). Peter Levine is one of the scholars cited previously in connection with movement of commons studies away from exclusive preoccupation with collective choice and rational individualism. It is worth noting that Hess (2008) appears to follow Levine's lead and refer to collective choice rather than collective action. A number of Levine's publications focus explicitly on the civic commons (Levine, 2002a&b; Levine, 2003; 2007a&b; Gastil & Levine, 2005). As such, they dovetail nicely with other recent writings on civic concerns and provide a basis for focusing on the collective resource dimensions of civic life. For example, an Institute for the Future publication (Saveri, et. al., 2005) asks "How can new insights about the dynamics of cooperation help us identify new and lucrative models for organizing production and wealth creation that leverage win-win dynamics; and how can organizations enhance their creativity and grow potential innovation with cooperation-based strategic models?" (Hess, 2008: 10)

Conclusion

Community is one of the most fundamental concepts in modern social science but also highly contested by some. Third sector scholars working in the wake of Tönnies' *Gemeinschaft*

und Gesellschaft have been particularly interested in work by Nisbet, Warren which can in turn be traced to Althusius.

Close examination of the commons studies like those cited by Charlotte Hess (2008) provide an extensive body of literature supportive of the fusion of voluntary action, including association and assemblies, and various commons perspectives on cultural, neighborhood, social, infrastructure, global and knowledge commons. It is clear from this review that the two distinct knowledge commons of commons studies and third sector studies have many common issues and concerns. Not the least of these is a shared interest in democratic society and culture.

It was noted at several points in previous chapters that institutional support for pluralism and a multiplicity of perspectives is one of the fundamental characteristics of the third sector and one of the qualities supporting those components of the third sector most readily characterized as independent from markets and states and most conducive to the production and enactment of community. In the following chapter, the closely related theme of pluralism is the central concern, and is linked to the sudden dramatic rise of interest in third sectors, civil societies, social economies, the penumbra of legal rights and other manifestations of the world-wide association revolution.

We are what we repeatedly do. Excellence, then, is not an act but a habit.

~ Aristotle

14. Pluralism

Despite their descriptive value and explanatory usefulness, the concepts of voluntary action, new commons, and the associated ideas introduced above do not offer a particularly convincing explanation for the sudden, dramatic and nearly simultaneous appearances of altogether new third sectors in country after country during the second half of the twentieth century. We can concur with Lester Salamon (1993) that a worldwide association revolution has taken place without really grasping why and even how that revolution took place. We can look to the conservative reaction against the welfare state in the United States and Great Britain sometimes called "starve the beast" during the Thatcher-Reagan era and also identified as neo-liberalism without fully grasping why they, or anyone, might see voluntary action as a plausible alternative. We can look with irony at this and what President George H.W. Bush termed "a thousand points of light", noting sadly that this is also apparently an age of declining civic participation. In so doing, we may completely fail to see that this is not so everywhere. A great deal more is at work below the surface than the international embrace following World War II of rights of association and assembly, or the international collapse (or is it just a retreat?) of statism following the events of 1989. This is more too than a simple intellectual ferment: the more or less simultaneous *discovery* by many national communities of researchers and scholars of national third sectors that had long existed, or the formation of something like an international community of interacting scholars and practitioners as one facet of globalization.

What is at work in both the global association revolution and in the emergence of a scholarly community devoted to studying the third sector is a tectonic shift in our – citizens, political theorists, researchers and politicians – understandings of the nature and possibilities of liberal democracy. The signs are widely disbursed: We have found them among the political philosophers cited in the first chapter, among the pioneering practitioners working in many types of nonprofits, nongovernmental organizations, and INGOs on every continent, among the activists, community organizers, and nonprofit service providers working in local communities, social movements, among those researchers, investigators and practitioners concerned with defining social problems and necessary practices for dealing with them, including those working in the separate knowledge commons of third sector studies and commons studies, and finally among those elected officials, bureaucrats and corporate leaders who have seen similar things and sought over a number of centuries to facilitate these developments.

Jump Starting Pluralism

In this chapter, we will explore the simple but perhaps radical thesis that the spirit of the age bends toward pluralism. The idea of pluralistic democratic society and culture is hardly a new one, although most of the attention in the past has been directed to democracy as a system of government and the discrepancy pluralism introduces to the democratic idea. Several names have long been associated with political pluralism. Johannes Althusius is, by common consent, the acknowledged fountainhead of modern pluralism. In addition Otto von Gierke, Gierke's translator and expositor, Frederick Maitland and Maitland's lesser known student and colleague, J. Neville Figgis, as well as Harold Laski, together with the American sociologist Robert Nisbet, the African-American philosopher Alain Locke, the Canadian philosopher Charles Taylor and the British political philosopher Isaiah Berlin (and others) all provide reasonable starting points for a contemporary pluralistic understanding of democratic society and culture and the role of voluntary action and new commons.

Earlier pluralist work tends to concentrate on the plural nature of the state itself (Coker, 1921). Yet, Althusius' pluralist conception of the state as a *communitas communitatum,* has somehow been lost along the way. His vision of a community of communities is quite a different view from the Weberian concept of the state as possessor of the legitimate monopoly of violence (Weber, 1968), and all other monotonic conceptions of the state as the sole arbiter of public goods. Fortunately, for our purposes, we do not have to deal with the many complex and tricky issues involved in locating the liberal state because one of the most fundamental of modern pluralist insights is to be found in the very notion of multiple sectors: Households, markets and the third sector are defined, in large part, by the simple fact that they are not of the state. This is the most valuable insight of Cornuelle's notion of the independent sector. There are certainly many third sector organizations, programs and services closely aligned with and deeply associated with governments of all types and at all levels from the local to the international. It is also the case, as Christian Reus-Smit (1999, 13) argues in *The Moral Purpose of the State* that certain "(f)undamental institutions operate at a deeper level of international society than regimes. In fact, in the modern society of states they comprise the basic rules of practice that structure regime cooperation." Or, as has been argued above, in very fundamental and far-reaching ways, political states emerge from the kind of voluntary action characteristic of new commons. Before they can be effective at the kinds of things that governments, and particularly democratic governments do, they must undergo a state of voluntary action and organizing between the voting which legitimates them and the decisions and acts that are their characteristic expression.

This is not the singular, monolithic and meaningless process it is sometimes conveyed as. If anything, Josef Stalin's *kvost* (like Hitler's *putsch)* should prove that the voluntary action of organizing a government can be an act of monumental, even catastrophic significance, and a key link between the plurality of diverse communities and the unified general will that Rousseau and others find so essential. In some of his later work, Robert Nisbet (1973) shifts the focus to

"The Pluralistic Community"; an idea that accords well with Tocqueville's earlier emphasis on voluntary action in democratic (civil) society and with the conception of democratic society and culture characterized by voluntary action in community. Close study of Tocqueville may also offer clues as to how, under conditions of pluralism, some of the states formed in circumstances of extreme plurality prove to be "failed states" while others in the long twentieth century proved to be all-too-devastatingly effective and lethal not only to humans but to the very idea of pluralism.

Pluralism Redefined

Before we go further, it may be useful to characterize more clearly what is meant by the pluralism of the third sector. The root plural means more than one, multiple, numerous or several, and pluralism, therefore, is at heart a characteristic of some thing or system characterized by diversity, difference or multiplicity. As it relates specifically to voluntary action, pluralism is itself plural; that is, it has multiple possible meanings in the hands of various users. There is, for example, the possibility of diversity – the co-existence of several different types – within social, economic, political or cultural systems. This can be called simple, plain or first-order pluralism. Thus, a social club of old, white men that opens its membership to women, younger members, including members of minority groups can be said to exhibit diversity, or pluralism. Another type of pluralism is the existence of multiple such systems along with the possibility of diversity (or lack of diversity) within any of them, e.g., when all of the social clubs within a community or region does the same. This represents a kind of more complex, or second order pluralism. There is, of course, a paradox that arises at the second level and gives rise to yet a third possibility. If all of the clubs make the same move, then while the individual units are more heterogeneous or pluralistic, the system as a whole remains quite singular and not diverse at all. It merely exhibits a different singular quality than it had previously. Thus, we must also consider the possibility of heterodox pluralism: a diverse system of multiple organizations, only some of which are diverse on any particular characteristic, while others are quite homogeneous. This brings us to the condition of the third sector. But first, we must consider another important meaning of the term pluralism.

In contemporary U.S. political science and the complex U.S. federal system, the term pluralism gradually came to refer to a specific debate over the distribution of power. The issue which raised this was the apparent incongruities between a study of community politics in New Haven, CT by Robert Dahl (1961) that showed widely distributed power sharing, and Dahl's *Politics, Economics and Welfare* (1953) co-authored with Charles Lindblom, which generalized this finding into a system they called polyarchy. This was in apparent disagreement with other studies including one of Atlanta by Floyd Hunter (1953), which showed a highly concentrated community power structure, and the theorizing of C. Wright Mills, who popularized the terms "power structure" and what others came to call the "military industrial complex" (Mills, 1999 [1956]). Rather than suggesting, in the spirit of pluralism, that these studies indicated real

differences in study communities, most commentators saw them through a kind of national "mass society" lens as simply a theoretical conflict for which there ought to be a single resolution. Over time, this debate over the distribution and structure of community power appears to have overwhelmed other considerations and, ironically, focused meaning of pluralism only on this single dimension at the very time that the growth of the third sector gave it entirely new, more robust connotations.

Plurality gives additional shades of meaning to the term independent sector. A third sector consisting of volunteering and other individual acts of philanthropy, nonprofit firms, including some engaged in social enterprise, and voluntary action in new commons, and possibly other forms of organization is pluralistic in the third, heterodox sense. It is a pluralistic entity (enterprise is not the right word here) composed of a multitude of entities some of which may be quite homogeneous. This pluralism is not just a matter of issues of power and gender, racial and ethnic diversity but on a whole array of other possible dimensions as well. In religious new and knowledge commons, for example, it may be a matter of doctrine or shared beliefs. In artistic enterprises, sciences, social services and other cases it may be the pluralism of other moeurs, including practices such as peer review and credentialing. Further, a long series of literally hundreds of court cases in the U.S., beginning with the iconic *Dartmouth College v. Woodward* case in 1819 and continuing through the recent string of Boy Scouts cases in recent years over the issue of the admission of homosexual members and/or leaders have sought to reinforce that plurality, even in the face of various sacred norms. The Boy Scouts cases have been particularly challenging because of the way in which they pit diversity as a moeur of the third sector, in which some organizations reinforce universal norms of social justice while others do not, against the diversity of individual organizations in a simple system where all organizations are expected to be uniformly diverse.

Heterodox Pluralism

The third sector as a whole – the entire space outside households, markets and governments – is characterized by heterodox pluralism, which may at times approach complete unpredictability. This is an even more complex form of pluralism in which individual groups and organizations, networks of organizations demonstrating similar or diverse forms of pluralism along multiple dimensions may be homogeneous or heterogeneous at any level, and at different points in their organizational careers. While this is frustrating for investigators seeking generalizations about the third sector as a whole, it is an empirical condition that deserves respect and protection. It reinforces the importance of individual, unit and organizational missions or common purposes in voluntary action and the ability of groups of actors to collectively set their own missions and purposes. No one can say with any certainty quite what the third sector exists for, except, perhaps, to protect and defend this diversity.

Deirdre N. McCloskey puts her own modern spin on what might be termed this kind of pluralism in *The Bourgeois Virtues,* when she notes "Until the framework [of the classical and

Christian virtues] somewhat mysteriously fell out of favor among theorists in the late eighteenth century, most Westerners did not think in Platonic terms of the One Good – to be summarized, say, as maximum utility, or as the categorical imperative, or as the Idea of the Good. They thought in Aristotelian terms of many virtues, plural." (McCloskey, 2006, 84)

Otto von Gierke and the Earlier Pluralist Movement

Otto von Gierke, in a four volume legal study of associations published in German may be the original source of the doctrine of corporate personhood noted in the *Citizens United* case above. Von Gierke held that the legal personality of certain corporate associations was not artificial or fictitious, but real and natural, with inherent personality independent of *and prior to* the state. (Emphasis added) It is important to note here that Gierke's concept of personality was set out prior to William James and modern psychology and more modern notions of personality should probably not be read into it. It was (and remains) primarily a "useful fiction" for establishing the unity of collective volition, will or purpose in collective institutions characterized by the plurality of will and intent of the diverse individuals who populate them. In this respect, it is of a kind with Rousseau's concept of the "general will".

Even so, legal personality or personhood for associations and corporations is one, rather awkward, solution to the problem of the unity of collective choice and action by diverse biological persons acting in concert. It may have first entered the U.S. legal system in the 1886 U.S. Supreme Court ruling in Santa *Clara County v. Southern Pacific Railroad,* and as noted, was reaffirmed amid much controversy in the *Citizens United v. Federal Election Commission* case in 2010. That ruling in itself is quite anachronistic. Gierke wrote and the Santa Clara case was decided before the origin not only of modern personality theory but also an enormous body of contemporary community, group, corporation organization, communication and commons theories and practices became part of the common culture of Western (increasingly, global) civilization. In 2010, the Supreme Court Justices had no such excuse, and their ruling lacked even minimal face validity: Corporations, as persons, were granted "first amendment rights" most notably "free speech", even though no one has ever heard a corporation speak, join an assemble or worship freely. The majority Justices resolved this dilemma with the even more absurd doctrine that "money is speech", and the result was a predictable landslide of money from anonymous "speakers" in the 2012 Presidential election. The spillover effect for the third sector was the contamination of the category of 501(c)4 social welfare organizations, which became just another false front for anonymous big money donations. The Justices' reliance in 2010 on Gierke's 150-year old anachronism as the best way to deal with the problem of the collective unity of action by corporations has, as of this writing, wrought untold damage to the U.S. political system just as critics said it would, and is likely to continue to do damage for years to come (Dworkin, 2010).

Gierke worked within a German intellectual tradition of association law that traces is roots back to Roman law, and remains an *entrepot* for an otherwise difficult to access (for

English-speaking readers) German, Scandinavian and northern European social organization history of "grassroots" community, association and assembly. Terms like *thing, ting, þing* and other variations appear in Germanic languages like Old Norse, Old English, Icelandic and several Scandinavian languages to refer to assemblies of free peoples (in tribes or village communities) gathered in places with designations like *thingsteads,* and presided over by leaders with names like *lawspeakers*, or legal interpreters (Redstone, 1912, 3; Wildte, 1928). In Slavic languages, the term *Veche* and cognates describe variously a general assembly of the people and certain legislative bodies. Several of the archaic, and otherwise neglected, works discussed in this section are accessible through the online Google Books library. Those modernist scholars not accustomed to such 'ancient' sources are reminded that Gierke and the others mentioned here were published roughly four decades after Tocqueville and contemporaneously with a number of the better- known classical works of European and American social science. The fact that they seem obscure is related to the non-recognition until very recently of the slowly evolving wider third sector and new commons. Such terms, practices and ideas are also found selectively among Slavic and Celtic groups and in Anglo-Saxon England where tribal assemblies known as *folkmoots*, or meetings of the people (Gomme, 1880; Nicholson, 1884). Another Anglo-Saxon grassroots institution, thought to have operated from at least the 7th to the 11th centuries CE is termed the *witenagemot*, or meeting of the wise men (Oleson, 1955; Zinkeisen, 1895). J.K. Rowling uses a related term, the *Wizengamot* for a fictional organization appearing in her Harry Potter novels. This term may have been derived from the witenagemot, or it may be mere coincidence. These instances and others suggest the essential correctness of Gierke's claims of ancient Germanic forms of association including Anglo-Saxon ones completely independent of classical Greek and Roman sources. Unfortunately, there are no English translations of Gierke's full four volume work, or current studies of these early *folkmoots* and thus we are deprived of what appears to be a rich source of knowledge of early voluntary action and possible connections to old commons.

Some of Gierke's ideas were both developed and Anglicized by the English historian F.W. Maitland whose use of pluralism is even more explicit. Maitland insisted upon the "real personality, the spontaneous origin, the inherent right of corporate bodies within the State." (quoted from the introduction to his translation of Gierke's *Political Theories of the Middle Ages.)* For both Maitland and Gierke the term 'corporate' here has the broader historic German connotation suggesting a collective social endeavor, rather than the narrower contemporary American meaning of a state-recognized corporation. This is an important distinction, both it offers a possible source of some of the differences between contemporary American and European scholars, and for the distinction here between the (government-recognized) nonprofit bureaucratic firm and other forms or organized voluntary action, grounded in their own autonomy. Like Gierke, Maitland has often been placed within the pluralist tradition, if only because of this tendency to look beyond the state and see the *communitas communitatum* first noted by Althusius.

J. Neville Figgis, an obscure but important English pluralist working in the tradition of Gierke and Maitland, defined the state inclusively as "an ascending hierarchy of groups, family, school, county, union, church" (Coker, 1923: 188). It must be noted that Figgis' broad and encompassing notion of "the state" is at considerable variance with conceptions of the state as one of several coeval sectors and its plural character corresponds more closely with the conception of the pluralist regime of sector noted above as a configuration of numerous, diverse institutions. Reasons for not utilizing the concept of state in a foundational way in third sector theory in the U.S. were noted in Chapter Two above and won't be readdressed here. Human association and the resulting interactions and social relations are *sui generis* and no prior understanding of either markets or states should be necessary to understand them. Translating these basic relations back into quasi-market terms, in particular, has done untold damage to our understanding of what actually goes on in the wider third sector.

Figgis is best known for his doctrine that communities and lesser associations within the state arise naturally out of what Coker terms the "associational instincts of mankind". The concept of an "associational instinct" arose in the 19th century world of social theory before the communications revolution. It may have been on the right track in at least one respect. Although excessively dependent on biological metaphors, it pointed toward what does indeed appear to be the universality of the tendency to freely and openly associate with others until other forces interfere. Figgis also opposed the view (still characteristic of some forms of rational individualism) that the state and the individual are the only real political actors and action can be neatly divided into public (activities of the state) and private (activities of individuals and associations) realms. In a perspective that corresponds with contemporary third sector thinking, Figgis also claimed that the collective activities of individuals in churches, labor unions are more public than private. Like all such waffling over the dichotomy of public and private, Figgis' semantic formula "more public than private" is simply a muddle. As noted above, things that are more public than private as well as things that are more private than public can both be accommodated under the heading of commons.

Coker cited Léon Duguit in France as another "real pluralist". Duguit, it appears, has disappeared completely from English language understandings of pluralism, although French language scholars might be able to determine if Duguit had anything worthwhile to say on the topics studied here. Coker (1921: 188) also named Harold J. Laski as one of the first real English pluralists. Laski, who is more commonly identified with his later writings, established early and at least limited pluralist credentials by noting that there is never any one source of political authority that is absolute, and that the state has no superior claim to the allegiance of individuals. "The state is only one among many forms of human association" (Laski, *Authority in the Modern State*, p. 65, as quoted by Coker, 1921.). We know from other comments that Coker does not quote Laski here with approval. He writes "As far as I know, there has never been any political thinking of any school in any era who would attempt to deny such facts as those

adduced by Laski relating to the actual limits of state power, or who, I believe would be much disturbed by such facts." (p. 194) Regardless of what degree of universality one assigns to Laski's view, the important point for our purposes is his embrace of a pluralist institutional perspective (or "multiple sectors" in the current parlance).

These are just a small sampling of the intellectual figures who can be characterized as pluralists. A comprehensive listing would also include Alain Locke, an African-American philosopher in the first half of the twentieth century and one of the founders of the Harlem Renaissance (see the entry on Locke in the online *Stanford Encyclopedia of Philosophy (http://plato.stanford.edu/entries/alain-locke/*). Locke's opposition to what he termed uniformitarianism, or the belief that all members of a group must hold the same values, is important for the commons theory of voluntary action.

Von Gierke, Maitland, Figgis, Laski, Locke and the others should all be associated with a pluralist legal, political and philosophical tradition that lost momentum many decades ago and failed to establish a lasting theoretical contribution for understanding groups, communities, commons or voluntary action. Recently, other contributors have formulated a range of new and quite different pluralisms. Charles Taylor, the Canadian philosopher and member of the Quebec parliament, offers several more contemporary perspectives on pluralism in our time. Taylor, Tully and Weinstock (1994) compiled a series of considerations by other philosophers of Taylor's perspectives in a volume characterizing the present as an "age of pluralism." In the view of his critics and expositors, Taylor is concerned with at least five distinct forms of pluralism, all of importance to new commons: the plurality of conversations (p. xiv); the plurality of goods (p. xiv); plurality of moral values (pp. 50, 52) and of religious beliefs (p. 227).

One of Taylor's most intriguing concepts, *strong evaluation,* is particularly important to efforts to move beyond individualist rationalism and anchor the commons model in plurality and communication. In a festschrift for Charles Taylor, Daniel M. Weinstock highlights the importance of this concept, which Taylor has characterized as "something like a human universal" (Taylor, Tully & Weinstock, 1994: 249). By strong evaluation, "I mean simply" Taylor wrote that people operate "with a sense that some desires, goals, aspirations are qualitatively higher than others" (Taylor, Tully & Weinstock, 1994: 250). Taylor went on to dismiss his use of the term evaluation as a mistake, according to Weinstock, because its connotations of reflection and deliberate choice lead too easily back into rationalist individualism. Taylor's challenge for voluntary action is clear: He offers philosophical cover to clarify the nature of group evaluation moeurs as collective behavior, rather than the individual mental calculations of a group of otherwise isolated individual minds.

Weinstock notes that the basis for strong evaluation "stems from the traditions and latent understandings of our human communities – hence their necessary embeddedness in linguistic forms – and are perceived by us as 'articulations' of the intrinsic goodness of those

things external to us toward which our desires and feelings implicitly direct us." He cites Taylor in distinguishing strong evaluators as agents from those 'simple weighers' whose deliberations are based solely on cost/benefit considerations. Strong evaluators, he says, are capable of second order reflection on their desires "whose practical deliberation is guided by a 'language of evaluative distinctions' identifying certain actions as base, noble, courageous, etc., rather than by merely by simple (first order) calculation of possible outcomes." Such strong evaluation is not reducible to the logistics of collective choice, and points directly to the discussion of the sublime below.

"The goods we recognize in this manner," Weinstock wrote, paraphrasing Taylor, "are plural" and yet we have the ability to unify and organize them (and ourselves) through reference to certain 'hypergoods', or sources of ultimate value, such as freedom, benevolence and others. This perspective suggests that no one, single perspective on voluntary action may be expected to prevail in the long run, although there is widespread agreement on the hypergoods that such action represents. In this study, for example, emphasis is placed on the hypergoods of "freedom of association" and philanthropy. It would be a relatively straightforward matter to reconstruct many of these same materials with other hypergoods: e.g., religious perspectives on the glory of God or micro-economic perspectives on cost and efficient production, thereby producing a plurality of perspectives on voluntary action, with no particular necessity of reconciling them. Indeed, much of the commons theory of voluntary action began as a criticism of one such set of perspectives; enshrining the weak evaluation emphasizing efficiency, effectiveness, cost/benefits, best practices and managerial professionalism as the exclusive hypergoods of voluntary action.

Since the very core of Taylor's objection to communitarianism bears on this question of the pluralism of ends, it is worth quoting here: "(T)he entire system of moral thinking which Bentham and Kant have in common," Taylor wrote, "whatever their differences, i.e., that it makes sense to look for a single principle of morality, from which everything can be deduced, strikes me as utterly misguided. . . . That's (one of the many reasons) why I'm unhappy with the term 'communitarianism'. It sounds as though the critics of this liberalism want to substitute some other all-encompassing principle, which would in some equal and opposite way exalt the life of the community over everything" (Taylor, Tully & Weinstock, 1994: 250). As we have already seen, Taylor holds firmly to the pluralist view that there can be multiple goods and hypergoods, and that while they may, for one group or another, be united in some all-encompassing hypergood, there is nothing inherent in that idea to suggest that there is, or would arrive at a single n-order hypergood to encompass all of voluntary action, regardless of how far we pursue the process. That is the very essence of the case for pluralism in the independent sector.

While it may be that arguments regarding democratic government must at some level pursue this issue further, it is sufficient in considering the independent sector to merely

embrace plurality as part of the essential nature of voluntary action. Thus, the pluralistic legal penumbra of freedoms of association and assembly, speech, religion and contract offers a satisfactory hypergood for voluntary action. Likewise, the loose connection of philanthropy as what it means to be human is also sufficient for defining the broad parameters of philanthropy as a hypergood consisting of multiple common goods identified by associations and assemblies engaged in voluntary action. To the extent that Christians, Muslims, Jews, engineers, physicists, stamp collectors, recovering addicts, cancer survivors or any other group chooses to establish its own hierarchy of goods it is free to do so, provided it does not challenge the basic hypergood of the sector, which includes the similar right of others to establish their own goods. In democratic society and culture, no one is free to enforce its own priorities over involuntary others, or to demand allegiance from those who do not embrace its views. Efforts to do so destroy the essential character of the independent sector, making it, in effect, an illegitimate branch of government, or the state.

Taylor (1990) also distinguishes between three senses of civil society on the basis of associations: In the first sense, free associations are those not under the tutelage of government power. This is consistent with Cornuelle's earlier (1965) concept of the independent sector. In the second sense, society can structure itself and co-ordinate its actions through free associations; a model of associations, he says, that is stronger than the first and is most compatible with a four-sector regime in which "civil society" is construed as everything outside government. Finally, Taylor sees civil society as the ensemble of associations that can significantly determine or inflect the course of public policy. This third model is grounded in Tocqueville's political associations, and compatible with the nonprofit sector model of Independent Sector the organization, the developers of the NTEE, and those scholars interested in the public policy aspects of nonprofit corporations. It also fits with what Theodore Lowi (1969) termed interest group liberalism and Lester Salamon termed "third party government" (Salamon, 1987). According to Taylor, certain key historical developments account for and reinforce Western conceptions of civil society: the idea that society is not identical with its political organization, or the state; the perception of the church as an independent society insulated from political society; the legal idea of subjective rights, the existence of relatively autonomous, self-governing cities, and indirect rule of the type pioneered by parliament and the British monarchy.

Barber's

Views of pluralism are also directly related to Benjamin Barber's previously mentioned argument for limiting the role of philosophy in democracy (Barber, 1998). Although I've not seen Barber characterized as a pluralist, his work on strong democracy would be compatible with such a characterization. It might be argued that comments in Merelman (2003: 273) make such a characterization. Even if some future association of political philosophers – themselves a knowledge commons – were to arrive at moral and political truth, much as followers of the

utilitarian moral philosopher Henry Sedgewick believed that he had done at the start of the 20th century there is no basis on which they would have the right to impose the truth of a single knowledge commons, their rank ordering of goods and hypergoods, upon other associations or knowledge commons in the independent sector, democratic society or culture. This very issue, in fact, already arises frequently in the context of those positive experts – managers, consultants, researchers and others – who believe that they have already established or are close to establishing "best practices" (that is, the most efficient, most effective or least costly way to do something), and claim the obligation to impose their views on the nonprofit world. As a matter of free and unconstrained choice, this is straightforward: In an open and free third sector, those who disagree can simply ignore them. When such views are imposed as a condition of government or foundation grants or contracts or by regulatory agencies, the problem becomes much more complex, because one or more of the conditions of the new commons are violated.

Another New Federalism? A New Sector Narrative

One of the cardinal weaknesses of current models of voluntary action is the large stock of old, worn out 20th century clichés: 'Liberals' and those on the left are convinced that change must be initiated by an activist political state, responding to the organized demands of interest groups, while 'conservatives' and those on the right are equally certain that meaningful change – contrary evidence of the civil rights movements, health care reform and much else not withstanding – can never be initiated by government and will always come from the market. Both are wrong in important respects, most notably in their failure to take account of philanthropic motivations, the rationality of giving and gifts, and the independent sector of voluntary action outside both the political state and the economic market. Current generations of 'liberals' would have it that voluntary action is always only a prelude to state legislative or judicial action, while 'conservatives' would see voluntary action only in complete isolation from the state. If the insights offered here are anywhere close to reaching a truth, there is a third possibility, one closely aligned with the ideas of both market failure and state failure. That is the idea of voluntary action arising directly from the perception of problems experienced in daily living through which perception of the problem leads direction to organization of a response and action. In other words, the third way, or the way of the third sector.

Nearly all of the major nation states that have produced the most important social imaginaries of the last two centuries are both federal in nature with strong local institutions. There is, of course, the antiquated 18th century "states' rights" view favored by American conservatives. More to the point, the United States also has more than 250 major metropolitan areas and hundreds of other smaller local communities where the lion's share of voluntary action takes place. Great Britain is a federation of England, Scotland, Northern Ireland and Wales, with a similar array of regions and metropolitan regions. Federalism is inherently a pluralist construct, but the possibilities of this construct for voluntary action have yet to be

fully explored. In political terms, it is often treated rather simplistically as a simple division of labor among levels or spheres of government. This is perhaps most evident in the American theory of government with its assorted and multiple balances of powers and responsibilities. In the context of the emerging theory of sectors, and the idea of a third sector in particular, federalism can also be seen as a doctrine of a division of labor among sectors, with each occupying a unique domain, but also interdependent with the others in democratic society and culture.

Democratic governments will never be effective initiators of major change while remaining democratic; they are inherently reactive to shifts in public opinion despite the clichés about "leadership" from political officials, and we probably want them to remain so. Social and cultural change must emerge from "the people" (that is, from society and culture via shifts in public opinion) and it is essential to recognize that such emergence must be channeled and directed through organized voluntary action in communities and directed at individual governmental bodies. At the same time, the contemporary conservative (which is, actually, anarchist) mantra that there is nothing government can do effectively and nothing that "the private sector" cannot do better is woefully out of touch with reality. It ignores the simple question of what happens when neither governments nor markets will act on a problem or issue that a substantial number of people think is important.

Recognition of this circumstances requires construction of a new narrative of social action; one which takes more fully into account the possibilities and circumstances of voluntary action. Another facet of the new narrative involves some important omissions from the basic historical narrative of voluntary action in the U.S. That story, like the larger American narrative, has often been told predominantly from the viewpoint of a supposedly (and often actual) 'dominant majority', and numerous political forces in the contemporary U.S. seek to cling tenaciously to this myth. American readers and commentators have, for example, often ignored the inconvenient realities that Alexis de Tocqueville was French, politically active in French politics, and wrote in his native language for a French audience. Most English speakers (including me) only encounter Tocqueville in translation and some appear not to know that there is a French and broader European critical literature devoted to analysis of his work seldom cited in the U.S. My Swiss colleague Antonin Wagner and I, for example, often seem to disagree in our readings of Tocqueville, but I always come away from these exchanges with further insight. (C.f., Lohmann, 2013; Wagner, 2012; Wagner, 2013) Thus, at least until the mid-twentieth century, the civic engagement practices of white, Anglo-Saxon protestant (WASP) males was taken as normative. The experiences of their wives and daughters in the same (or similar) organizations were largely discounted, along with the experiences of Japanese, Chinese and other Asian immigrants entering along the West Coast, and the Hispanic populations of the Southern rim, as well as African-American and native American populations everywhere. All were largely discounted or (more frequently) ignored entirely. For most of the past half century

a sporadic but continuous series of "new social movements" have been underway in communities across much of the world to resist, overturn, and, in some cases reconcile these new gender, class, ethnic and racial perspectives with the old ways of doing things. In this light, the principal value of a consistent community focus in the commons theory of voluntary action is as an antidote to the very kind of false majoritarianism that has long been practiced by political ideologues seeking to defend various facets of an increasingly indefensible old order.

At the heart of the plurality of new narratives has been the consistent vision of a pluralistic society (without the kind of pluralism of a third sector portrayed here, the very idea may be an oxymoron) enabling many differing approaches to ways of living and accompanying differences in values, beliefs, and the like. Indeed, the ultimate challenge of the commons theory of voluntary action and related perspectives is to seek solid foundations to understand why such pluralist unity is not fundamentally oxymoronic. Failure to find such ground would mean that the defenders of traditional autocracy and new totalitarianisms arising in both state and market sectors are justified in their seemingly endless efforts to establish hegemony over our various life worlds. It is a regime in which basic needs for the majority are accommodated through the market, but in which disagreements will always be present over what to do about the basic needs of the minority whose interests are not well served by the market. Then, the question becomes one of what portions of those needs can be properly left to the intimate spheres (family, friends) of their own lives, what portion are to be handled by government, and on what basis: majority will only or some other basis? Finally, we face important questions of what the role of voluntary action is in this regard and how such action is to occur. Likewise, in the cases of education, culture, the arts similar questions arise, and will be treated below under the general heading of civic humanism, a grand old doctrine traceable ultimately to the city states of the Italian Renaissance, and currently being revived by a variety of scholars.

Remember your humanity and forget the rest.
~ Albert Einstein

15. Civic Humanism

In European, Asian, African, Polynesian, pre-Columbian American and other contexts, old commons involving land use, forestry, fishing rights, and other similar natural resource questions were primarily situated in traditional, tribal, folk and rural communities. In such settings, primary and secondary forms of instrumental association and voluntary action were crucial to define common goods, establish harvesting and other rules and protect against anti-social behavior such as free riding and enclosure. However, the voluntarism (and occasionally vigilantism) of folk cultures has proven to be insufficient defense against determined and powerful advocates of enclosure who would expropriate the resources of commons for their own gain. This may be as true today in attempts at personal exploitation of public lands in the American West as it was in sixteenth century England. The powers of new commons to formulate entirely new and necessary moeurs, therefore, have proven to be much more responsive and durable instruments for community self-protection.

The enclosure movements of the late middle and early modern ages had particularly dire implications for the previously self-sufficient village poor whose access to food, fuel, gainful employment and other resources was cut off. The ensuing legal infrastructure, the Elizabethan Poor Law (1601) and the Statute of Charitable Uses (1601), and subsequent constitutional and legal developments in various countries and eventually Chapter Nineteen of the U.N. Declaration of Human Rights adopted in 1948 (Shabas, 2013; Wronka, 1992) not only legally enabled the establishment of "new" commons, it also forged indelible links between commons and philanthropy, charity and community that remain strong and vital today throughout the world. By law, it became possible to extend the resource sharing of the commons from its rural tribal and village origins to modern urban settings. The modern corporation, foundation, freedoms of association are all part of this culture complex, as are the modern awareness of social problems as treatable conditions rather than permanent features of the human condition, and modern social movements.

Origins of Civic Humanism

To fully understand how these diverse pieces fit together in the modern world and what their connection is to new commons and to future prospects for democracy and the association revolution, it is necessary to look beyond the Anglo-American world, and competing sector schemes for counting nonprofit corporations, and link up with the baseline tradition of civic humanism as it developed in the self-governing early modern communes of Italy. According to Reus-Smit (1999: 65) merchant associations in the 12th century were the first popular associations in the Italian city states. They were only the first of many –guilds, charitable

societies, art and science collaboratives, political associations and much more. In this communal tradition, we find not only the origins of "civic republicanism" as it has re-emerged today as the contemporary successor to communitarianism in political theory, but also critical links to our core topics of philanthropy, charity, the arts, education, public deliberation, and all of the various domains of voluntary action. "Practical" administrative and leadership perspectives on most forms of voluntary action have, in recent decades, excised much of the civic humanist tradition from their knowledge even while adapting the full range of civic humanist ideals on liberty, citizenship, community, the *vita activa,* and other concepts to "value neutral" and contemporaneous ahistorical social science perspectives. The effort here is to reignite consciousness of those connections by drawing explicit connections between new commons and civic humanism. In the contemporary knowledge commons of universities, focus on early modern communes is itself a distinct knowledge commons consisting at present mostly of the college educated, especially those who have taken introductory humanities or "western civilization" courses in which the ideals of civic humanism in the Italian Renaissance were highlighted. Other, mostly unrelated, developments in political philosophy are providing newer and unprecedented reasons to take a second look at these older ideals.

Historians and humanities scholars are currently the people most responsible for tending the knowledge commons of renaissance Italian studies, while political philosophers are forging the most complete contemporary understandings of civic humanism. Although not widely credited, Jane Addams and her European grand tour during the 1880s, which included stops in Dresden, Florence and other Italian city states and at Toynbee House social settlement in the slums of East London, together with Mary Parker Follette's work in the neighborhood schools movement are two of the important links in formation of this particular knowledge commons. Regrettably, Addams' vigorous humanism often survives in only very attenuated forms in much of contemporary professional social work. Much the same might be said for Veblen's humanistic portrait of engineers. From the standpoint of a philanthropic perspective on democratic society and culture, both professions and many others including philosophers, economists and political scientists, have succumbed to many of the weaknesses noted by Donald Hodges in the following chapter.

Social scientists interested in community, social problems, social movements and voluntary action typically work the same fields and use many of the same concepts, but have neglected the sources and too often failed to acknowledge this tradition even as they embraced civic humanist values. In this particular knowledge commons both the rational individualism of human deciders found in economics, and modern knowledge commons like behavioral psychology and decision science and the "over-socialized" social science models of humans as simple products of their environment give way to a more balanced view of humans as actors and agents in communities. In the civic humanist view, individuals strive for personal fulfillment, growth and personal development within the context of their own life plans and

among the active lives of others in their developing and changing communities. The contemporary civic humanist view thus brings together a wide variety of notions of active citizenship and civic engagement, civic duties and obligations, with notions of rights and responsibilities. That is to say, it incorporates the main outlines of the more recent communitarian movement in combination with a rich range of additional ideas.

"From the end of the Tricento (that is, the thirteenth century) onward, the ever-recurring leitmotifs in the humanistic philosophy of life were the superiority of the *vita activa* over 'selfish' withdrawl into scholarship and contemplation; the praise of the family as the foundation of a sound society, and the argument that the perfect life is not that of the 'sage,' but that of the citizen who, in addition to his studies, consummates his *humanitas* [the Greek of which, as noted above, is *philanthropia*] by shouldering man's social duties, and by serving his fellow-citizens in public office" (Baron, 1955, 7).

Practitioners and students of voluntary action generally recognize this in desiccated form as the preference of practice over theory. Some contemporary conservatives who rage against "humanism" as well as social scientists who see the family as the most fundamental social institution of society may both be surprised to learn that many of their shared beliefs are grounded in civic humanist traditions. The problem of 'the sage', such as the peculiar nineteenth century German variety known as *Kathedersozialisten* ('socialists of the chair'*)* is not usually seen as a major contemporary issue; it is not seen as a major cause, for example, of the decline of civic participation. In the final chapter below, several other more pertinent examples will be identified. The medieval communes in Italy, Florence, Venice, Genoa, Pisa, Lucca, and the others where civic humanism first flourished were dramatically different from much of medieval Europe in that they never developed genuine feudal societies based in rural, agricultural land and feudal obligation. Instead, these small cities survived and grew and the lords of large landed estates living in those communes were "forcibly transformed into city dwellers and members of town society" (Baron, 1955, 8). Consequently, just as the transformation of the public sphere first emerged later in London, Paris and Vienna, modern values of civic humanism and civic republicanism can be accurately placed in the public sphere of this archipelago of small cities at a time when most of the rest of Europe was still mired in feudalism.

J. G. A. Pocock's *The Machiavellian Moment* (1975) is probably the most important source for the current civic republican revival in political philosophy, although numerous others, including the previously discussed Hannah Arendt, the American historians Bernard Bailyn and Gordon Wood and others are also singled out for their important contributions. In the practice arena, the work of David Matthews, Julie Fisher, Betty Knighton and the staff of the Kettering Institute on practice models of citizenship and public deliberation and of Harold Saunders and the International Institute for Sustained Dialogue is of great importance (Lohmann and Van Til, 2011). Civic republican thought also links readily with recent work in nonprofit studies, both in

the past and present: Tocqueville's associations; George McCully's model of philanthropy discussed above, virtually all of the work on voluntary action by David Horton Smith, Jon Van Til, Thomasina Borkman, Carl Milovsky and others, and the concepts of voluntary action discussed above. Antonin Wagner represents an important connection between emergent civic humanism and contemporary European civil society traditions (Wagner, 2012). Cohen and Arato's writings on civil society are also heavily dependent on the civic humanist tradition (Cohen and Arato, 1992). Harpham noted in the early 1980s that in the previous half century, "a number of important attempts have been made to reinterpret seventeenth-, eighteenth-, and nineteenth-century individual citizen in the performance of one's thought through a reading of the republican or civic humanist tradition (Bailyn, 1967; Kramnick, 1968; Pocock, 1973, 1975a, 1975b; Robbins, 1959; Wood, 1972)" (Harpham, 1984: 76).

This is not to suggest that Machiavelli's Florence or the other Italian City States from which contemporary humanism arose were democracies; they were not. For the most part, they vacillated between autocracy and oligarchy. They did, however, display a rich associational life, in many respects quite different from our own 21st century perspectives but approachable via pluralist perspectives noted in the previous chapter.. At the same time, the strongly religious nature of the art of Fra Angelica, Botticelli, Leonardo, Michelangelo, and the other artists of the Italian Renaissance should alert those in the contemporary U.S. who will see in the term "humanism" an inevitable and atheistic "secular humanism". There are many humanisms: religious, secular, scientific, popular, et. al. It should be enough to note that if all humanism was of any single type, such adjectives would be unnecessary. The civic humanist tradition, in fact, is robust enough to include the assorted Christian humanisms of the 19th, 20th and the present centuries, the settlement house movement of Jane Addams and others, and a wide variety of other concerns for community, collective behavior, social movements, and social problems.

From another perspective, the perspective on civic humanism presented here is firmly grounded in a distinct interpretation of the Machiavellian republican tradition. Donald L. Hodges outlines two principal interpretations of Machiavelli regarding the state and the role of intermediate institutions and an independent sector. He argues convincingly that the "shallow republicanism" of John Locke, James Madison and the Anglo-American tradition, which would include the legal rights, protections and immunities noted previously, has been more successful in historical terms than the "deep republicanism" of Rousseau, Lenin and the European socialist tradition with its emphasis on the monopoly of the state and the subordinate nature of private associations (Hodges, 2003). This may be the largest implication of the rise of civil society after 1989, as well as the difficulties civil society has posed in several European nations. This matters here because the commons theory of voluntary action is embedded in precisely this kind of "shallow" republicanism, including the legal immunities of the First Amendment, the UN Declaration, which limit and constrain the state and enable not only the market as some have suggested but also the independent action of commons.

Because much of the ongoing contemporary re-interpretation of civic humanism is occurring in the rarified and self contained academic knowledge commons of history and political philosophy, diffusion has been restricted largely to students taking courses in those areas and those interested enough to brave this intimidating literature on their own. The full significance has not been catalogued by researchers interested in such topics as civic engagement civil society, community funds and foundations, social service agencies, community arts institutions, or in social problems and social movements. For example, the social construction turn in social problem studies following Spector and Kitsuse (1987) discussed previously is entirely consistent with civic humanist perspectives. The civic humanist connection, however is often deeply hidden as contributors continue to try to work exclusively with familiar social science paradigms dating from nineteenth century Europe, and citing approaches to 'community' by Tocqueville, Weber, Durkheim, Tönnies and others as though these were free-standing inventions and not themselves derived from earlier sources. Recent work noted above, and in particular, Pocock's study of Machiavelli, have produced what Harpham called "a striking revisionist understanding of an evolving Anglo-American tradition of political discourse" (Harpham, 1984, 764). McCully's model of philanthropy, Saunders' model of sustained dialogue and Anderson's cosmopolitan canopy might be among the most striking examples to date of what such revisionism could mean.

"Civic republicanism (aka civic humanism) is one of several versions of virtue and community that came to the fore in the 1980s" (Olsen, 2006, 1). At the core, like that of both neo-conservatism and communitarianism of the time, is a critique of conventional liberal political ideas. 'Liberalism', in this context, refers not just to 'welfare liberalism' and the critique of the welfare state. It refers to the entire tradition that places the rights, interests, and choices of the individual at the center of theories of justice, civil obligation, and governmental legitimacy and authority. Communitarianism in the 1980s indicted liberalism's flawed conception of "moral personality" in familiar terms close to those used above to critique the Bloomington model of the commons: The liberal self (or, as termed above, the rational individual) is socially disembodied, radically unencumbered and lacks any overarching social attachments.

Although the embodied rationalism and humanitarianism of this model date back hundreds of years in the civic humanist tradition there have been important modern advances. At least since the 1920s assorted pragmatists like Dewey, interactionists following Mead, 'Chicago school' sociologists and numerous others have been foremost in objecting to the centrality of the model of '*the* individual'. Even so, it is often exactly that 'individual' as a 'socially disembodied' and 'radically unencumbered' being or Cartesian mind that one encounters in contemporary sector theories of voluntary action, with their heavily economic bent and management focus. "I think, therefore I am" (*cogito ergo sum*) only because I have learned how to think from significant others, making use of the materials of my own experience, our collective cultural and historic traditions, and thinking about how my thoughts will impact

them. And, as a socially and historically situated person, I may abstract part of this totality of knowledge, heritage and experience as my individual identity as an inviolable bearer of rights and obligations. However, my interactions with others will also impact upon that identity, not just once in a formative stage, but continually.

Communitarianism, with its narrow and abstract emphasis on individual rights and obligations mounted a powerful and important critique of rational individualism. More recently, "civic republicans put forward a version of the communitarian critique of the liberal self that emphasized the threat to the public liberty of self-governing citizens. Liberalism, on the civic republican view, is marked by a pronounced tendency to view politics and public life as mere instruments for the furtherance of self-interest. Such a vision impoverishes and ultimately threatens democracy by validating forms of identity in which individuals have few (if any) civic attachments and lack norms of responsible civic engagement. " (Olsen, 2006, 1-2)

Within social work, the discipline where I spent my professional career, there have been ongoing (but seldom acknowledged) forms of civic republicanism traceable to Jane Addams and the practices of the settlement house movement on the one hand and to Mary Parker Follett and the community centers movement on the other. The social work educational formula that arose in the 1940s emphasized individual human growth and development in the context of 'healthy' vibrant communities. Likewise, the various 'community action', 'community development' and social development proposals clearly fall within this same purview. All of these were important influences on my original perspective in *The Commons* (1992), and in my critique of the limitations of economic individualism and the Bloomington School model of the commons noted previously in this volume. The extent of this connection can be seen in the following:

"Civic republicanism is now a well-established theoretical perspective. Its imprint is seen in numerous areas, including the following: the emergence of virtue-centered forms of liberal theory, the rediscovery of civil society, the effort to outline and defend a deliberative form of democracy, the ongoing examination of Arendt's thought, the philosophical debate over the question of whether 'teleological' conceptions of the human good or 'deontological' conceptions of the right should have priority, the recovery of civic virtue as a norm of American constitutional law, and the reinvigoration of the project inaugurated by Leo Strauss of grounding western liberal democracy in the Socratic quest for wisdom about the good life" (Olsen, 2006, 3).

Concern for civil society, deliberative democracy, what Olsen (2006: 3) calls Hannah Arendt's thought of "excelling in a public realm of action", the nature of human goods – common, as well as public and private goods – and the role of associating with others in civic and social projects are all important themes in the commons theory of voluntary action.

At the same time, the term republicanism inherited from the practices of self-governing city states like Florence, Venice and Lucca has the current connotation of reference to the nation-state. McCully's previously noted discussion of the American Revolution as a philanthropic project, and numerous references to the "American Republic" have huge numbers of analogous examples at the community level. The same may be said of the numerous levels of

community above. The notion that it might apply also to local, democratic, self-governing communities rings strange to many contemporaries. Because of this, and to assure a continuing connection with community-level philanthropy and to avoid the partisan political misunderstandings that are possible by association with the name of one of the principal national political parties in the U.S., the term civic humanism is preferred here but explicitly tied to the characteristics of civic republicanism noted immediately above.

Social, Economic & Formal Organizations

The first two steps in moving beyond the iron cage view that all mission-oriented "nonprofit organizations" have already been taken. First, the entire presentation here is directed partly at identifying the ways that nonprofit "bureaucratic firms" are different from common goods associations. Secondly, by setting aside the rationality standards of political philosophy, economics, and the commons theory of the Bloomington School, we could embrace a communicative standard of rationality as the giving and acceptance of reasons or explanations. We can also embrace the previously noted autonomy standard, whereby it is assumed that participants in a commons are capable of determining their own standards of rationality as well as other values. This suggests, for example, that any commons – an association of research economists, for example – is fully capable and justified in adopting another, more rigorous standard of rationality. It also suggests that some other commons – associations of romantic poets or non-Western theologians, for example – are equally capable and justified in completely rejecting any standard of rationality.

Formal (Rational) Organization

Given all of this, it remains to be noted that formal or "rational" organization is simply one type of the much broader category of social organizations, or organized social relations, and that for commons recognition and realization of this broader category may offer the route of escape from the iron cage of rationality and the debilitating effects of institutional isomorphism. Not all voluntary organization involves the accouterments of formal organization, such as established offices, paid employees, and formal careers paths. Simply listing the characteristics of formal organization identified by Henri Fayol, Max Weber, Talcott Parsons and others also points up a variety of vested interests. Strong incentives for recognizing nonprofit bureaucratic firms as the only, or principal, option exist for students studying all aspects of the wider third sector as a step toward careers in such organizations, as well as for teachers of those students who wish to assure a continuing cadre of such students in their courses. In the absence of a strong, vigorous civic humanism, careerism can serve as a strong deterrent to genuine civic engagement. Groups, voluntary and community associations, grassroots organizations and committees, mutual aid and self-help networks, the many foundations and trusts not employing paid staff, advocacy groups, arts and cultural and religious groups, a variety of social movement organizations, and all of the multi-step "flows" of opinion, including social problems represent examples of such social organization.

Other Types of Organized Commons

One of the common forms of organization not taken sufficiently into account in the field presently is what might be termed *adhocracy,* a term formed from the Latin root *ad hoc*, meaning spur of the moment or peculiar but most of all dedicated or single purpose. In some of my earlier work, I spoke of this as special purpose and single purpose activities. In the fundraising literature adhocratic activities are sometimes referred to as special events. There is currently a strong bias toward studying enduring and institutionalized organizations, thereby giving a somewhat false impression of order, stability and stasis in the nonprofit, third, nongovernmental and independent sectors and all of the rest of the space between the market order and government. Certainly those organizations and institutions exist, but they operate alongside, through and with a huge array of adhocracies engaged in the production of public and common goods through the application of common pooled resources: committees of all types, coordinating vehicles, special event organizations, parade and festival organizations, like municipal bands, orchestras and groups like the Mardi Gras krewes in New Orleans, Shriners' motorcycle units, (horse) riding clubs and countless others. Adhocracies usually rely heavily on, and work best with common pool resources derived from volunteer labor and donated resources that "well up" from the members themselves. Although foundations and government agencies are accustomed to awarding grants to support such activities, the reality is that if there are not some indigenous resources of enthusiasm, trust, that the adhocrats can call upon in their efforts even relatively huge amounts of such support are unlikely to make much difference.

Another distinctive type of organized effort in the independent sector was hinted at early in the last century with Max Weber's identification of charismatic authority. We might call these *guru associations*, and as the Weber typology suggests, it is quite different from the rational organizations that have been the center of attention in nonprofit management. Both the charisma of an idea and a charismatic leader are possible, and guru associations seem particularly closely associated in their early stages with social movements. Thus, the Tea Party movement (Rasmussen and Schoen, 2010), the assorted Occupy movements (Hardt and Negri, 2011), Jonestown (a bad commons if ever there was one; Hall and Hall, 2004) and the Kingdom of Father Divine (Burnham, 1979; Wisebrot, 1992) are a few of the many examples that might be cited.

Guru associations seem to be particularly evident in the early organizational states of religious and cultural organizations. Presumably in organizing the exit from Egypt and entry into Israel, Moses didn't act alone, but likely had an organized group of sub-leaders working with him. Certainly, Jesus' disciples and the subsequent groups of apostles, including Paul were fundamental in the spread of Christianity in the Roman Empire. The same can be said for the guru associations of Buddhism. The role of close associates and family members of the prophet

Mohammed both in the spread of Islam and in, for example, the Shia and Sunni and other schisms that still exist in that religion are particularly well documented (Rogerson, 2006)

Finally, based on work by Charles Taylor and others in the past decade, we might predict a theoretically plausible type of organized voluntary action that we might call the *imaginarium.* We can pick up with Taylor's original work on *The Social Imaginary* (Taylor, 2002; Taylor, 2004), in which he projects that the principal problem of social science is "modernity itself" (Taylor, 2002). A social imaginary "is not a set of ideas" according to Taylor. "Rather it is what enables, through making sense of, the practices of a society. In this sense, social imaginaries are closely related to Tocqueville's category of moeurs. There is also a close relation between social imaginaries and the origins of knowledge commons. The three purest examples of social imaginaries in Taylor's sense affecting this book have formed around the ideas of civil society, commons and sectors. During the period since 1985, all three of these ideas have been imagined into their present form in ways not previously envisioned, and gradually fleshed out as meaningful ideas by diverse but interacting associations of strong-minded individuals, just as the original imaginaries of the 17th century scientists previously discussed. Each of those loose associations and focused publics devoted to a particular idea constitutes an imaginarium in the sense used here. Not far behind these three are the social imaginaries forming around social enterprise, social economy, and social capital. When L.J. Hanifan first used the term social capital as a chapter heading in 1920, it was little more than a clever but idiosyncratic turn of phrase, which had no lingering effects for the next eighty years. However, when Robert Putnam (1995; 2000) used the same phrase (and cited Hanifan's earlier contribution) it ignited a veritable firestorm of recognition and interest; in short it became a social imaginary. In the case of imaginings like civil society, it is customary to speak of a renaissance. In the case of new and unfamiliar ideas like social capital (or somewhat earlier, Everett Rogers' diffusion of innovations, where there is little or no prior history, it is more appropriate to speak of a florescence. To use a popular vernacular term (based in part on the Jonestown experience) it can be said that many who encountered the social capital idea "drank the kool aid" (and, it would appear, the effects have been altogether different!) In its own modest way, my lettuce paper (1990) provoked a similar social imaginary for some people within ARNOVA.

Uncertainty and Performatory Drama

In religion, some of this is captured in the "mystery of the mass". One of the reasons people like live theater is because of its edgy character. Will the diva be able to reach that high note tonight? Will the new, young understudy remember her lines? Will the playwrights' original dramatic sense be captured? Sports are always full of uncertainty; "That's why they call it a game!" Will the quarterback be injured? Who will win the division or conference championship? NCAA Basketball even has its own month, dedicated to March Madness!

A republic of virtue? A republic of equals? For that a biological mutation is needed, the coming of superman. Contrary to the prevailing image, Machiavelli turned out to be a dreamer after all. Farewell, Niccolo.

~ Donald C. Hodges. *Deep Republicanism*, p. 202.

16. Conclusion

Not everyone in my lifeworld shares the vision of a democratic society and culture brought into being and advanced through voluntary action and resource pooling in communities or the ideal of a civil society characterized by civic engagement. For those who do, the various elements of voluntary action, including voluntary association and assembly, nonprofit civic, educational, religious, artistic, cultural, charitable and philanthropic and other institutions forming the spontaneous order of an independent sector poses a powerful and enticing avenue for future advancement of democracy. For us the new commons represents the institutional companion to liberal capitalism and liberal democracy and a first among equals: truly, a third sector.

Even so, questions remain about the extent to which it is among friends in the civic companionship of civil society, a spouse in a *ménage a trois,* or a concubine available to both markets and governmental actors to use as they please and abandon at will. Less-than-independent nonprofit firms with strong ties to government bureaus or market firms may have numerous other policy or economic justifications, but the expectation that they can contribute in important ways to strengthening democracy in society and culture seems fairly remote. For those who do not share the vision of strengthening democracy through voluntary action, the future seems to hold a range of other possibilities, some perhaps equally promising, and some quite disturbing.

The concept of new commons framed in terms of voluntary action by associations and in assemblies fits easily with existing concepts of civil society and democratic society even though it still has not been widely or deeply integrated into social and political theory despite several decades of intense interest in both. Regardless of where new initiatives for the advancement of democracy come from, however, it is likely that new commons will play an important supportive role in their spread and implementation. In any event, the future of democratic society and culture is by no means assured and not altogether sanguine. As advocates of enhanced accountability continually point out we need to learn to distinguish more clearly between good, bad and evil commons, lest charlatans, imposters, and criminals spoil things for everyone (Ebrahim 2003; Lipman 2011; Sloan 2009; Steinberg 2008).

Rivals to Voluntary Action in Civil Society

The problem that originally drove the libertarian Richard Cornuelle's (1993) formulation of the independent sector, and his later calls for denationalizing community have also concerned others across the political spectrum from democratic socialists to libertarians.

In the wake of the experience of the twentieth century the dream – or Orwellian nightmare – of society and culture under the leadership of the state has fallen into the ashbin of history for most people in the wake of the civil society revolutions of 1989. In roughly half of the world other than China, North Korea and the more autocratic regimes of central Asia and the Middle East, the dream of the ascendant state has given way to 'mixed' or pluralist regimes of multiple institutional sectors in which a principal political dynamic has been debate over the size, scope and legitimacy of the state (Habermas 1988; Nozick 1974).[4] When this is spoken of, as it often is, in terms of "socialism" vs. "capitalism" or similar language, important dimensions of collective action apart from the state and markets are cast aside. And, even in the officially autocratic world, everywhere, perhaps except North Korea, dissident individuals and associations continue to contest the supremacy of the state. Meanwhile, in a great many locales in Central Asia and the 'Middle East' including Iraq, Afghanistan and Syria a kind of de facto associationism of tribes, gangs, clans, warlords and terrorist groups gives the lie to official autocratic rhetoric.

In the sometimes arcane language of contemporary social theory, these important issues are often spoken of in terms of "colonization"; specifically the colonization of the lifeworld by markets or states (Habermas 1984). In particular, the possibilities for colonization of the plurality and diversity characterizing the life worlds of commons by either markets or governments appear to be growing. External and internal threats of such colonization may be due either to lack of confidence in the traditional moeurs of collective behavior as these have evolved in international dialogue since the 17th century. Accompanying declines in genuine civic participation, may be due to relative restrictions on the resources available for collective voluntary action in commons. Foremost among the internal forces of colonization within the existing nonprofit sector are the strong tendencies in nonprofit management suggesting that only "businessification" or being more business-like will suffice; i.e. for the democratic new commons in society and culture to become more business-like by adopting the moeurs of the marketplace, which are alleged to be efficiency effectiveness and the embrace of 'best practices'. Democracy in organization or community may, particularly in the short run, be wretchedly inefficient, so what is needed once short-run perspectives are securely in place is often said to be the autocracy of the leader/CEO, and greater professionalization of activity and the embrace of national or industry wide "best practices."

In this final chapter we will examine a number of different alternative futures, including the convergence of public, private and commons institutions through institutional isomorphism, the more-or-less complete privatization and commodification of democratic society and culture, which is termed the rise of 'treason', armed society, café society, and

[4] It must be said, however, that the extreme limits on the state posed by the libertarian view of Cornuelle and others has served largely as a critical and limiting view, rather than the major future alternative he intended.

perhaps most disturbing of all, the dystopia outlined by Donald C. Hodges under such diverse headings as managerial socialism, or socialism without socialists, post-capitalism and professionalism.

Real and Imagined Treason

For several decades, the books and periodical literature of the American far right and more recently, the airwaves of Fox News and 'talk radio' have been filled with claims of duplicity, treachery, and 'treason' by public officials and a variety of political associations including the United Nations, the Council on Foreign Relations, the NAACP and other civil rights organizations, and the American Civil Liberties Union. Similar themes were earlier sounded by Attorney General Mitchell Palmer in the early 1920s, in the 1950s by Sen. Joseph McCarthy and J. Edgar Hoover, and in the 1960s by the John Birch Society and publication of the "backstairs political" classic by John Stormer titled *None Dare Call It Treason* which has sold millions of copies. (Hannah Arendt is credited with coining that phrase "backstairs political literature" for works of this type.) Perhaps the closest thing to it in the past decade is Anne Coulter's screed, *Treason: Liberal Treachery from the Cold War to the War on Terrorism* a best seller that clearly illustrates the style.

So significant and durable is this drumbeat that it has provoked a literature of analysis and response (or, if you are a true believer in this sort of thing, a literature of apologetics and attempted deflection) among historians and social scientists (c.f., Fenster 2008). Perhaps the two most original and enduring works in this vein are by Richard Hofsteder: *The Paranoid Style and Other Essays* (2008 [1965]) and *Anti-Intellectualism in American Life* (1963)

It is beyond my brief here to analyze or even to cite in any detail any of this backstairs political literature or the responses it has provoked, even though they are related to themes explored here like social capital and moral economy. I wish to note only that both the breakdown of trust signaled by what Hofstadter called the paranoid style and Fenster and others have termed conspiracy theories, that any organization, association or institution can be said to constitute a conspiracy against the public interest, and the climate of distrust and even fear that such accusations may engender can act as powerful incentives for declining civic engagement and participation for a great many people. In such a climate new commons cannot thrive, and may even shrivel and die.

Armed and Uncivil

During the writing of this book, more than half a dozen mass killings at schools, including the horrendous Virginia Tech killings and the Columbine high school massacre in Colorado the attempted assassination of Arizona Rep. Gabrielle Giffords, and perhaps most disturbing of all, the killing of 20 five and six year olds in Newtown, Connecticut combined with the slightly implausible *District of Columbia v. Heller* decided in 2008 and *McDonald v. Chicago* decided in 2010, Supreme Court rulings that the Second Amendment of the U.S. Constitution

extends the "militia" concept to the virtually unlimited ownership of a limitless range of weapons and ammunition by private individuals. By the beginning of 2013, nearly half of state legislatures had also enabled the carrying of concealed weapons in public places – including virtually all of the traditional spaces of voluntary action.

One aspect of this that has drawn virtually no attention in the published literature of voluntary action is the threat of a radical alternative to conventional conception of civil society these decisions and enactments pose and enable. Lest there be any doubt on this matter, speeches and press releases of the National Rifle Association, calling among other things for the posting of armed guards at all public schools and the carrying of concealed weapons at public gatherings make this clear. Even where 'no weapons allowed' postings are in place, this logic may transcend. I have, for example, had acquaintances tell me and show me several times how they carried both knives and pistols into sporting events with crowds numbering in the thousands. In West Virginia, the state motto is *Montani Semper Liberi* (Mountaineers Are Always Free). This sense of freedom often translates into precisely the kind of code of personal weapons possession espoused by the National Rifle Association, including carry arms to sporting events, parades, church services, other civil assemblies and even university classes. The question of why one might need to be armed at a football game, basketball game or public hearing is asked, but goes largely unanswered. Lest one think this is some type of 'uncivilized' but colorful remnant of a largely rural, Appalachian past, one need only Google "shooting at high school football" or any other scholastic sports to find evidence to the contrary in many, if not most, urban centers and a great many suburban communities as well.

Any answer to the question of why seems to involve moving beyond ordinary conceptions of civil society. Conversation and communication are the essence of voluntary action in democratic society, but as the political philosopher Hannah Arendt observed, violence is mute. At the same time, there are perceptions of the sinister and threatening nature of the "other". One need only imagine the dampening effect on discussion in a pluralistic gathering of citizens to discuss a controversial community measure where numerous participants are visibly armed and fearful; yet this is a plausible explanation for the decline of civic participation that has received little or no attention in the current literature. Discussion where some participants are armed would likely be constrained in the extreme out of fear of provoking such warriors, and civil discourse would descend into simply bullying and society descend to the so called "dark ages" of knights and brigands. The same would hold for all of the assemblies and canopies discussed above. Such reservations also extend far beyond assemblies; within living memory in the United States, Europe and numerous other places in the world, the dampening effects of armed gunmen has been all too clearly demonstrated. It is, in fact, not a stretch at all to suggest that an armed society is the antithesis of conventional ideas of voluntary action, public deliberation and civil society. The message is clear and simple: An armed citizenry with no

limits or effective controls as the Court has enabled them represents the breakdown of civil society in any meaningful sense of that term.

The Iron Cage

There are other challenges and alternatives to philanthropic action by new commons in civil society, and some of them even come from within "the sector". No matter what organizational problem nonprofit and nongovernmental organizations encounter, it would appear, a single contemporary answer in practice is always a nonprofit firm or quasi-public bureau or, in more general terms, a 'formal organization'. And when appeals to policy and incentives fail to satisfy as organizational solutions, the answer would appear to be still more and better (e.g., "more efficient and effective") policies and incentives. Thus, voluntary action is seen as a merely preliminary, impermanent stage in the institutionalization of nonprofit firms.

Fellow citizens are experiencing a problem? The first and most obvious answer for many is to organize a 'program' to 'meet their needs', hire a staff of professional workers and transform victims into clients. Recipients of a large donation or grant don't behave as expected? The answer must be to promulgate additional regulations and requirements or tie them down with more explicit contracts! Publicly funded nonprofit bureaus don't meet the multiple, imprecise and conflicting expectations of city councilors, state agency officials, foundation staff and members of Congress? Rewrite the guidelines! And if that doesn't work, impose penalties!

And, when those familiar pathways fail to produce the desired solutions, we look to our foundations to create financial incentives for "innovative" programs, but preferably nothing too innovative, lest they embarrass the rest of us. For these and similar reasons, most forms of 'nonprofit organization' in recent decades tend more and more toward a single model of organization identified in previous chapters as 'bureaucratic firms': Where mission should always be a prelude to measurable goals and objectives, where any problem can be attacked by policy and procedures manuals, where all consequences of organized action are, in principle, measurable, and where the only forms of permissible human behavior are those deemed by the authority of widespread agreement to be 'best practices'. This view is falsely narrow and misleading. Voluntary action outside the household, market and state may take many forms and types. But under the present regime most of these are simply written out of third sector notions by fiat. This has produced a distinct, and discouragingly effective "iron cage of rationality" locking in many nonprofit services, removing them from the vital core of civil society, and making it unlikely that they can ever be a part of any future transition to great democratization of society.

The Steely Bounds of Reason

We have already noted a looser standard of rationality used in this argument. Now, it remains to outline the reasons for this tack. The general critique of the bounds of rationality in organizations and social institutions is, in considerable part, traceable to Max Weber. In the original German language of *Die Protestantesche Ethik und der Geist des Kapitalismus*; translated as *The Protestant Ethic and the Spirit of Capitalism* (1958), Weber used the term *stahlhartes*

Gehäuse, which translates literally as hard steel housing. Housing, in this sense, does not refer to residences for people, but rather in an engineering sense to a case that encloses and bounds moveable parts, as in a transmission housing. In his 1958 translation of Weber's book, Talcott Parsons chose instead the term 'iron cage' and for half a century Parsons' term has been closely associated with Weber among English language readers.

Institutional Isomorphism And Sector Convergence

As noted previously, DiMaggio and Powell (1983) applied Weber's perspective with their intriguing hypothesis of institutional isomorphism and inadvertently touched off contemporary "sector convergence" thinking. The question naturally arises from this view, whether there is any place for an independent sector in a fully converged world: As it happens, Steven Ealy (2004) examined this precise question in the context of the progressive liberalism of William James and the activist conservatism of George Will. He concluded: "At best, philanthropy might achieve the status of an intermediary institution to which government might delegate a chore or two, but certainly not the status of independent institutions from which alternative visions of the good life could flow and which could legitimately participate in the public life of the community as a proponent of those views" (S. Ealy, 2004). The problem, in Ealy's view is traceable to a view of the state exemplified by Leo Strauss' claim that "the political association...is the most comprehensive or authoritative association in society" and to offer the political philosophies of Michael Polanyi and Michael Oakeshott as alternative. As is common among political philosophers, neither has anything explicit to say about voluntary action, but both illustrate forms of the pluralist regime discussed above, and the idea that the political sphere is but one of several sectors or zones in modern life.

Putnam's Couch Potatoes

The essence of the celebrated case for the decline of civil society made by Robert Putnam rests upon the decline of civic involvement. Some critics harbor doubts that such decline has occurred and a number of critics have suggested that Putnam is incorrect about the nature of the problem. Others accept the case and the arguments and have moved on to propose a growing inventory of correctives to arrest the decline; most of which are taken from the familiar play books of voluntary action as fashioned by progressive liberalism (organize; get a grant – or a sugar daddy; etc.). One very plausible rival to a robust and plural civil society characterized by, civic engagement and voluntary action is the one mentioned in Putnam's *Bowling Alone* (2000). Putnam found television to be a major factor in the decline of civic participation but left the door open to additional explanations. We can call this "the couch potato" thesis; the suggestion that the middle class, or, in another light, working class and bourgeoisie, prefers the entertainment of television watching to participation in voluntary action. The metaphor of "Putnam's couch potatoes" came to me in an email from Jon Van Til. The attractions of this option have expanded recently to include 'surfing the net', movies on demand, and the various virtual attractions of online gaming and social media. As noted above,

the threats and intimidation and the prospect of armed adversaries both offer strong disincentives for many people who wish to withdraw from civic engagement to the comfort and safety of their television and computer screens. This is, it would seem, potentially a kind of soft totalitarian control of the very sort many of the most paranoid claim to be concerned about; except it is the tyranny of the vocal and armed minority rather than the majority or the state which may poses the greatest threat. The list of such inducements continues to grow longer and more strident, ranging from McCarthyism in the 1950s and anti-communist rhetoric through the 1980s, concerns about civil rights, Vietnam war, and counter-cultural protesters in the 1960s, the Patriot Act of 2002 and successive waves of rhetoric suggesting that "anyone who disagrees with me is a Traitor!" from the populist talk radio industry. Given that such rhetoric is sometimes accompanied by actual death threats or threats of physical violence, it is not hard to see how some people could be put off by this climate. Yet, it appears that there is another, much larger, phenomenon that may account for the lion's share of withdrawal from civil society, and that can be termed the rise of café society as a substitute form of intermediate institution.

The Dubious Intermediacy of Café Society

Many people I value – and in particular younger people – act and lead their lives as if the world outside of markets, states and their own intimate spheres was not at all a world of civil society, social economy and voluntary action, but another type of social world entirely. Many of those people in fact share a style of voluntary association and community in their social life to which I have never been particularly drawn but recognize, perhaps with the clarity of an outsider: This is not society organized around the kinds of public spheres or coalitions of radically decentered associations usually associated with the third sector. Nor is it an ideal society of speaking and listening, of writing and reading on issues of public concern and importance that is generally what people mean by civil society. It is instead society built upon radically different forums of public life entirely. In fact, it is so distinct and different from what is ordinarily meant by civil society that one can fairly suggest that it exists as a public realm outside of or apart from civil society in another space entirely. The term that best fits and describes this public sphere is 'café society', although others have used terms such as clubculture (Redhead & Henry, 1997) and, of course, there is the generic alternative from the 1960s counterculture (Yinger, 1960).

Café Society

Café society is hardly a new idea or ideal, although the term is not quite as old as its more serious sibling, civil society. Characterizations of the late Roman Empire often speak of "bread and circuses." Modern café society was a feature of *la belle epoch* Paris in the 1890s as seen in the drawings of Toulouse Lautrec, and in surviving photographs of Delmonico's in New York. By the 1920's a nightclub in New York City bore the name *Café Society*, a term which might well characterize the Jazz Age portrayed by F. Scott' Fitzgerald's *The Great Gatsby* and others. Chapters One and Two of Stefan Zweig's *The World of Yesterday* contains a similar portrait of community life for the Jewish haute bourgeoisie in Vienna from the mid-19th to

World War I (Zweig and Bell, 2013). Terms like Bell Epoche, Gay Nineties, Roaring Twenties and whatever we choose to call the present indicate particular periods of ascent of café society. Like civil society, café society is associated with a distinct repertory of associations, assemblies and such social institutions as night clubs, music halls, and more recently discotheques, stadium concerts attracting thousands, fan clubs, flash mobs, and a wide network of media including radio stations, magazines, posters, audio and video recordings, specialized clothing, fads and fashions and much more. In fact, the rise of the modern institutions of civil society is paralleled closely and frequently overshadowed by the rise of café society throughout the developed world. This proximity is much more important for some facets of voluntary action like theater, museums and arts activities than for others, notably charities and social services. Café society as a legitimate alternative to civil society is an urban phenomenon in a predominantly urban world, especially since the world population officially became more urban than rural on May 28, 2007. (See http://www.gizmag.com/go/7334/). London, Paris, Berlin, New York, Los Angeles, Chicago, New Orleans, San Francisco, Tokyo, Budapest, Bangkok, Beirut, Havana, Cairo and hundreds of other cities have all been celebrated at one time or another for their "nightlife", a phrase which takes on singular meaning everywhere in connection with café society.

It is often the appeal of café society –the opportunity to drink, dance, laugh, cry and be thrilled or otherwise entertained to a far greater extent than the appeal of civil society to talk and listen, to read and write, to volunteer and donate – that attracts millions of young people to particular urban centers throughout the world. Excitement, rather than engagement is one of the hallmarks of café society. Recently, for example, one hears frequently that Berlin rivals London as the world's most exciting and interesting city, or that the excitement is returning to New Orleans or that Shanghai is more exciting than Beijing. Certainly, this should not be news to anyone with a serious grasp on current reality, although few serious social theorists of civil society have been so gauche as to broach the matter very directly. In general, contemporary social and political research and theory has for the most part been reluctant to grapple with the rather obvious implications of a relationship between the development of café society and the decline of civil society. Putnam's (2000) focus on television as a reason for declining civic participation opens this avenue but does not explore it.

Thus, it may be disturbing for some readers to consider the suggestion that it is the ascent of the entire vast subculture of café society – and not merely television – that is offsetting and, in some respects, compensating for the declining civil society, and that declining social capital in civil society may be traced not only to the mass entertainment media (radio, television, movies) but also to the underlying sub-cultures of café society of which they are part. This also impacts on such other trends as the commercial transformation of the Internet from an invention tailored for the knowledge commons of scientists and humanists into an entertainment medium, the rise of "infotainment", "reality television", theme parks, sporting events and public spectacles of all types.

When considered as a whole, café society offers a more or less complete alternative set of new commons (or at least faux commons with close ties to markets); commons which are

similarly voluntary in nature, expressive of their own distinctive purposes, able to generate and mobilize their own resources, including creating a sense of identity and solidarity among participants and provoking their own emergent norms of justice and fair play. At its very best, the practices of café society, in the work of Cole Porter, Duke Ellington and other contributors to the "American songbook" and selected "best sellers" in drama and literature, have already begun to merge with and meld into older ("classical") civil society cultural practices in concert halls, theaters and markets.

Perhaps the greatest challenge facing contemporary civil society theory is the task of stating in plausible terms – as distinct from the self-contained tropes of classic social theory inherited from ancient Greece, where café society was all but nonexistent and 18th Century Europe, where it was part of the "underworld" and not a fit subject for "polite society" – a case for the superiority of civil society over café society, or at least the relation and connections between the two. Clearly for many of our peers, the tides are running strongly in the opposite direction. While nonprofit symphony and opera companies struggle economically, for example, rock, pop, hip hop, country, jazz, and other musical styles are highly profitable, as are NASCAR races, NFLs, NBAs and Premier Leagues and innumerable other professional sporting events. For members of contemporary societies all over the world, the faux commons of café society constitute very potent alternatives to the associative commons of civic participation, club membership, even religious participation, and working for social causes.

By café society I refer to voluntary participation, shared purposes and shared resources in which dining, drinking, dancing, dating and casual conversation provide the structure for a sizeable portion (perhaps the majority) of the association and non-work related social action of large numbers of people. Networks of specialized social organizations and institutions (night clubs, dance halls, theaters, cabarets, dating, "hang outs", etc.) exist to further this interest and provide a vast milieu for such behavior. In addition, a variety of household-based activities from formal dinner parties to cocktail parties and soirees, pool parties, holiday parties, Super Bowl parties and other events and assemblies can also be characterized as household-based café society. Of all household-based activities of this type, salons perhaps have the most in common with the traditional focus of civic participation. Specialized networks of micro-institutions also serve to further this interest like dating – and its contemporary variant – not dating, just-friends, just-go-out-for-a-drink, a dance, or "hooking up". Café society also includes casino gambling and bingo clubs for senior citizens.

Being "out in public" today is just as likely – in many cases, more likely – to mean regular participation in the institutions of café society than it is to be participating in civil society. Social capital generation, to the extent it happens, arises as much in the contexts and situations of café society as in the more traditional forms of civil society. Thus, as a trust building exercise, board members of an association are likely to try "going out for a drink after the meeting" before hosting a trust-building workshop. Even though most social scientists participate in café society and use its resources to generate a goodly share of their own social capital they have generally been reluctant to see this as a "serious" phenomenon. Daily life outside of work is organized to

an important degree around the requirements, expectations and demands of café society for many participants. (Get off work early to go to a concert or nightclub.) In contrast to the lost world of exclusive class-based participation portrayed by Stefan Zweig, in *The World of Yesterday* contemporary café society includes participation from all SES and most groups in society.

There has also been a continuing but largely ineffectual backlash from the religious right, exemplified by, among other things, the WCTU, Prohibition, and Sunday Blue Laws, the Moral Majority, "culture wars" and the Tea Party. One can hear elements of café society denounced every Sunday in churches throughout the land. Such messages are directed partly at those people who the night before went clubbing. The conflict between religion and "night life" is immortalized, for example, in the character of Sportin' Life in *Porgy and Bess*, and the trope of *Saturday Night and Sunday Morning*, which were also the titles of a 1958 novel and 1960 film, and has been the subject of innumerable sermons before and since.

The phenomenon of café society is an international one that has been evolving across many decades. In the 1980's the single most vivid impression of an international visitor to our college town was the paucity of nightclubs like those she was accustomed to in Cairo (Egypt, not Illinois). Café society even has a range of its own policy issues and controversies. These are often captured in movies and songs:

Moulin Rouge, Woody Allen's *Midnight in Paris*, *Casablanca, Follies, Irma La Duce*, and *Can Can, Ocean's Eleven* and its sequel and numerous other films deal with café society tropes and themes or are set in café society locales. Many of these films, within the norms of café society represent "pure entertainment"; displaying, in the words of Noel Coward, one of the genuine inventers of the genre, "a talent to amuse." Some, like the indie documentary *Crazy Horse,* released in 2011, aspire to the level of serious works of art. The translation of burlesque and vaudeville to the new medium of television in the 1950s and such "hit shows" as Jackie Gleason, Ed Sullivan, Milton Berle, Jack Bennie, Lucille Ball, Bob Hope and numerous others that laid down the most successful formulas for early television success and many of the major tropes of café society.

Some contemporary urban residents move easily between the contrasting social worlds of café society and civil society, but it seems unlikely that the privately owned venues of night clubs, sports arenas, race tracks, and casinos or even the multitudinous online social media offer a social matrix or institutions capable of sustaining genuine common space or performing the kind of mediating roles necessary to protect the autonomy of the individual that Tocqueville, Berger and Neuhaus and others have highlighted.

In café society advocates of civil society are faced with a fundamental question of whether it poses a friendly, or at least civil, competitor for the time and attention of modern citizens, who may divide their free time between 'clubbing' and more traditional forms of civic participation. Or does café society represent a fundamentally antagonistic competitor to traditional civic engagement, in which people will choose to 'hang out' with their friends at NBA games, NASCAR races, and Facebook, over serving on civic boards, volunteering, donating,

participating in community parades or pageants or any of the multitudinous other activities that have defined 'civic' voluntary action. Must advocates of civic engagement settle merely for the remnant; the minority of those who are bored or uninterested by the bright lights and loud noises that café society offers. Much hangs on the answer to these questions.

'Socialism without Socialists'

This final chapter concludes with a brief discussion of another alternative to civil society, as outlined in the four volume series of books by the American political philosopher Donald C. Hodges (1923-2009). Hodges wrote on the global rise of a new political order he calls professionalism. A student of Walter Burnham, who is best known for his critique of the rise of the managerial class, Hodges' four volumes seek to revise and extend Burnham's legacy. Both are, perhaps ironically, little known among independent sector and commons scholars, although their arguments extend both Weber's iron cage of rationality and the DiMaggio/Powell isomorphism in a variety of interesting directions. I only stumbled across Hodges' last work, entitled *Deep Republicanism* (2003), when I was in a late stages of writing this book and trolling the political philosophy section of the university library for work on corporatism. It was the last in a series that began with *America's New Economic Order* (1996) and also included *Class Politics in the Information Age* (2000) and *Mexico: The End of the Revolution* (2002), the latter co-authored with Ross Gandy. My purpose in introducing Hodges here is more provocation than polemic: food for further review and consideration. I rely heavily in these comments on a review of Hodge's opus by Benli M. Shechter (2009)

The remarkable principal thesis of this four-volume series is Hodges' claim that the contemporary world order is in the invulnerable grip of a complex development he alternatively calls "managerial socialism" (Hodges, 1996), "post-capitalism" (Hodges, 2000), "socialism without socialists" and "fascism without fascists", "corporatization" (Hodges' substitute term for globalization), and ultimately "professionalism" (Hodges, 2003; Hodges, 2008). The implications for voluntary action in the independent sector are at least as stark and profound as café society. Professionalism, in his view, has gradually come to replace the bourgeois capitalism of the modern world. Hodges traces a gradual, growing, and largely unstoppable takeover of the economy of the U.S., Britain, France, Germany, Russia and Japan and is moving into other countries as well. He finds its origins during World War I, maturing in the post-war boom years after World War II, and coming to fruition in the contemporary information economy or knowledge economy. Contemporary American libertarian and conservative intellectuals trace the origins more exactly to American progressivism and 'liberalism'. (See Lloyd, 2006).

The decline of citizen participation together with the takeover of the voluntary action of assorted knowledge commons by experts, professional and disciplinary specialization, and the replacement of voluntary associations with nonprofit bureaucratic firms is merely one small facet of what Hodges sees as a much broader trend. However it is labeled, this development

poses a major alternative to the egalitarian civil society of contemporary lore and raises many of the same concerns as Weber, Burnham and Hannah Arendt. Professionalization also offers a powerful alternative explanation for the decline of civic participation; alternative to Putnam's couch potatoes, anxiety about political character assassination and the rise of café society. And, if Hodges is correct, merely encouraging citizens to "get involved" in their communities is likely to result only in a disneyfication (or disneyization) of civil society; faux participation with a cartoon-like feeling of reality after the manner of theme parks. One of the clearest examples of such a trend are the "silver haired legislatures" in West Virginia and other states, where senior citizens get together for several days to pretend to make legislative decisions and in other ways simulate civic activism. The suggestion is that such simulations will lead to increased civic engagement among the elderly. Some of the "opportunities" for "participation" offered by both major political parties already have this flavor.

Comment has already been made above about the ways in which contemporary scholars have tended to accept with no discomfort the substitution of professionally staffed and managed nonprofit organizations for the voluntary action of Tocqueville, the dramatic growth of bureaucratic firms and even the rise of the peculiar form of Hooverite associationism labeled "third party government". Another of the relatively obvious evidences of Hodge's thesis can be found in the reluctance of contemporary activists to proceed on just about any front without the advice and 'clearance' of lawyers offering expert opinions that what they seek to do is legal. Yet CEO's and other managers and lawyers are hardly the only professionals complicit in this. Hodges locates this multivalent development relative to the legacy of Niccolo Machiavelli, which he subdivides into what he calls the shallow republicanism of the "Atlantic Republican Tradition" (Pocock, 1975) of civic humanism, Tocqueville (whom Hodges doesn't mention), James Madison and the American founding fathers. On the other branch of his dichotomy he finds the deep republicanism of the European republican tradition of Rousseau, the French Revolution, Marx, the First International and what Shechter (2009) terms "the greatest experiment in deep republicanism still known to man" the Russian Revolution and Soviet Communism and the yet-to-fully play out Chinese experiment with communism. Shechter (2009) notes that Hodges' distinction between deep and shallow republicanism is "not part of the conventional wisdom;" which certainly qualifies as an understatement. This is in contrast, for example, with Weber's iron cage of rationality. It is doubtful that Hodges means "greatest" in this context as anything more than longest, most sustained, to which might be added and ultimately failing. Another bit of evidence supportive of Hodges' claim is found in the growing income inequality in the U.S. and elsewhere, and the role of the "new class" of professionals – physicians, professors, managers, engineers, lawyers, and expert knowledge elites – in that disparity.

There is something deeply provocative, and profoundly challenging in Hodge's claims, and the implications for voluntary action run quite counter to the claims for voluntary action

made throughout this volume. Superficially, Hodges' argument could be read as a justification for further replacement of democratic association and assembly with professionally staffed bureaucratic firms capable of 'managing' the civic engagement of communities for maximum effect, and further growth of third party government. However, both of these conclusions constitute naturalistic fallacies, equating an empirical trend toward something with what should be. Just as importantly, such conclusions would completely overlook the capabilities of voluntary action for creative action through the distillation of new moeurs. Hodges' work, like those of Habermas on colonization and other works cited previously, deserves more careful attention than can be devoted to it here. The principal challenge for voluntary action in new commons for the foreseeable future, is likely to be to try to reconcile the claims of voluntary action with new thinking in political philosophy like that of Hodges.

So, what does the vision of new commons outlined in the preceding chapters tell us about the future, particularly as an analytical element of civil society and an important feature in recent history of the appearance and spread of social democracy? Unfortunately, the crystal ball is decidedly murky. Without doubt some variant of contemporary society, including the elements of philanthropy, charity in community and an underlying civic humanism will continue for quite some time. If Hodges is correct, civil society in the future will be stratified in entirely new ways, yet knowledge commons will likely be very much part of the action, becoming in effect part of the new power structure of society. If, on the other hand, more egalitarian thinkers about commons operating from within the deep republican tradition are correct, entirely new forms of solidarity and equality may be emerging to counter the influence of professionalization. Democratic society and culture, unlike the state, is not a one-option "winner take all" condition, and in the short run many different, even contrary or antagonistic, possibilities may play out at once. Democratic society is truly a "big tent" within which an extremely broad range of possible options can be accommodated. That is the very essence of its pluralism.

What is clear is that the principal venue for the evolution of the next stages of democratic society that are anticipated by some contemporary political philosophers will not arise initially from either the state or the market. They will come from the vast arenas of voluntary action in the public and semipublic spaces that some contemporary analysts, for no good reason, call the third sector. The major challenge for the state under these conditions will not be, as in some Marxian communist utopia, to wither away, but instead to be limited to enforcing the boundaries of justice as these may be agreed to by a popular majority. At the very least this will include protecting the possibilities of imagining, proposing and forming new social institutions, making credible commitments, and allowing mutual monitoring of expressions and actions of peers.

The main challenge for the market sector with respect to voluntary action is more complex. At one end of the spectrum are the important entrepreneur-philanthropists, well

represented in our time by Hewlett, Packard, William Gates, Steve Jobs, perhaps Mark Zuckerberg, and numerous others. There is also, however, the challenge of curtailing the market colonization arising from the enthusiasm of "free market" enthusiasts to the extent that a tiny fraction of the population is not allowed to gobble up all of the available fungible wealth, in the process destroying, not only the market sector, e.g., the purchasing power of the rest of the population, but also severely limiting the capacity of most of the population to engage in the good work of philanthropy.

One of the persistent ironies of the independent sector that adherents of strict sectoral (market or state) perspectives don't have to accept or even acknowledge is the multiple ways in which voluntary action insinuates itself into other sectors, particularly the commercial sector devoted to buying and selling. Thus, we saw how, for the price of a cup of coffee or a sandwich, denizens of Philadelphia's Reading Market are able to create and participate in a "cosmopolitan canopy" of inter-racial mixing in an otherwise highly segregated city. People sitting reading the newspaper and engaging in casual conversation in Philadelphia are not terribly far removed from the emergence of public spaces in the 18th century coffee houses of London, Paris, Berlin and elsewhere in Europe who brought about a "structural transformation of public space".

Appendix A

The wider third sector may include (among others and alphabetically):

- An arts and culture sector (Cameron, 1991; Selwood and Brown, 2001);
- Civic engagement and citizen participation (Kettering, 2012);
- Common resource pooling of the third sector (Hess, 2008; Hess and Ostrom, 2007; Lohmann, 1992);
- Community organization (Briggs, 2008; Milofsky, 2008; Safford, 2009);
- communitarian perspectives (Etzioni, et. al., 2004);
- Cooperatives and economic cooperation (Quarter, Mook, and Armstrong, 2009; Rothschild and Whitt, 1986);
- Development NGOs (Fisher, 1998; Fisher, 2012; Lewis and Kanji, 2009);
- Donor wealth and social class (Ostrower, 1997; Schervish and Havens, 2001);
- European exceptionalism (Evers and LaVille, 2004; LaVille, 2011);
- Foundations (Lagemann, et. al. 1999; Lindemann, 1936 [1988]; Ostrander, 2007);
- Gifts/gift theory (Titmuss, 1970; Godbout, et. al., 1997);
- Grassroots organizations (Clifton and Dahms, 1993; Horton Smith, 2000);
- Human services (Beito, 2000; Beito, et. al., 2002; Billis, 1984; Perlmutter, 1997);
- Libertarian model of an independent sector (Cornuelle, 1965; issues of *Conversations on Philanthropy*;);
- Marketing (Sargeant and Wymer, 2008; Sargeant, 2009; Sargeant , 2010; Wymer, et. al. 2006) Issues of *International Journal of Nonprofit Marketing*);
- Mutual Aid and Self Help (Borkman, 1999; Gitterman and Shulman, 2005; Katz and Bender, 1976);
- Nonprofit accounting (Mook, 2013);
- Nonprofit organizations (Anheir, 2005; Salamon, various years; various other sources)
- Organizational culture (Martin, 1992);
- Organization theory (Galaskiewicz and Bielefeld, 1998);
- Philanthropy (Burlingame, 2004; McCully, 2008; Payton, 1988);
- Planned change (Mayer, Moroney & Morris, 1974; Wilson, 1964; Billis, 1980);
- Policy (Phillips and Smith, 2011);
- Prosocial behavior (Lohmann, 1992, pp. 237-252);
- Religious organization and collective behavior (Cnaan, Wineburg, & Boddie, 2001; Harris, 1995; Wineburg; 2001; Wuthnow & Hodgkinson, 1990)
- Small groups (Follett, 1920; Gamm and Putnam, 1999; Harrington, 2004; Olson, 1965);
- Service learning (Furco and Billig, 2002);

- Social economy (Bouchard, 2013; LaVille, 2011; Quarter, Mook and Armstrong, 2009; Vaillancourt, 2003);
- Social enterprise (Young, et. al., 1983; Sherraden, 2005);
- Spontaneous order (De Zerega, 2011); systems (Boulding, 1990);
- Volunteering (Rochester, 2012);
- Voluntary action (Van Til; Horton-Smith; 1991; Horton-Smith, 1992; Smith, 1937).

The suggestion here is that each of these perspectives makes contributions to our overall understanding of what the mission statement of *Voluntary Sector Review* calls *the wider third sector*. There are also important concepts like coproduction, federalism (Ostrom, 2008); hybridity (Billis, 2010), membership (Horton-Smith, 1991; Skocpol, 2003), polyarchy (Dahl), polycentrism (Ostrom, Tibout & Warren, 1961); self-governance, social capital and spontaneous order (De Zerega, 2009; Lohmann, 2011).

References

Adair, S. (1996). Overcoming a collective action frame in the remaking of an antinuclear opposition. *Sociological Forum*, *11*(2), 347-375.

Adams, B. (2004). Public meetings and the democratic process. *Public Administration Review*, *64*(1), 43-54.

Adams, J. L. (1986). Voluntary Associations: Sociocultural Analyses and Theological Interpretations. In.

Aistrup, J. A. (1996). *The southern strategy revisited: Republican top-down advancement in the South.* University Press of Kentucky.

Al Jallad, N. (2008). The concepts of al-halal and al-haram in the Arab-Muslim culture: a translational and lexicographical study. *Language Design: Journal of Theoretical and Experimental Linguistics*, 10), 77-86.

Aligica, P. D., & Boettke, P. J. (2009). *Challenging institutional analysis and development:the Bloomington school.* London: New York: Routledge.

Alinsky, S. D. (1989). *Rules for radicals:a practical primer for realistic radicals* (Vintage Books ed.). New York: Vintage Books.

Allen, R. A. (1987). The Potlatch and Social Equilibrium. *Northwest Anthropological Research Notes*, *21*(1-2), 233-244.

Allsup, R. E. (2004). Of concert bands and garage bands: Creating democracy through popular music. *Bridging the gap: Popular music and music education*, *204*, 23.

Anderson, E. (2011). *The cosmopolitan canopy:race and civility in everyday life* (1st ed. ed.). New York, NY: W.W. Norton & Co.

Anderson, J. (2007). The Catholic contribution to democratization's 'third wave': altruism, hegemony or self-interest? *Cambridge Review of International Affairs*, *20*(3), 383-399.

Anderson, T. L., & Hill, P. J. (1983). Privatizing the commons: an improvement? *Southern Economic Journal,* 438-450.

Andreoni, J. (1990). Impure altruism and donations to public goods: a theory of warm-glow giving. *The Economic Journal*, 464-477.

Andrusz, G. D., Harloe, M., & Szelényi, I. (1996). *Cities after socialism:urban and regional change and conflict in post-socialist societies.* Oxford: Cambridge, Mass., USA: Blackwell.

Anheier, H. K. (2005). *Nonprofit organizations:theory, management, policy.* London: New York, NY: Routledge.

Annunziato, F. (1993). Introduction to Reclaiming the American dream: the role of private individuals and voluntary associations. In R. C. Cornuelle(pp. xxxv, 199). New Brunswick, N.J., U.S.A.: Transaction Publishers.

Aoki, K. (2003). Weeds, Seeds & (and) Deeds: Recent Skirmishes in the Seed Wars. *Cardozo Journal of International and Comparative Literature*, *11*, 247.

Appiah, K. A. (2011). Honor code: how moral revolutions happen. *Journal of Applied Philosophy*, *28*(1), 96-99.

Araral, E. (2009). What explains collective action in the commons? Theory and evidence from the Philippines. *World Development*, *37*(3), 687-697.

Armitage, D. (2011). Probing the foundations of Tully's public philosophy. *Political Theory*, *39*(1), 124-130.

Ash, T.G. (1993). *The magic lantern:the revolution of '89 witnessed in Warsaw, Budapest, Berlin, and Prague* (1st Vintage books ed. ed.). New York: Vintage Books.

Augsburger, D. W. (1992). *Conflict mediation across cultures: pathways and patterns* (1st ed. ed.). Louisville, Ky.: Westminster/John Knox Press.

Auster, P. J., Fujita, R., Kellert, S. R., Avise, J., Campagna, C., Cuker, B., & Glynn, P. (2009). Developing an Ocean Ethic: Science, Utility, Aesthetics, Self-Interest, and Different Ways of Knowing. *Conservation Biology*, *23*(1), 233-235.

Axinn, J., & Stern, M. (1988). *Dependency and Poverty: Old Problems in a New World.* Lexington MA: Lexington Books.

Babchuk, N. (1962). *The Voluntary Association of the Slum.* 1962: Lincoln.

Babchuk, N., & Booth, A. (1969). Voluntary association membership: a longitudinal analysis. *American Sociological Review*, *34*(1), 31-45.

Babchuk, N., & Schmidt, A. J. (1976). Voluntary Associations, Social Change and Racial Discrimination: An Analysis of Means and Ends. *Journal of Voluntary Action Research*, *5*(2), 65-74.

Badger, T. (1997). " The Forerunner of Our Opposition": Arkansas and the Southern Manifesto of 1956. *The Arkansas Historical Quarterly,* 353-360.

Badhwar, N. K. (1993). *Friendship: A philosophical reader.* Cornell University Press.

Badhwar, N. K. (2008). Friendship and commercial societies. *Politics, Philosophy & Economics*, *7*(3), 301-326.

Bai, D. H. (1992). Canadian immigration policy and the voluntary sector: The case of the Edmonton Immigrant Services Association. *Human Organization*, *51*(1), 23-34.

Bailey, F. G. (1971). *Gifts and Poison: The Politics of Reputation*. Barnes, R. L. (2003). The

Gift of Giving; Community Foundations help donors give, charities work. *The Santa Fe New Mexican*, pp. E-8.

Barber, B. R. (1984). *Strong democracy: participatory politics for a new age.* Berkeley: University of California Press.

Barber, B. R. (1988). *The Conquest of Politics: Liberal Philosophy in Democratic Times*. Princeton NJ: Princeton University Press.

Barber, B. R. (1998). *A passion for democracy: American essays.* Princeton, N.J.: Princeton University Press.

Barnes, P. (2006). *Capitalism 3.0: a guide to reclaiming the commons* (1st ed. ed. Vol. A BK currents book). San Francisco Berkeley: Berrett-Koehler U.S. trade bookstores and wholesalers, Publishers Group West.

Barnes, R. L. (2003). The Gift of Giving; Community Foundations help donors give, charities work. *The Santa Fe New Mexican*, pp. E-8.

Baron, H. (1955). *The crisis of the early Italian Renaissance; civic humanism and republican liberty in an age of classicism and tyranny.* Princeton, N.J.: Princeton University Press.

Beito, D. T. (2000). *From mutual aid to the welfare state: fraternal societies and social services, 1890-1967.* Chapel Hill: University of North Carolina Press.

Beito, D. T., Gordon, P., & Tabarrok, A. (2002). *The voluntary city: choice, community, and civil society* (Economics, cognition, and society). Ann Arbor [Oakland, Calif.]: University of Michigan Press Independent Institute.

Bell, D. (1992). America's Cultural Wars. *Wilson Quarterly*, *16*(3), 74-107.

Bellah, R. N., Madsen, R., Sullivan, W. M., Swidler, A., & Tipton, S. M. (1985). *Habits of the Heart: Individualism and Commitment in American Life.* New York: HarperCollins.

Benhabib, S. (1992). 3 Models of Public Space: Hannah Arendt, the Liberal Tradition. Habermas and the Public Sphere. In C. Calhoun(pp. 73-98). Cambridge MA: MIT Press.

Benhabib, S. (2003). *The reluctant modernism of Hannah Arendt* (New ed. ed.). Lanham, Md.: Rowman & Littlefield.

Benkler, Y. (2002). Coase's Penguin, or, Linux and 'The Nature of the Firm. *Yale Law Journal*, 369-446.

Benkler, Y. (2004). Intellectual property. Commons-based strategies and the problems of patents. *Science*, *305*(5687), 1110-1111.

Benkler, Y. (2006). *The wealth of networks: how social production transforms markets and freedom.* New Haven [Conn.]: Yale University Press.

Berger, P. L. (1990). *The sacred canopy: elements of a sociological theory of religion.* New

York: Anchor Books.

Berger, P. L., & Luckman, T. (1966). *The Social Construction Of Reality: A Treatise In The Sociology of Knowledge*. Garden City NY: Anchor Doubleday.

Berger, P. L., & Neuhaus, R. J. (1977). *To empower people: the role of mediating structures in public policy* (Studies in political and social processes). Washington: American Enterprise Institute for Public Policy Research.

Berger, P. L., Neuhaus, R. J., & Novak, M. (1996). *To empower people: from state to civil society* (2nd ed.). Washington, D.C.: American Enterprise Institute.

Bergstrom, T. C. (2001). Free Labor for Costly Journals?, 60. Bergstrom, T. C. (2001). Free Labor for Costly Journals? *Journal of Economic Perspectives*, *15*(3), 183-198.

Bernstein, R. (1971). *Praxis and Action*. Philadelphia: University of Pennsylvania Press.

Bernstein, R. (1976). *The Restructuring of Social and Political Theory.* Philadelphia: University of Pennsylvania Press.

Bernstein, R. J. (2010). *The Pragmatic Turn.* New York: Polity.

Bertalanffy, L. V. (1969). *General system theory; foundations, development, applications.* New York: G. Braziller.

Beveridge, W. H. B. (1948). *Voluntary action; a report on methods of social advance.* New York: Macmillan Co.

Biddle, B. J. (1986). Recent Development in Role Theory. *Annual Review of Sociology*, *12*, 67-92. Retrieved from http://www.jstor.org/stable/2083195

Biemiller, L. (1991). Tracing a Culture's Metamorphosis in Its Cemeteries. *Chronicle of Higher Education*, p. A5.

Billis, D. (1980). Planned change in voluntary and government social service agencies. In *Organizational change and development*. Haworth Press.

Billis, D. (1984). *Welfare bureaucracies: their design and change in response to social problems*. London: Heinemann.

Billis, D. (Ed.). (2010). *Hybrid organizations and the third sector: Challenges for practice, theory and policy.* London: Palgrave Macmillan.

Blumer, H. (1955). Collective Behavior. In A. M. Lee (Ed.), *Principles of Sociology*. New York: Barnes and Noble.

Blumer, H. (1971). Social problems as collective behavior. *Social Problems*, *18*, 298-306.

Boettke, P. J. (2010). Is the only form of 'reasonable regulation' self regulation?: Lessons from Lin Ostrom on regulating the commons and cultivating citizens. *Public Choice*,

143(3-4), 283-291.

Boettke, P. J., & Prychitko, D. L. (2004). Is an Independent Nonprofit Sector Prone to Failure? An Austrian School Analysis of the Salamon Paradigm and the Lohmann Challenge. *Working Paper. Institute for Nonprofit Organization Management: no. 3*.

Boettke, P. J., & Prychitko, D. L. (2004). Toward an Austrian school interpretation of nonprofit and voluntary action. *Conversations on Philanthropy: An interdisciplinary series of reflections and research*, *1*(1), 1-40.

Bollier, D. (2007). The growth of the commons paradigm. In C. Hess & E. Ostrom (Eds.), *Understanding knowledge as a commons: from theory to practice.* Cambridge MA: MIT Press.

Bollier, D., & Racine, L. (2005). *Ready to share: creativity in fashion & digital culture.* Norman Lear Center, Annenberg School of Communication, University of Southern California.

Boorstin, D. (1973). *The Americans: The Democratic Experience*. New York: Random House.

Boris, E. T., & Steuerle, C. E. (2006). *Nonprofits & government: collaboration & conflict* (2nd ed.). Washington, D.C.: Urban Institute Press.

Borkman, T. J. (1999). *Understanding Self Help/Mutual Aid: Experiential Learning in the Commons*. New Brunswick: Rutgers University Press.

Bouchard, M. J. (Ed.). (2013). *Innovation and the Social Economy: The Quebec Experience*. Toronto Canada: University of Toronto Press.

Boulding, K. E. (1956). *The image; knowledge in life and society*. Ann Arbor,: University of Michigan Press.

Boulding, K. (1981). *A Preface to Grants Economics: The Economy of Love and Fear.* New York: Praeger.

Boulding, K. E. (1973). *The Economy of Love and Fear: A Preface to Grants Economics.* Belmont, CA: Wadsworth Publishing.

Boulding, K. E. (1990). *Three faces of power.* Newbury Park, Calif.: Sage Publications.

Boulding, K. E., Pfaff, M., & Horvath, J. (1972). Grants Economics: A Simple Introduction. *The American Economist*, *16*(1), 19-35.

Bowers, C. A. (2006). *Revitalizing the commons: cultural and educational sites of resistance and affirmation*. Lanham, [Md.]: Lexington Books.

Boyle, J. (2003a). Foreword: The Opposite of Property? *Law and Contemporary Problems*, *1*(Winter/Spring), 30.

Boyle, J. (2003b). The Second Enclosure Movement and the Construction of the Public Domain, The. *Law & Contemp. Probs.*, *66*, 33.

Boyle, J. (2008). *The public domain: Enclosing the commons of the mind.* New Haven, Conn.; London: Yale University Press, 2008.

Brainard, L., Boland, K., & McNutt, J. G. (2012, November 15-17). *The Advent of Technology Enhanced Leaderless Transnational Social Movement Organizations: Implications for Transnational Advocacy*. Proceedings from ARNOVA, Indianapolis, IN.

Branch, T. (1988). *Parting the Waters: America in the King Years, 1954-63*. New York: Simon & Schuster.

Branch, T. (1997). *Pillar of Fire: America In the King Years, 1963-65*. New York: Simon & Schuster.

Branch, T. (2006). *At Canaan's edge: America in the King years, 1965-68*. New York: Simon & Schuster.

Brandsen, T., & Pestoff, V. (2006). Co-production, the third sector and the delivery of public services: An introduction. *Public management review*, *8*(4), 493-501.

Brandt, G. W. (1993). *German and Dutch Theatre, 1600-1848*. New York: Cambridge University Press.

Branscomb, A. W. (1994). *Who owns information?: from privacy to public access*. New York, NY: BasicBooks.

Bremner, R. H. (1988). *American philanthropy* (2nd ed.). Chicago: University of Chicago Press.

Briggs, R. (2008). Community engagement for counter-terrorism: lessons from the United Kingdom. *International Affairs*, *86*(4), 971-981.

Brilliant, E. L. (2000). *Private charity and public inquiry: a history of the Filer and Peterson commissions.* Bloomington: Indiana University Press.

Brody, E. M. (1994). Agents without principles: The economic convergence of the nonprofit and for-profit organizational forms. *New York Law School Legal Review*, 457.

Brooks, A. (2000). Is there a dark side to government subsidy of nonprofits? *Public Administration Review*, *60*(3), 211-218.

Brown, M. F. (2003). *Who owns native culture?* Cambridge, Mass.: Harvard University Press.

Buck, S. J. (1998). *The global commons: an introduction*. Washington, D.C.: Island Press.

Buckley, J. J. (2005). *Simulating fuzzy systems* (Studies in fuzziness and soft computing, v. 171). Berlin New York: Springer.

Buechler, S. M. (1993). Beyond Resource Mobilization: Emerging Trends in Social Movement Theory. *The Sociological Quarterly*, *34*(2), 217-235.

Buechler, S. M. (2000). *Social movements in advanced capitalism: the political economy and cultural construction of social activism*. New York: Oxford University Press.

Burkholder, J. S., & Cramer, D. C. (2012). *Activist impulse: essays on the intersection of evangelicalism and Anabaptism*. Eugene, Or.: Pickwick Publications.

Burlingame, D. (2004). *Philanthropy in America: a comprehensive historical encyclopedia*. Santa Barbara, Calif.: ABC-CLIO.

Burnham, K. E. (1979). *God comes to America: Father Divine and the Peace Mission Movement*. Boston: Lambeth Press.

Butsch, R. (2010). Crowds, publics and consumers: representing English theater audiences from the Globe to the OP riots. *Participations: Journal of Audience and Reception Studies*, *7*(1), 31-48.

Button, K., & Pentacost, E. (1993). Regional Service Sector Convergence. *Regional Studies*, *27*(7), 623-636.

Cameron, C. M. (1991). The New Arts Industry: Non-Profits in an Age of Competition. *Human Organizations*, *50*(3), 225-234.

Cameron, W. B. (1954). Sociological notes on the jam session. *Social forces*, 177-182. (Retrieved from http://www.jstor.org/stable/2573543 on September 3, 2014.)

Campbell, D. (2002). Outcomes Assessment and the Paradox of Nonprofit Accountability. *Nonprofit Management and Leadership*, *12*(3), 243-260.

Campbell, P. S. (1995). Of garage bands and song-getting: The musical development of young rock musicians. *Research Studies in Music Education*, *4*(1), 12-20.

Cantril, H. (1941). *The Psychology of Social Movements*. New York: John Wiley and Sons.

Castells, M. (1985). *From the Urban Question to the City and the Grassroots*. Urban and Regional Studies, University of Sussex. Retrieved from

http://www.opengrey.eu/item/display/10068/532012

Certeau, M. d., & Giard, L. (1997). *Culture in the plural.* Minneapolis: University of Minnesota Press.

Certeau, M. d., & Giard, L. (1998). *The capture of speech and other political writings.* Minneapolis: University of Minnesota Press.

Chalmers, T. (1827). *On the Use and Abuse of Literary and Ecclesiastical Endowments.* London: A. Constable and Co.

Chalmers, T. and Masterman, N. (1900). Chalmers on Charity: A Selection of Passages and Scenes to Illustrate the Social Teaching and Practical Work of Thomas Chalmers. In. Westminster, England: Archibald Constable and Co.

Chaves, M. (1998). The Catholic philanthropic tradition in America, by MJ Oates. *Nonprofit & Voluntary Sector Quarterly*, *27*(1), 95-98.

Cheyney, A. S. (1918). *Community organization in war time*. Philadelphia:(No publisher listed).

Clarke, C. (2006). Empty threat: Why New Jersey's gay marriage ruling won't cause a backlash. *The New Republic*.

Clerc, S. J. (2002). *Who Owns Our Culture?: The Battle Over the Internet, Copyright, Media Fandom, and Everyday Uses of the Cultural Commons.* Dissertation. Bowling Green State University.

Clifton, R. L., & Dahms, A. M. (1993). *Grassroots organizations: a resource book for directors, staff, and volunteers of small, community-based nonprofit agencies* (2nd ed.). Prospect Heights, Ill.: Waveland Press.

Cnaan, R. A., & Boddie, S. C. (2002). *The invisible caring hand: American congregations and the provision of welfare*. New York: London: New York University Press.

Cnaan, R. A., & Milofsky, C. (2007). *Handbook of community movements and local organizations* (Handbooks of sociology and social research). New York: London: Springer.

Cnaan, R. A., & Milofsky, C. (2007). *Handbook of community movements and local organizations* (Handbooks of sociology and social research). New York: London: Springer.

Cnaan, R. A., Wineburg, R. J., & Boddie, S. C. (1999). *The newer deal: social work and religion in partnership*. New York: Columbia University Press.

Coase, R. (1937). The Nature of the Firm. *Economica*, *12*(16), 386-405.

Cohen, J. L., & Arato, A. (1992). *Civil Society and Political Theory.* Cambridge MA: MIT Press.

Coker, F. W. (1921). The technique of the pluralistic state. *American Political Science Review*, *15*(2), 186-213. Retrieved from http://www.jstor.org/stable/1944082

Cole, G. D. H. (1920). *Chaos and order in industry.* London: Methuen & Co. Ltd.

Commission, F. (1975). *Giving in America: Toward A Stronger Voluntary Sector.* Washington, DC: Commission on Private Philanthropy and Public Needs.

Cooke, M. (2000). Five arguments for deliberative democracy. *Political Studies*, *48.5.*, 947-969.

Cooley, C. H. (1912). *Human nature and the social order*. New York: C. Scribner's sons.

Cornuelle, R. C. (1965). *Reclaiming the American dream.* New York,: Random House.

Cornuelle, R. C., & Finch, R. H. (1968). *The new conservative liberal manifesto.* San Diego, Calif.,: Viewpoint Books.

Coulson, N. J. (1964). *A History of Islamic Law.* Edinburgh: University of Edinburgh Press.

Council, N. H., & Assembly, N. S. W. (1966). *Audit Guide for Voluntary Health and Welfare Organizations.* New York: The Associations.

Cover, Robert M. (1983). "The Supreme Court, 1982 Term -- Foreword: Nomos and Narrative". Faculty Scholarship Series. Paper 2705. http://digitalcommons.law.yale.edu/fss_papers/2705

Crew, D. F. (1998). *Germans on welfare: from Weimar to Hitler.* New York: Oxford University Press.

Crocker, R. H. (1992). *Social Work and Social Order: The Settlement Movement in Two Industrial Cities, 1889-1930.* Urbana IL: University of Illinois Press.

Dabhoiwala, F. (2012). *The origins of sex: a history of the first sexual revolution*. New York: Oxford University Press. Retrieved from http://books.google.com/books?hl=en&lr=&id=1yW1vK8rTLUC&oi=fnd&pg=PP2&dq=The+Origin+of+Sex+Dabhoiwala&ots=nr7Tm-Gquq&sig=sxkNAH4suqgIl4mS8uPvEllABQw

Dahl, R. A. (1961). *Who governs? Democracy and power in an American city.* New Haven,: Yale University Press.

Dahl, R. A., & Lindblom, C. E. (1953). *Politics, economics, and welfare: planning and politico-economic systems resolved into basic social processes.* New York,: Harper.

Dalby, D., & Donadio, R. (2011). Irish report says abuse says Catholic church's sexual abuse scandal has persisted. *New York Times*, p. A6.

Davis, N. Z. (2000). *The gift in sixteenth-century France*. New York: Oxford University Press.

De Peuter, G., & Dyer-Witheford, N. (2010). Commons and cooperatives. *Affinities: a journal of radical theory, culture, and action*, *4*(1).

De Zerega, G. (2011). Spontaneous Order and Liberalism's Complex Relation to Democracy. *The Independent Review: A Journal of Political Economy*, *16*(2), 173-197.

Della, P., Donatella, Kriesi, H., & Rucht, D. (2009). *Social movements in a globalizing world.* Basingstoke: Palgrave Macmillan.

Della, P., Donatella. (2009). *Democracy in social movements.* Basingstoke: Palgrave Macmillan.

Dershowitz, A. M. (2013). The Great Dissent: How Oliver Wendell Holmes Changed His Mind and

Changed the History of Free Speech in America. Sunday Book Review. *New York Times*. August 22, 2013.

Dewey, J. (1927). *The public and its problems.* New York,: H. Holt and Company.

Diggins, J. P. (1994). *The promise of pragmatism: modernism and the crisis of knowledge and authority.* Chicago: University of Chicago Press.

Dilger, R. J. (1992). *Neighborhood Politics: Residential Community Associations in American Governance.* New York: New York University Press.

DiMaggio, P. J., & Powell, W. W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, *48*(2), 147-160.

Dryzek, J. S. (1996). *Democracy in capitalist times: ideals, limits, and struggles.* New York: Oxford University Press.

Dufwenberg, M., & Kirchsteiger., G. (2004). A theory of sequential reciprocity. *Games and Economic Behavior*, *47*(2), 268-298.

Dworkin, R. M. (2006). *Is democracy possible here?: principles for a new political debate.* Princeton, N.J.: Princeton University Press.

Dworkin, R. M. (2010). The Decision that Threatens Democracy. *The New York Review of Books*. Retrieved from http://www.nybooks.com/articles/archives/2010/may/13/decision-threatens-democracy/?pagination=false

Ealy, S. P. (2011). Civil society and philanthropy. *Conversations on Philanthropy: An interdisciplinary series of reflections and research*, *8*, 211-216.

Earl, J., & Kimport, K. (2011). *Digitally enabled social change: activism in the Internet age.* Cambridge, Mass.: MIT Press.

Eaton, A. H. (1932). *Immigrant Gifts to American Life; Some Experiments in Appreciation of the Contributions of our Foreign-Born Citizens to American Culture*. New York: Russell Sage Foundation.

Ebrahim, A. (2003). Making sense of accountability: Conceptual perspectives from northern and southern nonprofits. *Nonprofit Management & Leadership*, *14*(2), 191-212.

Ebrahim, A., & Weisband, E. (2007). *Global accountabilities: participation, pluralism, and public ethics.* Cambridge: New York: Cambridge University Press.

Edelman, M. J. (1964). *The symbolic uses of politics.* Urbana: University of Illinois Press.

Edelman, M. J. (1971). *Politics as symbolic action; mass arousal and quiescence* (Institute for Research on Poverty monograph series). Chicago: Markham Pub. Co.

Edelman, M. J. (1974). *The political language of the helping professions.* [Madison]: University of Wisconsin--Madison.

Edelman, M. J. (1977). *Political language: words that succeed and policies that fail* (Institute for Research on Poverty monograph series). New York: Academic Press.

Edelman, M. J. (1985). *The symbolic uses of politics* (Illini books ed. ed.). Urbana: University of Illinois Press.

Edwards, B., & Foley, M. W. (1998). Civil society and social capital beyond Putnam. *American Behavioral Scientist*, *42*(1), 124-139.

Edwards, B., & McCarthy, J. D. (2004). Resources and social movement mobilization. *The Blackwell companion to social movements*, 116-152.

Edwards, M. (2004). *Civil society.* Malden, MA: Polity Press.

Ehrenberg, J. (1999). *Civil society: the critical history of an idea.* New York: New York University Press.

Eikenberry, A. M. (2009). *Giving circles: philanthropy, voluntary association, and democracy*. Bloomington: Indiana University Press.

Eisenberg, P. (2013). On gun control, White House fails to tap power of (its own and other) nonprofits. The Nonprofit Quarterly.

Elazar, D. (1972). American federalism: The view from the states. New York: Thomas Y. Crowell.

Elazar, D. J. (1997). Covenant and Commonwealth: From Christian Separation Through the Protestant Reformation, the Covenant Tradition in Politics, Volume II. N.J.: Transaction Publishers.

Ellickson, R. C. (1991). *Order without law: How neighbors settle disputes.* Cambridge: Harvard University Press.

Elmer, P. (2000). *Challenges to authority* (Renaissance in Europe). New Haven, Conn.: Yale University Press in association with the Open University.

Elshtain, J. B. (2002). *Jane Addams and the dream of American democracy: a life.* New York: Basic Books.

Elson, P. R. (2011). *High ideals and noble intentions: voluntary sector-government relations in Canada*. Toronto: University of Toronto Press.

Elstub, S. (2008). *Towards a deliberative and associational democracy.* Edinburgh: Edinburgh University Press.

Etzioni, A. (1963). *A Comparative Theory of Complex Organizations.* New York: Free Press.

Etzioni, A. (1968). *The Active Society: A Theory Of Societal And Political Processes.* New York: The Free Press.

Etzioni, A., Volmert, D., & Rothschild, E. (2004). *The communitarian reader: beyond the essentials*. Lanham, Md.: Rowman & Littlefield Publishers.

Evers, A. (2005). News from Old Europe? On the notions of social economy and social enterprise. *Democracy and Society*, *2*(2).

Evers, A. (2010). Observations on incivility: blind spots in third sector research. *Voluntary Sector Review*, *1*(1), 113-117.

Evers, A. (2013). The concept of civil society: Different understandings and their implications for third sector policy. *Voluntary Sector Review*, *4*(2), 149-164.

Evers, A., & Laville, J.-L. (2004). *The third sector in Europe.* Northampton, Mass.: Edward Elgar Publishing.

Falk, A., & Fischbacher, U. (2006). A theory of reciprocity. *Games and Economic Behavior*, *54*(2), 293-315.

Fanon, F. (1963). *The Wretched of the Earth: The Handbook for the Black Revolution That is Changing the Shape of the World*. New York: Grove Press.

Feagin, W. F. (1914). *Community organization*. (available in digital form on the Internet Archive Web site.)

Feldesman, J. L., & Hewes, L. I. (1976). Issues and problems associated with the administration of federal financial assistance programs by nonprofit, voluntary, social service organizations. In. Washington DC: Boasberg, Hewes, Finkelstein and Klores.

Fenster, M. (2008). *Conspiracy theories: secrecy and power in American culture* (Rev. and updated ed. ed.). Minneapolis: University of Minnesota Press.

Filer, J. (1970). *Foundations, Private Giving and Public Policy Report and Recommendations of the Commission on Foundations and Private Philanthropy* (1). Chicago IL: University of Chicago Press.

Fine, G. A., & Harrington, B. (2004). Tiny publics: Small groups and civil society. *Sociological Theory*, *22*(3), 341-356.

Fischel, W. A. (2003). The rise of private neighborhood associations: revolution or evolution? *The Property Tax, Land Use and Land Use Regulation,* 209-272.

Fisher, J. (1993). *The road from Rio: sustainable development and the nongovernmental movement in the Third World*. Westport, Conn.: Praeger.

Fisher, J. (1998). *Nongovernments: NGOs and the political development of the Third World*. West Hartford, Conn.: Kumarian Press.

Fisher, J. (2012). *Importing democracy: the role of ngos in south africa, tajikistan, & argentina*. Dayton, OH: Kettering Foundation Press.

Fisher, J. (2012). *Importing democracy: the role of ngos in south africa, tajikistan, & argentina*. Dayton, OH: Kettering Foundation Press.

Fishkin, J. S. (1996). *The Voice of the People: Public Opinion and Democracy.* New Haven: Yale University Press.

Fishman, S. (2010). *Every nonprofit's tax guide: how to keep your tax-exempt status & avoid IRS problems*. Berkeley, Calif.: Nolo.

Fogel, R. W. (2000). *The fourth great awakening & the future of egalitarianism*. Chicago: University of Chicago Press.

Follett, M. P. (1920). *The New State.* London: Longmans, Green.

Foster, L. (2010). Sex and Conflict in New Religious Movements: A Comparison of the Oneida Community under John Humphrey Noyes and the Early Mormons under Joseph Smith and his Would-Be Successors.

Frankel, C. (1958). John Dewey's Legacy. *The American Scholar*, *29*, 320. Retrieved from Lawson, 1971:99.

Fremont-Smith, M. R. (2004). *Governing nonprofit organizations: federal and state law and regulation.* Cambridge, Mass.: Belknap Press of Harvard University Press.

Friedland, R., & Hecht, R. D. (1991). The politics of sacred place: Jerusalem's Temple Mount/al-haram al-sharif. *Sacred places and profane spaces: essays in the geographics of Judaism, Christianity, and Islam,* 21-61.

Frumkin, P., & Galaskiewicz, J. (2004). Institutional isomorphism and public sector organizations. *Journal of Public Administration Research and Theory*, *14*(3), 283-307.

Fung, A. (2003). Deliberative democracy and international labor standards. *Governance*, *16*(1), 51-71.

Furco, A., & Billig, S. (2002). *Service-learning: the essence of the pedagogy*. Greenwich, CT: Information Age Pub.

Furst, A. (1991). *Dark star.* Boston: Houghton Mifflin.

Galaskiewicz, J., & Bielefeld, W. (1998). *Nonprofit Organizations in an Age of Uncertainty*. Hawthorne NY: Aldine.

Gamm, G., & Putnam, R. D. (1999). The growth of voluntary associations in America, 1840-1940. *Journal of Interdisciplinary History*, *29*(4), 511-557.

Gari, L. (2002). Arabic treatises on environmental pollution up to the end of the thirteenth century. *Environment and History,* 475-488.

Gari, L. (2006). A history of the hima conservation system. *Environment and History*, *12*(2), 213-228.

Garofalo, J., & McLeod, M. (1989). The structure and operations of neighborhood watch programs in the United States. *Crime & Delinquency*, *35*(3), 326-344.

Gaventa, J. (1980). *Power and powerlessness: quiescence and rebellion in an Appalachian valley*. Urbana: University of Illinois Press.

Gellner, E. (1994). *Conditions of liberty: civil society and its rivals* (1st American ed. ed.). New York, N.Y.: Allen Lane/Penguin Press.

Gennep, A. v. (1960). *The rites of passage.* Chicago: University of Chicago Press.

Gettleman, M. E., & Mermelstein, D. (1967). *The Great Society reader; the failure of American liberalism.* New York: Random House.

Gibelman, M. (1990). National voluntary health agencies in an era of change: experiences and adaptations. *Administration in Social Work*, *14*(3), 17-32.

Gide, C., & Rist, C. (1948). *A History of Economic Doctrines from the Physiocrats to the Present Day*. London: Harrap.

Gierke, O. F. (1966). *The development of political theory.* (trans. F.R. Maitland) New York: H. Fertig.

Gierke, O. F. (2007). *Political theories of the middle age* (F. R. Maitland, Trans. Reprint ed.). San Rafael, Calif.: Archivum Press.

Gifis, S. H. (1991). *Law Dictionary* (3rd ed.). New York: Barrons.

Gilbert, F. (1949). Bernardo Rucellai and the Orti Oricellari: a study on the origin of modern political thought. *Journal of the Warburg and Courtauld Institutes*, 101-131. Retrieved from HTTP://www.jstor.org/discover/10.2307/750259?uid=3739968&uid=2&uid=4&uid=3739256&sid=21104652855947

Ginkel, J. (2002). Identity construction in Latvia's "singing revolution": Why inter-ethnic conflict failed to occur. *Nationalities Papers*, *30*(3), 403-433.

Gitterman, A., & Shulman, L. (2005). *Mutual aid groups, vulnerable and resilient populations, and the life cycle* (3rd ed. ed.). New York: Columbia University Press.

Gitterman, A., & Shulman, L. (2005). *Mutual aid groups, vulnerable and resilient populations, and the life cycle* (3rd ed. ed.). New York: Columbia University Press.

Gleditsch, K. S., & Ward, M. D. (1997). Double Take: A reexamination of Democracy and Autocracy in Modern Polities. *Journal of Conflict Resolution*, *41*(3), 361-383.

Glendon, M. A. (2002). *A world made new: Eleanor Roosevelt and the Universal Declaration of Human Rights.* Random House Trade Paperbacks.

Glowacki, P., & Hendry, J. (2004). *Hull-House.* Charleston, SC: Arcadia.

Godbout, J., Caillé, A., & Winkler, D. (1998). *The world of the gift.* Montreal: Ithaca: McGill-Queen's University Press.

Gomme, G. L. (1880). *Primitive folk-moots: or, Open-air assemblies in Britain.* S. Low, Marston, Searle & Rivington.

Goodall, H. (2012). Remaking the places of belonging: Arabic immigrants and the urban environment along Sydney's Georges River. *Naturally Immigrants,* 52.

Goodman, P., & Goodman, P. (1960). *Communitas; means of livelihood and ways of life* ([2d ed., rev.] ed.). New York: Vintage Books.

Gordon, C. W., & Babchuk, N. (1959). A typology of voluntary associations. *American Sociological Review*, *24*(1), 22-29.

Gouldner, A. (1960). The Norm of Reciprocity. *American Sociological Review*, *25*, 161-178.

Gouldner, A. W. (1970). *The coming crisis of Western sociology*. New York: Basic Books.

Graebner, W. (1986). The small group and democratic social engineering, 1900-1950. *Journal of Social Issues*, *42*(1), 137-154.

Grantham, G. W. (1980). The persistence of open-field farming in nineteenth-century France. *Journal of Economic History,* 515-531.

Grob, G. N. (2009). *Mental institutions in America: social policy to 1875.* New Brunswick: Transaction.Gurteen, S. H. (1882). *A Handbook of Charity Organizations*. Buffalo NY: Courier Company.

Gurteen, S. H., & YA Pamphlet Collection (Library of Congress). (1881). *What is charity organization?: an address delivered at Indianapolis, December 3, 1879 and before the Board of Trade, Detroit, Dec 23, 1879.* Buffalo: Bidelow Brothers Steam Printers.

Gusfield, J. R. (1955). Social Structure and Moral Reform: A Study of the Woman's Christian Temperance Union. *American Journal of Sociology*, *61*, 221-232.

Gusfield, J. R. (1979). " Buddy, Can You Paradigm?": The Crisis of Theory in the Welfare State. *The Pacific Sociological Review*, *22*(1), 3-22.

Gutmann, A., & Thompson, D. (1996). *Democracy and Disagreement.* Cambridge: Harvard University Press.

Habermas, J. (1984). *The theory of communicative action.* Boston: Beacon Press.

Habermas, J. (1988). *Legitimation crisis.* Cambridge, UK: Polity Press.

Habermas, J. (1989). *The structural transformation of the public sphere: an inquiry into a category of bourgeois society*. Cambridge, Mass.: MIT Press.

Habermas, J. (1996). *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy.* Cambridge MA: MIT Press.

Hall, J. R. (2004). Jonestown in the twenty-first century. *Society*, *41*(2), 9-11.

Hall, P. D. (2013). Philanthropy, the nonprofit sector and the democratic dilemma. *Daedalus*, 1390158.

Halpern, J. (2012). The Secret of the Temple. *The New Yorker*,.

Hanover: Tufts University Press ;

Hardimon, M. O. (1994). *Hegel's social philosophy: the project of reconciliation.* Cambridge [England]: New York, NY, USA: Cambridge University Press.

Hardin, G. (1968). The Tragedy of the Commons. *Science*, *162*, 1243-1248.

Hardin, G. (1982). Discriminating altruisms. *Zygon: Journal of Religion and Science*, *17*(2), 163-186.

Hardin, G. J., & Baden, J. (1977). *Managing the commons.* San Francisco: W. H. Freeman.

Hardt, M., & Negri, A. (2000). *Empire*. Cambridge, Mass.: Harvard University Press.

Hardt, M., & Negri, A. (2004). *Multitude: war and democracy in the age of Empire*. New York: The Penguin Press.

Hardt, M., & Negri, A. (2009). *Commonwealth*. Cambridge, Mass.: Belknap Press of Harvard University Press.

Harpham, E. (1984). Liberalism, civic humanism, and the case of Adam Smith. *The American Political Science Review*, 764-774.

Harrington, B. (2004). Tiny Publics: Small Groups and Civil Society. *Sociological Theory*, 341-356. Retrieved from http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?db=pubmed&cmd=Retrieve&dopt=AbstractPlus&list_uids=3648921

Harris, B., & Bridgen, P. (2007). *Charity and mutual aid in Europe and North America since 1800* (Routledge studies in modern British history: 4). New York: Routledge.

Harris, M. (1995). The Organization of Religious Congregations: Tackling the Issues. *Nonprofit Management & Leadership*, *5*(3), 261-274.

Hart, R. P., & Sparrow, B. H. (2001). *Politics, discourse, and American society: new agendas*. Lanham, Md.: Rowman & Littlefield.

Harvey, J. T., & Katovich, M. A. (1992). Symbolic interactionism and institutionalism: common roots. *Journal of Economic Issues,* 791-812.

Hassan, T. A., & Mertens, T. M. (2011). Market sentiment: A tragedy of the commons.

American Economic Review, 402-405.

Hawkins, R. B. (1993). Foreword. In V. Ostrom, D. Feeny, & H. Picht (Eds.), *Rethinking Institutional Analysis and Development* (pp. xiii-xxiv). San Francisco CA: Institute for Contemporary Studies.

Hawley, E. W. (1974). Herbert Hoover, the Commerce Secretariat, and the Vision of an "Associative State," 1921-1928. *The Journal of American History,* 116-140.

Heath, J. (2001). *Communicative action and rational choice.* Cambridge, Mass.: MIT Press.

Heidhues, M. S. (2006). *Chinese Voluntary and Involuntary Associations in Indonesia.* Hong Kong University Press.

Heimann, G. Can States be Friends? The Relevance of Friendship to International Relations. *ipedr.com*,.

Henderson, C. R. (1895). The place and function of voluntary associations. *American Journal of Sociology*, *1*(3), 327-334.

Henderson, H. (1995). New Markets and New Commons. *Futures*, *27*(2), 113-123.

Hess, C. (2001). *Is there anything new under the sun?: A discussion and survey of*

Hess, C. (2008). Mapping the new commons., 75 pp. Retrieved from http://ssrn.com/abstract=1356835

Hess, C., & Ostrom, E. (2007). *Understanding knowledge as a commons: from theory to practice.* Cambridge, Mass.: MIT Press.

Hewa, S., & Hove, P. (1997). *Philanthropy and cultural context: Western philanthropy in South, East, and Southeast Asia in the 20th century.* Lanham, Md.: University Press of America.

Hewitt, J. P. (1996). *Reconceptualizing the voluntary sector: Associative democracy in the pluralistic public sphere and the legacy of Tocqueville, Gierke and Durkheim*. Proceedings from Australia New Zealand Society for Third Sector Research, Wellington NZ.

Hillary, G. (1963). *Communal Organizations: A Study of Local Societies*. Chicago: University of Chicago Press.

Hinkle, G. J. (1992). Habermas, Mead, and rationality. *Symbolic Interaction*, *15*(3), 315-331.

Hirschman, A. O. (1981). *Exit, voice, and loyalty: responses to decline in firms, organizations, and states.* Cambridge, Mass.: Harvard University Press.

Hirst, P. (1994). *Associative Democracy: New Forms of Economic and Social Governance.* Boston: University of Massachusetts Press.

Hobbes, T., & Tuck, R. (1996). *Leviathan* (Rev. student ed. ed.). Cambridge: New York: Cambridge University Press.

Hodges, D. C. (1996). *America's new economic order*. Avebury: Brookfield, Vt.: Avebury.

Hodges, D. C. (2000). *Class politics in the information age*. Urbana: University of Illinois Press.

Hodges, D. C. (2003). *Deep republicanism: prelude to professionalism*. Lanham: Lexington Books.

Hodges, D. C., & Gandy, R. (2002). *Mexico, the end of the revolution*. Westport, Conn.: Praeger.

Hodgkinson, V. A., & Toppe, C. (1991). A New Research and Planning Tool for Managers: The National Taxonomy of Exempt Entities. *Nonprofit Management & Leadership*, *1*(4), 403-414.

Hoffer, E. (2002). *The true believer: thoughts on the nature of mass movements* (1st Perennial classics ed.).

Hofstadter, R. (1963). *Anti-intellectualism in American life.* ([1st ed.] ed.). New York: Knopf.

Hofstadter, R. (2008). *The paranoid style in American politics, and other essays* (1st Vintage Books ed. ed.). New York: Vintage Books.

Holland, T. P., & Ritvo, R. A. (2008). *Nonprofit organizations: principles and practices.* New York: Columbia University Press.

Holmberg, S. R. (2011). *Solving the" Coffee Paradox": Understanding Ethiopia's Coffee Cooperatives Through Elinor Ostrom's Theory of the Commons.* Ph.D. Dissertation. University of Massachusetts, Boston.

Honneth, A. (1992). *Cultural-political interventions in the unfinished project of enlightenment* (Studies in contemporary German social thought). Cambridge, Mass.: MIT Press.

Hooghe, M. (2002). *Is Reciprocity Sufficient? Trust and Reciprocity as Forms of Social Capital*. Proceedings from Conference Papers -- American Political Science Association.

Hooghe, M., & Stolle, D. (Eds.). (2003). *Generating social capital: Civil society and institutions in comparative perspective*. Palgrave Macmillan.

Horne, J. R. (2001). *A social laboratory for modern France: the Musée social and the rise of the welfare state*. Durham, NC: Duke University Press.

Horton, A. I. (1989). *The Highlander Folk School: a history of its major programs, 1932-1961* (Martin Luther King, Jr. and the civil rights movement: 13). Brooklyn, N.Y.: Carlson Pub.

Hostetler, J. A., & Hostetler, J. A. (1995). *The Amish* (Rev. ed.). Scottdale, Pa.: Herald Press.

Hu-DeHart, E. (2006). *Voluntary organizations in the Chinese diaspora.* Hong Kong University Press.

Huang, C. C. (Ed.). (2014). *China's Nonprofit Sector: Process and Challenges*. New Brunswick NJ: Transaction Press.

Hume, D., Norton, D. F., & Norton, M. J. ([1738] 2000). *A treatise of human nature.* Oxford: New York: Oxford University Press.

Hunter, A., & Milofsky, C. (2007). *Pragmatic liberalism: constructing a civil society* (1st ed. ed.). New York: Palgrave Macmillan.

Hunter, F. (1953). *Community Power Structure: A Study of Decision Makers*. New York: Anchor.

Huntington, S. P. (1965). Political development and political decay. *World Politics*, *17*(3), 386-430.

Hyde, L. (2007). *The gift: creativity and the artist in the modern world* (25th anniversary ed.). New York: Vintage Books.

Ibarra Gèuell, P. (2002). *Social movements and democracy*. New York: Palgrave.

Independent Sector. (1987). National Taxonomy of Exempt Entities [NTEE]: A System for Classifying Nonbusiness, Tax-exempt Organizations in the U S with a Focus on IRS Section 501 (c) (3) Philanthropic Organizations.

Independent Sector. (1987). National Taxonomy of Exempt Entities [NTEE]. *A System for Classifying Nonbusiness, Tax-exempt Organizations in the U.S. with a Focus on IRS Section 501(c)(3) Philanthropic Organizations*.

Jackson, P. (1978). Black charity in Progressive Era Chicago. *Social Service Review*, *52*(3), 400-417.

Jacobs, J. (1961). *The Death and Life of Great American Cities*. New York: Vintage.

Jaggers, K., & Gurr, T. R. (1995). Tracking Democracy's Third Wave with the Polity III Data. *Journal of Peace Research*, *32*(4), 469-482.

Jaggers, K., & Gurr, T. R. Polity III: Regime Type and Political Authority: 1800-1994 (Codebook). *ICPSR (Inter-university Consortium for Political and Social Research)*, *6695*.

James, M. R. (2004). *Deliberative democracy and the plural polity.* Lawrence, Kansas: University Press of Kansas.

Jasper, J. M. (1997). *The art of moral protest: culture, biography, and creativity in social movements*. Chicago: University of Chicago Press.

Jenkins, C. (2006). Nonprofit Organizations and Political Advocacy. *The Nonprofit Sector: A Research Handbook, ed. Walter W. Powell and Richard S. Steinberg*, 307-332.

Joas, H. (1993). *Pragmatism and Social Theory.* Chicago: University of Chicago Press.

Johnson, A. (1959). Public funds for voluntary agencies. In *Social Welfare Forum, 1959.* New York: Columbia University Press.

Johnson, G. E. (1975). Voluntary associations and social change: some theoretical issues. *International Journal of Comparative Sociology*, *16*, 51-63.

Jones, B. (2008). *Beyond the state rural Uganda in rural Uganda.* Edinburgh: Edinburgh University Press. Jonker, M. (2000). Public and Private Portraits: Group Portraits of Amsterdam Regents and Regentesses (W. Shaffer, Trans.). In A. K. Wheelock & A. Seeff (Eds.), *The Public and Private in Dutch Culture of the Golden Age* (pp. 206-226). Newark: University of Delaware Press.

Jun, N. J., & Wahl, S. (2010). *New perspectives on anarchism.* Lanham, Md.: Lexington Books.

Kahan, A. S. (1992). *Aristocratic Liberalism: The Social and Political Thought of Jacob Burkhardt, John Stuart Mill and Alexis de Tocqueville*. New York: Oxford University Press.

Kahn, A. J. (1959). *Issues in American social work.* New York,: Columbia University Press.

Kaiser, M. (2010). Futures assessed: How technology assessment, ethics and think tanks make sense of an unknown future. In *Governing Future Technologies* (pp. 179-197). Springer. Retrieved from http://link.springer.com/chapter/10.1007/978-90-481-2834-1_10

Kant, I. (1999). *Practical Philosophy (The Cambridge Edition of the Works of Immanuel Kant).* Cambridge University Press.

Kass, A. A. (2002). *The perfect gift: the philanthropic imagination in poetry and prose*. Bloomington: Indiana University Press.

Katz, A. A., & Bender, E. I. (1976). Self-Help Groups In Western Society: History and Prospects. *Journal of Applied Behavioral Science*, *12*(3), 265-282.

Katz, E., & Lazarsfeld, P. F. (1955). *Personal Influence: The Part Played by People in Mass Communications.* Glencoe, Ill.: Free Press.

Ketelaar, E. (2014). Accountability portrayed: documents on regents' group portraits in the Dutch Golden Age. *Archival Science*, *14*(1), 69-93.

Kettering Review. (2012). *Citizens, deliberation, and the practice of democracy: a triptych from the Kettering review.* Dayton, OH: Kettering Foundation Press.

Kettering, S. (1988a). Gift-Giving and Patronage in Early Modern France. *French History [Great Britain]*, *2*(2), 131-151.

Kettering, S. (1988b). The Historical Development of Political Clientelism. *Journal of Interdisciplinary History*, *18*(3), 419-447.

Keynes, J. M., & Krugman, P. R. (2007). *The general theory of employment, interest, and money.* Houndmills, Basingstoke, Hamshire: New York, NY: Palgrave Macmillan.

Kilani, H., Serhal, A., & Llewlyn, O. (2007). Al-Hima: A way of life. *IUCN West Asia regional*,. Retrieved from http://www.mtnforum.org/sites/default/files/pub/4588.pdf

Kilcullen, R. (1996). Adam Smith, The Moral Sentiments. Macquarie University. (http://www.humanities.mq.edu.au/Ockham/y64l01.html. Downloaded on 2/14/10)

Kimmel, M. S., & Stephen, C. (1998). *Social and political theory: classical readings*. Boston: Allyn and Bacon.

Kimmelman, M. (2012). A ballpark that may be louder than the fans: Marlins Park in Miami, baseball's newest stadium. *New York Times*.

King, B. G., & Soule, S. A. (2007). Social movements as extra-institutional entrepreneurs: The effect of protests on stock price returns. *Administrative Science Quarterly*, *52*(3), 413-442.

Kirtsoglou, E., & Dimitrios, T. (2004). 'They are Taking Our Culture Away': Tourism and Culture Commodification in the Garifuna Community of Roatan. *Critique of Anthropology*, *24*(2), 135-157.

Kitsuse, J. I., & Spector, M. (1973). Toward a sociology of social problems: social conditions, value-judgment and social problems. *Social Problems*, *20.1.*

Kleiman, K. (2005). Who Owns Public Art? *Christian Science Monitor*. (March 30, 2005) Retrieved from http://www.csmonitor.com/2005/0330/p15s01-usju.html (September 12, 2014)

Klein, E. (2012). Our corrupt politics: It's not all money. *New York Review of Books*. Retrieved from http://www.nybooks.com/articles/archives/2012/mar/22/our-corrupt-politics-its-not-all-money/

Knight, L. W. (1991). Jane Addams and Hull House: Historical Lessons on Nonprofit Leadership. *Nonprofit Management & Leadership*, *2*(2), 125-142.

Knight, L. W. (2005). *Citizen: Jane Addams and the struggle for democracy.* Chicago: University of Chicago Press.

Komter, A. E. (1996). Reciprocity as a principle of exclusion: Gift giving in the Netherlands. *Sociology - the Journal of the British Sociological Association*, *30*(2), 299-316.

Kotlowski, D. J. (1998). Nixon's southern strategy revisited. *Journal of Policy History*, *10*(2), 207.

Kramer, R. M. (1981). *Voluntary agencies in the welfare state.* Berkeley: University of

California Press.

Kranich, N. (2007). Countering enclosure: reclaiming the knowledge commons. In C. Hess & E. Ostrom(pp. 85-122). Cambridge MA: MIT Press.

Krashinsky, M. (1995). In Search of Common Ground About the Commons. *Nonprofit Management & Leadership*, *5*(3), 311-316.

Krebs, V., & Holley, J. (2002). Building smart communities through network weaving.

Krimsky, S. (2002). Who Owns Academic Work? Battling for Control of Intellectual Property. *Nature Medicine*, *8*(4), 325-335.

Krugman, P. (2013). Alan Simpson and Bernie Madoff. *New York Times Blogs*. Retrieved from http://krugman.blogs.nytimes.com/2013/02/21/alan-simpson-and-bernie-madoff/?nl=opinion&emc=edit_ty_20130221

Kuhn, T. S. (1970). *The Structure of Scientific Revolutions* (Second Edition, Enlarged ed.). Chicago: University of Chicago Press.

Laforest, R. (2011). *Voluntary sector organizations and the state: building new relations*. Vancouver: UBC Press.

Lagemann, E. C., Burlingame, D., & Hammack, D. (Eds.). (1999). *Philanthropic Foundations: New Scholarship, New Possibilities*. Bloomington: Indiana University Press.

Lamb, H. R., & Bachrach, L. L. (2001). Some perspectives on deinstitutionalization. *Psychiatric Services*, *52*(8), 1039-1045.

Laski, H. (1919). The personality of associations. *Philosophical Review*, *28*, 425.

Lauffer, A. (1977). *Grantsmanship.* Beverly Hills, Calif.: Sage Publications.

Lauffer, A. (1984). *Grantsmanship and fund raising.* Beverly Hills: Sage Publications.

Lavoie, F., Borkman, T., & Gidron, B. (1994). *Self-help and mutual aid groups: international and multicultural perspectives.* New York: Haworth Press.

Lawson, R. A. (1971). *The Failure of Independent Liberalism, 1930-1941.* New York: Putnam.

Lax, J. R., & Phillips, J. H. (2009). Gay rights in the states: Public opinion and policy responsiveness. *American Political Science Review*, *103*(3), 367-386.

Le Bon, G. (1982). *The psychology of socialism* (Social science classics series). New Brunswick [N.J.]: Transaction Books.

Le Bon, G. (2001). *The crowd: a study of the popular mind*. Mineola, NY: Dover Publications.

Leaming, J. (2012). Justice Stevens' Reasoned Takedown of Citizens United. Retrieved

January 12, 2014 from http://www.acslaw.org/acsblog/justice-stevens-reasoned-takedown-of-citizens-united

Lee, D. B. (2000). *Old Order Mennonites: rituals, beliefs, and community*. Chicago: Burnham.

Lessig, L. (2001). *The future of ideas: the fate of the commons in a connected world* (1st ed.). New York: Random House.

Lessig, L. (2011). *Republic, lost: how money corrupts Congress--and a plan to stop it* (1st ed. ed.). New York: Twelve.

Levin, H. (1964). The future of voluntary family and children's social work: A historical view. *Social Service Review*, *38*(2), 163-173.

Levin, H. (1966). The Essential Voluntary Agency. *Social Work*, *11*(1), 98-106.

Levine, P. (2007). Free/open-source software as a framework for establishing commons in science. In C. Hess & E. Ostrom (Eds.), *Understanding knowledge as a commons: from theory to practice* (p. xiii, 367). Cambridge, Mass.: MIT Press.

Levitas, R. (2010). *The concept of utopia* (3). New York: Peter Lang.

Lewin, K. Field theory and experiment in social psychology: Concepts and methods. *American Journal of Sociology*, *44*(6), 868-896.

Lewis, D., & Kanji, N. (2009). Non-Governmental Organisations and Development (Routledge Perspectives on Development).

Li, M. (2007). *Fu wu ye de chan ye rong he yu fa zhan = Service sector: convergence and development* (Di 1 ban. ed.). Beijing Shi: Jing ji ke xue chu ban she.

Lie, R. (2003). *Spaces of Intercultural Communication.* Cresskill NJ: Hampton Press.

Likert, R. (1961). *Voluntary Organizations, Chapter l0 in New Patterns of Management.* New York: McGraw-Hill.

Lin, J. (2011). *The power of urban ethnic places: cultural heritage and community life.* New York: Routledge.

Lindahl, W. E. (1995). The Major Gift Donor Relationship: Analysis of Donors and Contributions. *Nonprofit Management & Leadership*, *5*(4), 411-432.

Lindblom, C. E. (1977). *Politics and markets: the world's political economic systems.* New York: Basic Books.

Lindeman, E. C. (1936). *Wealth & culture, a study of one hundred foundations and community trusts and their operations during the decades 1921-1930; with 8 charts, 3 graphs, and full statistical tables.* New York,: Harcourt Brace.

Lindsay, I. (2000). The new civic forums. *The Political Quarterly*, *71*(4), 404-411.

Lindsey, B. (2007). *The age of abundance: how prosperity transformed America's politics and culture* (1st ed.). New York, N.Y.: Collins.

Lipman, P. (2011). *The new political economy of urban education: neoliberalism, race, and the right to the city.* New York: Routledge.

Lippitt, R. (1939). Field theory and experiment in social psychology: Autocratic and democratic group atmospheres. *American Journal of Sociology*, *45*(1), 26-49.

Liu, G., & Taylor, W. L. (2005). School Choice to Achieve Desegregation. *Fordham L. Rev.*, *74*, 791. Retrieved from http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4115&context=flr

Liu, H. (1998). Old linkages, new networks: The globalization of overseas Chinese voluntary associations and its implications. *Chin Quart*, 155), 582-609.

Lloyd, G., Hoover, H., & Roosevelt, F. D. (2006). *The two faces of liberalism: how the Hoover-Roosevelt debate shapes the 21st century* (Conflicts and trends in business ethics). Salem, MA: M&M Scrivener Press.

Lohmann, N. (1989). Service Providers and Life Satisfaction. *Journal of Applied Gerontology*, *8*(1), 8-17.

Lohmann, R. A. (1971). An Input-Output Model of Human Services. *personal papers,* 21 pp.

Lohmann, R. A. (1971). Toward A national perspective on human service systems. *personal papers,*.

Lohmann, R. A. (1976). Break-Even Analysis: A Tool for Budgetary Planning. *Social Work*, *21*(4), 300-307.

Lohmann, R. A. (1976). Matrix analysis and social planning. *personal papers,* 75 pp.

Lohmann, R. A. (1980). *Breaking even: financial management in human service organizations.* Philadelphia: Temple University Press.

Lohmann, R. A. (1988). *Peace: problem-free intervals as general outcome measures*. Proceedings from ARNOVA Conference, West Virginia University.

Lohmann, R. A. (1989). And Lettuce is Non-Animal: Toward a Positive Economics of Nonprofit Action. *Nonprofit and Voluntary Sector Quarterly*, *18*(4), 367-383.

Lohmann, R. A. (1989). *Treasuries, repertories and collections In the rendition of common goods*. Proceedings from Annual Meeting, Association for Research on Nonprofit Organizations and Voluntary Action.

Lohmann, R. A. (1991). The commons: a multidisciplinary approach to nonprofit organization, voluntary action and philanthropy. *ARNOVA Conference,* 21.

Lohmann, R. A. (1992). *Service centers: The forgotten role of the town*. Proceedings from

Proceedings of the 17th National Rural Social Work Institute, School of Social Work, West Virginia University.

Lohmann, R. A. (1992). Social policy and practice in the commons. *ARNOVA Conference,* 10.

Lohmann, R. A. (1992). The Commons: A Multidisciplinary Approach to Nonprofit Organizations, Voluntary Action and Philanthropy. *Nonprofit and Voluntary Sector Quarterly*, *21*(3), 309-324.

Lohmann, R. A. (1992). *The commons: New perspectives on nonprofit organizations and voluntary action* (1st ed.). San Francisco: Jossey-Bass.

Lohmann, R. A. (1993). Farmers and Ranchers. *Nonprofit and Voluntary Sector Quarterly*, *22*(3), 271-273.

Lohmann, R. A. (1994). *Allen Eaton, Edith Dame Campbell and the Russell Sage Foundation Dept. of Art & Social Work*. Proceedings from Appalachian Studies Association, Morgantown, WV.

Lohmann, R. A. (1995). Commons: Can This Be The Name of Thirdness? *Nonprofit and Voluntary Sector Quarterly*, *24*(1), 25-30.

Lohmann, R. A. (1995). *Qua, communitas? communitarianism and the commons*. Proceedings from Association for Research on Nonprofit Organizations and Voluntary Action, West Virginia University.

Lohmann, R. A. (1995). The Buddhist commons in Asia. *Voluntas*, *6*(2), 140-158.

Lohmann, R. A. (1996). After the third sector: the future of the American commons. *ARNOVA Conference,* 17.

Lohmann, R. A. (1996). *Justice, citizenship and social cohesion: keynote address*. Proceedings from Australia-New Zealand Society for Third Sector Research, Wellington NZ.

Lohmann, R. A. (1997). The Buddhist commons in Asia. In S. Hewa & P. Hove (Eds.), *Philanthropy and cultural context: Western philanthropy in South, East, and Southeast Asia in the 20th century* (pp. 211-230). Lanham, Md.: University Press of America.

Lohmann, R. A. (1997). *The future of the third sector*. Proceedings from Second International Symposium on Public Management, Birmingham England.

Lohmann, R. A. (1999). Has the Time Come to Reevaluate Evaluation? Or, who will be accountable for accountability? *Nonprofit Management and Leadership*, *10*(1), 93-102.

Lohmann, R. A. (1999). Modeling third sector organizations: a proposal for an organizational modeling language. *Unpublished,* 19.

Lohmann, R. A. (2000). *Charismatic authority and the board of the Hull House Association,*

1895-1935. Proceedings from International Society for Third Sector Research, Dublin, Ireland.

Lohmann, R. A. (2000). Charismatic authority and the board of the Hull House Association, 1895-1935. *ISTR Conference,* 25.

Lohmann, R. A. (2001). Knowledge management technology: Will there be a second chance? *ARNOVA Conference,* 19.

Lohmann, R.A. (2002A). *The SCS: The Sector Convergence Scales.* A Prospectus for Research. 60 pp. Personal papers.

Lohmann, R. A. (2002B). *Neighborhood Associations in West Virginia*. Proceedings from Association for Research on Nonprofit Organizations and Voluntary Action, Montreal CA.

Lohmann, R. A. (2002C). *On distinguishing lettuce from animals: an empirical approach to classifying organizations by sector*. Proceedings from Association for Research on Nonprofit Organizations and Voluntary Action, Montreal CA.

Lohmann, R. A. (2004). Comment on Boettke and Prychitko. *Conversations on Philanthropy: An interdisciplinary series of reflections and research*, *1*(1), 52-58.

Lohmann, R. A. (2004). Community centers and neighborhood houses., 4.

Lohmann, R. A. (2004). What's in a name? keeping the VA in ARNOVA. *ARNOVA Conference,* 10.

Lohmann, R. A. (2005). Colloquium on Youth Issues and the Third Sector. *Association for Research on Nonprofit Organizations and Voluntary Action. Washington DC.,*.

Lohmann, R. A. (2007). Charity, philanthropy, public service or enterprise: What are the big questions of nonprofit management? *Public Administration Review*, *67*(3), 437-444.

Lohmann, R. A. (2008). Acknowledging the crisis in liberalism: A call for a new social policy., 17.

Lohmann, R. A. (2008). Still Rethinking.

Lohmann, R. A. (2008). The U.S. social economy and the commons model of production. In A. Kelan (Ed.), *Festschrift for Gabor Hegeshi.* Budapest:.

Lohmann, R. A. (2009). Commons. In H. K. Anheier (Ed.), *Encyclopedia of Civil Society.* Berlin Heidelberg: Springer-Verlag.

Lohmann, R. A. (2009). Spontaneous order and the somewhat-less-hidden hand. *Studies in Spontaneous Order*, *2*(1). Retrieved from http://www.studiesinemergentorder.com/index.php?option=com_content&view=article&id=109:spontaneous-order-symbolic-interaction-and-the-somewhat-less-hidden-hand&catid=40:social-sciences&Itemid=73

Lohmann, R. A. (2012a). *(Re)Considering The Independent Sector*. Proceedings from New Work for Invisible Hands: A Research Colloquium Exploring the Legacy of Richard Cornuelle, Westchester NY.

Lohmann, R. A. (2012b). *The Rise of Nonprofit News*. Proceedings from ARNOVA, Indianapolis IN.

Lohmann, R. A. (2013). The Third Sector is Missing. *Voluntary Sector Review*, *4*(3), 315-323.

Lohmann, R. A., & Johnson, C. (1992). *The Monongah Mines Disaster Relief Committee*. Proceedings from Annual Meeting of the Appalachian Studies Association, Ashville NC.

Lohmann, R. A., & Lohmann, N. (2002). *Social administration.* New York: Columbia University Press.

Lohmann, R. A., & Van, T., Jon. (2011). *Resolving community conflicts and problems: public deliberation and sustained dialogue.* New York: Columbia University Press.

Longres, J. F., & Wyers, N. (1978). Administrative thinking on youth and youth programs. *Journal of Sociology and Social Welfare. 5(5): 662 77,1978,.*

Lowell, J. S. (1880). *Public charities of New York City.* Albany,: Weed Parsons.

Lowi, T. J. (1969). *The End of Liberalism: Ideology, Policy and the Crisis of Public Authority.* New York: W.W. Norton.

Luz, N. (2009). *The globalization of al-haram al-Sharif Landscape of Islamic Resurgence and National Revival: Designing Memory, Mystification of place.*

MacDougall, R. D. (2009). *Mutual aid* (1st ed.). Concord, NH: Plaidswede Pub.

Machiavelli, N., & Bull, G. (2003). *The prince* (Reissued with revisions. ed. Vol. Penguin classics). London: New York: Penguin Books.

Maine, H. S. (1876). *Village-communities in the East and West.* New York: H. Holt and company.

Malinowski, B. (1944). *A Scientific theory of culture and other essays*. Chapel Hill: University of North Carolina Press.

Mansbridge, J. J. (1990). *Beyond Self Interest.* Chicago: University of Chicago Press.

Mansbridge, J.J. (1999) “The Holding Pattern”. *Political Theory*. 27 (5). 706-715.

Maritain, J. (1972). *The Person and the Common Good* (J. J. Fitzgerald, Trans.). South Bend, IN: Notre Dame University Press.

Martin, J. (1992). *Cultures in Organizations: Three Perspectives*. New York: Oxford University Press.

Mason, D. E. (1996). *Leading and managing the expressive dimension: harnessing the hidden power source of the nonprofit sector* (1st ed.). San Francisco: Jossey-Bass Publishers.

Matthews, D., & McAfee, N. (1997). *Making Choices Together: The Power of Public Deliberation*. Charles F. Kettering Foundation.

Mattson, K. (1998). *Creating a democratic public: the struggle for urban participatory democracy during the progressive era.* University Park, Pa.: Pennsylvania State University Press.

Maturana, H. R., & Varela, F. J. (1980). *Autopoiesis and cognition: the realization of the living* (Boston studies in the philosophy of science: v. 42). Dordrecht, Holland: Boston: D. Reidel Pub. Co.

Mau, S. (2003). *The moral economy of welfare states: Britain and Germany compared* (1st published 2003 by Routledge. ed.). London: New York: Routledge.

Mayer, R. R., Moroney, R., & Morris, R. (1974). *Centrally planned change; a reexamination of theory and experience*. Urbana,: University of Illinois Press.

McCann, A. T. (2011). Beyond the commons: the expansion of the Irish Music Rights Organisation, the elimination of uncertainty, and the politics of enclosure.

McClaughry, J. (2012). *Reflections on Cornuelle's Denationalizing Community*. Proceedings from New Work for Invisible Hands: A Research Colloquium Exploring the Legacy of Richard Cornuelle.

McCloskey, D. N. (2006). *The bourgeois virtues: ethics for an age of commerce.* Chicago: University of Chicago Press.

McCloskey, D. N. (2010). *Bourgeois dignity: why economics can't explain the modern world.* Chicago: University of Chicago Press.

McCully, G. (2008). *Philanthropy Reconsidered: Private initiatives, public good, quality of life.* Bloomington IN: Author House.

McKean, M. A. (1992). Management of Traditional Common Lands (Iriaichi) in Japan. In D. W. Bromley & D. Feeny (Eds.), *Making the commons work: theory, practice and policy.* San Francisco: ICS Press.

McLean, S. L., Schultz, D. A., & Steger, M. B. (2002). *Social capital: critical perspectives on community and "Bowling alone".* New York: New York University Press.

McMillen, W. (1945). *Community Organization for Social Welfare*. Chicago: University of Chicago Press.

Mead, G. H. (1938). *The Philosophy of the Act*. Chicago IL: University of Chicago Press.

Mei-Hui Yang, M. (1994). *Gifts, Favors, and Banquets: The Art of Social Relationships in*

China. New York: Cornell University Press.

Melucci, A. (1996). *Challenging codes: collective action in the information age* (Cambridge cultural social studies). Cambridge [England]: New York: Cambridge University Press.

Merelman, R. M. (1993). The Democracy Gap - The Politics of Information and Communications Technologies in the United States and Europe, by J Hills, S Papathanassopoulos. *Annals of the American Academy of Political and Social Science*, *525*, 170-171.

Merelman, R. M. (2003). *Pluralism at Yale: the culture of political science in American*. Madison: University of Wisconsin Press.

Merton, R. K. (1968). *Social theory and social structure* (1968 enl. ed.). New York,: Free Press.

Mesch, G. S., & Schwirian, K. P. (1996). The effectiveness of neighborhood collective action. *Social Problems*, 467-483.

Micheletti, M. (1995). *Civil society and state relations in Sweden.* Aldershot, Hants, England Brookfield, Vt.: Avebury Ashgate Pub. Co.

Midgley, J., & Hosaka, M. (2011). *Grassroots social security in Asia: mutual aid, microinsurance and social welfare.* Milton Park, Abingdon, Oxon: New York: Routledge.

Milkman, R., & Voss, K. (2004). *Rebuilding labor: organizing and organizers in the new union movement* (An ILR press book). Ithaca, N.Y.: Cornell University Press.

Miller, D. L. (1980). *George Herbert Mead: self, language, and the world* (Phoenix ed. ed.). Chicago: University of Chicago Press.

Mills, C. W. (1959). *The Sociological Imagination*. New York: Oxford University Press.

Mills, C. W. (1999). *The power elite*. New York: Oxford University Press.

Mills, K. (2011). *Who will own outer space? governance over space resources in the age of human space exploration*. Vienna: Springer.

Milofsky, C. (1976). *Special education: a sociological study of California programs* (1st ed.). New York: Praeger.

Milofsky, C. (1988). *Community organizations: studies in resource mobilization and exchange* (Yale studies on nonprofit organizations). New York: Oxford University Press.

Milofsky, C. (1989). *Testers and testing: the sociology of school psychology.* New Brunswick [N.J.]: Rutgers University Press.

Milofsky, C. (2008A). Remembering Warren's Interorganizational Field. *Community Development Journal*, *43*(1), 93-96.

Milofsky, C. (2008B). *Smallville: institutionalizing community in twenty-first-century America.* Medford, Mass. Hanover: Tufts University Press University Press of New England. Retrieved from http://www.loc.gov/catdir/toc/ecip0827/2008038612.html

Milofsky, C., & Blades, S. D. (1991). Issues of Accountability in Health Charities: A Case Study of Accountability Problems Among Nonprofit Organizations. *Nonprofit and Voluntary Sector Quarterly*, *20*(4), 371-394.

Ming-huan, L. (1998). Transnational Links among the Chinese in Europe: A Study on European-wide Chinese Voluntary Associations'. In *The Chinese in Europe* (pp. 21-42). Basingstoke and New York: Macmillan Press and St. Martin's Press.

Ming-huan, L. (1999). *We need two worlds: Chinese immigrant associations in a Western society.* Amsterdam: Amsterdam University Press.

Mitzman, A. (1985). *The iron cage: an historical interpretation of Max Weber.* New Brunswick, NJ, U.S.A.: Transaction Books.

Monzon, J. L., & Chaves, R. (2008). The European social economy: concept and dimensions of the third sector. *Annals of Cooperative and Public Economics*, *79*(3/4), 549-577.

Mook, L. (2013). *Accounting for social value*. Toronto, ON: University of Toronto Press.

Mook, L., Quarter, J., & Richmond, B. J. (2007). *What counts? Social accounting for nonprofits and cooperatives* (Second ed.). Upper Saddle River, NJ: Sigel Press.

Morris, A. D., & Mueller, C. M. (1992). *Frontiers in social movement theory*. New Haven, Conn.: Yale University Press.

Morris, R., & Freund, M. (1966). *Trends and issues in Jewish social welfare in the United States, 1899-1952; the history of American Jewish social welfare, seen through the proceedings and reports of the National Conference of Jewish Communal Service* ([1st] ed.). Philadelphia,: Jewish Publication Society of America.

Morris, R., & Morris, S. M. (1986). *Rethinking social welfare: why care for the stranger.* New York, N.Y.: Longman.

Morris, R., Lescohier, I., & Withorn, A. (1975). *Social service delivery systems, attempts to alter local patterns 1970-1974: an exploratory national survey at midstream.* Waltham, Mass.: Florence Heller Graduate School for Advanced Studies in Social Welfare Brandeis University.

Muller, E. N., & Opp, K.-D. (1986). Rational choice and rebellious collective action. *The American Political Science Review*, 471-488. Retrieved from http://www.jstor.org/stable/1958269.

Murdoch, I. (1959). The sublime and the good. *Chicago Review*, 42-55. Retrieved from http://www.jstor.org/stable/25293537

Nelson, J., & Unger, N. (2009). Strengthening America's Global Development Partnerships:

A Policy Blueprint for Better Collaboration between the US Government, Business and Civil Society. *Washington, DC: Brookings Institution*. Retrieved from http://www.brookings.edu/~/media/Research/Files/Articles/2009/5/development partnerships unger/05_development_partnerships_unger.PDF

Nichols, L. T. (2003A). Rethinking constructionist agency: claimsmakers as conditions, audiences, types and symbols. In *26* (pp. 125-145). Elsevier.

Nichols, L. T. (2003B). Voices of social problems: A dialogical constructionist model. In *26* (pp. 93-123). Elsevier.

Nichols, L. T., Nolan, J. J., & Colyer, C. J. (2008). Scorekeeping verses storytelling: representational practice in the construction of 'hate crime'. *Studies in Symbolic Interaction*, *30*, 361-379.

Nicholson, J. (1884). Folk moots, a paper. *books.google.com*,. Retrieved from http://books.google.com/books?hl=en&lr=&id=mCkIAAAAQAAJ&oi=fnd&pg=PA1&dq=folkmoots&ots=-O1sIOt4le&sig=QiR7Bz5mqClJDlbE6qVSzZzcZ9w

Nisbet, R. A. (1973). *The social philosophers: community and conflict in Western thought*. New York: Crowell.

Northouse, P. G. (2009). *Introduction to leadership: concepts and practice*. Los Angeles: Sage Publications.

Nowak, M. A., & Sigmund, K. (2005). Evolution of indirect reciprocity. *Nature*, *437*(7063), 1291-1298.

Nozick, R. (1974). *Anarchy, State and Utopia.* New York: Basic Books.

Nyberg, S. (1997). The honest society: stability and policy considerations. *Journal of Public Economics*, *64*(1), 83-99.

O'Connell, B., & Gardner, J. W. (1999). *Civil society: The underpinnings of American democracy.* Hanover, NH: University Press of New England.

O'Neill, M. (1989). *The third America: the emergence of the nonprofit sector in the United States* (1st ed.). San Francisco: Jossey-Bass.

Oakeshott, M. (1975). *Hobbes on civil association.* Oxford: Blackwell.

Olai, B. (1983). *The first phase of the Swedish enclosure movement-the storskifte. Swedish agricultural development as reflected in a parish in Oestergoetland.* Acta Universitatis Upsaliensis. Retrieved from http://agris.fao.org/agris-search/search/display.do?f=1983/SE/SE83003.xml;SE8310292

Oleson, T. J. (1955). *The Witenagemot in the reign of Edward the Confessor: a study in the constitutional history of eleventh-century England.* Published in co-operation with the University of Manitoba by University of Toronto Press.

Olsen, E. J. (2006). *Civic republicanism and the properties of democracy: a case study of post-socialist political theory*. Lanham, MD: Lexington Books.

Olson, M. (1965). *The logic of collective action; public goods and the theory of groups.* Cambridge, Mass.,: Harvard University Press.

Olsson, M., & Svensson, P. (2009). The commercialisation of the peasant economy–markets and agricultural production in southern Sweden 1711–1860. *Markets and Agricultural Change in Europe, 13th–19th Centuries. Turnhout: Brepols,* 75-106. Retrieved from http://www.ekh.lu.se/ekhpsv/publ/OlssonSvensson.pdf

Ostrander, S. A. (1995). *Money for change: social movement philanthropy at Haymarket People's Fund*. Philadelphia: Temple University Press.

Ostrander, S. A. (2013). *Citizenship and governance in a changing city: Somerville, MA*.

Ostrander, S. A., & Langton, S. (1987). *Shifting the debate: public/private sector relations in the modern welfare state*. New Brunswick, [N.J.], U.S.A.: Transaction Books.

Ostrander, S. A., & Portney, K. E. (2007). *Acting civically: from urban neighborhoods to higher education*. Medford, Mass.

Ostrom, E. (1990). *Governing the commons: the evolution of institutions for collective action.* Cambridge: New York: Cambridge University Press.

Ostrom, E., & Walker, J. (2003). *Trust and reciprocity: interdisciplinary lessons from experimental research.* New York: Russell Sage Foundation.

Ostrom, E., Gibson, C., & Andersson, S. S. K. (2001). Aid, Incentives, and Sustainability: An Institutional Analysis of Development Cooperation.

Ostrom, V., and E. Ostrom. (1999). "Public goods and public choices." *Polycentricity and Local Public Economies. Readings from the Workshop in Political Theory and Policy Analysis*. Ed. Michael McGinnis, Ann Arbor.-University of Michigan Press.

Ostrom, V., & Ostrom, E. (1977). Public Goods and Public Choices. In E. S. Savas (Ed.), *Alternatives for Delivering Public Services: Toward Improved Performance*. Boulder, Colorado: Westview Press. 7-49.

Palmer, B. (2011). So, What's With the Arab Street? *Slate*. Retrieved from http://www.slate.com/articles/news_and_politics/explainer/2011/01/so_whats_with_the_arab_street.html. Retrieved on 9/20/2013.

Paulsen, R., & Bartkowski, J. P. Gender and perceptions of success among neighborhood association activists. *Social Science Quarterly*, *78*(1), 196-208.

Payton, R. L. (1988a). *Philanthropy: four views.* [Bowling Green, OH] New Brunswick, USA: Social Philosophy & Policy Center.

Payton, R. L. (1988b). *Philanthropy: Voluntary Action for the Public Good.* New York:

American Council on Education.

Pennock, J. R., & Chapman, J. W. (1969). *Voluntary Association*. New York: Atherton Press.

Perlmutter, F. D. (1984). *Human Services at Risk*. Lexington MA: Lexington Books.

Perlmutter, F. D. (1985). The politics of social administration. *Administration in Social Work*, *9*(4), 1-11.

Perlmutter, F. D., & Adams, C. T. (1990). The voluntary sector and for-profit ventures: the transformation of American social welfare? *Administration in Social Work*, *14*(1), 1-13.

Pestoff, V. A. (1998). *Beyond the market and state: social enterprises and civil democracy in a welfare society*. Aldershot, Hants, England ; Brookfield, Vt., USA: Ashgate Pub.

Pestoff, V., Osborne, S. P., & Brandsen, T. (2006). Patterns of co-production in public services: some concluding thoughts. *Public Management Review*, *8*(4), 591-595.

Peterson, A. L. (2005). *Seeds of the kingdom: utopian communities in the Americas*. Oxford; New York: Oxford University Press.

Phillips, S. D., & Smith, S. R. (2011). *Governance and regulation in the third sector*: *international perspectives*. New York: Routledge.

Pinedo Turnovsky, C. (2004). Making the queue: Latino day laborers in New York's street corner labor markets. *Center for Comparative Immigration Studies*. Retrieved from https://escholarship.org/uc/item/2v21732m (September 3, 2014)

Piven, F. F., & Cloward, R. A. (1971). *Regulating the poor; the functions of public welfare* ([1st] ed.). New York,: Pantheon Books.

Plattner, M. F. (1994). Book Review: The Uses of 'Civil Society'. *Journal of Democracy*, *6*(4), 169-173.

Pocock, J. G. A. (1975). The Machiavellian moment: Florentine political thought and the Atlantic republican tradition., x, 602.

Poundstone, W. (1992). *Prisoner's dilemma* (1st ed. ed.). New York: Doubleday.

Putnam, R. D. (1995). *Making Democracy Work: Civic Traditions in Modern Italy.* Princeton: Princeton University Press.

Putnam, R. D. (2000). *Bowling Alone: The Collapse and Revival of American Community.* New York: Simon and Schuster.

Quarter, J., Mook, L., & Armstrong, A. (2009). *Understanding the social economy: A Canadian perspective*. Toronto: University of Toronto Press.

Quarter, J., Mook, L., & Ryan, S. (2010). *Researching the social economy*. Toronto: University of Toronto Press.

Rainey, L., Purcell, K., & Smith, A. (2011). *The Social Side of the Internet.* Washington DC: Pew Internet and American Life Project.

Rainie, H., & Wellman, B. (2012). *Networked: the new social operating system.* Cambridge, Mass.: MIT Press.

Rasmussen, S. W., & Schoen, D. E. (2010). *Mad as hell: how the Tea Party movement is fundamentally remaking our two-party system* (1st ed. ed.). New York: Harper.

Rauch, J. B. (1976). The Charity Organization Movement in Philadelphia. *Social Work*, *21*(1), 55-62.

Rawls, J. (2005a). *A theory of justice* (Original ed. ed.). Cambridge, Mass.: Belknap Press.

Rawls, J. (2005b). *Political liberalism* (Expanded ed. ed. Vol. Columbia classics in philosophy). New York: Columbia University Press.

Redhead, S., & Henry, P. (1997). *Subculture to clubcultures: an introduction to popular cultural studies*. Oxford, UK: Malden, Mass.: Blackwell Publishers.

Redstone, V. B. (1912). *The Ancient House Or Sparrowe House, Ipswich*. Ipswich: The Ancient House Press. Retrieved from http://books.google.com/books?hl=en&lr=&id=8pvkAAAAMAAJ&oi=fnd&pg=PA1&dq=Redstone+thingstead&ots=NB-HWjtt8o&sig=-2h71Ud20YE0mYZ6ZF5n7-WRfMM

Reus-Smit, C. (1999). *The moral purpose of the state: culture, social identity, and institutional rationality in international relations* (Princeton studies in international history and politics). Princeton, N.J.: Princeton University Press.

Robbins, L. R. (2007). The subject matter of economics. In *The evolution of modern economic theory: and other papers on the history of economic thought* (pp. 1-22). New Brunswick, N.J.: Aldine Transaction.

Rochester, C. (2011). *Understanding the roots of voluntary action: historical perspectives on current social policy*. Brighton: Portland, Or.: Sussex Academic Press.

Rochester, C. (2012). *Volunteering and society in the 21st century*. Basingstoke: New York, NY: Palgrave Macmillan.

Rogers, E. M. (2003). *Diffusion of innovations* (5th ed. ed.). New York: Free Press.

Rogerson, B. (2006). *The Heirs of Muhammad: Islam's First Century and the Origins of the Sunni-Shia Split*. Overlook Press.

Rose, A. M. (1960). The Impact of Aging on Voluntary Associations. In C. W. Tibbitts (Ed.), *Handbook of Social Gerontology.* Chicago: University of Chicago Press.

Rose, A. M. (1967). *The power structure; political process in American society.* New York,: Oxford University Press.

Rosen, L. (1999). *The justice of Islam: comparative perspectives on Islamic law and society.* New York: Oxford University Press.

Rosenbaum, D. P. (1987). The theory and research behind neighborhood watch: Is it a sound fear and crime reduction strategy? *Crime & Delinquency*, *33*(1), 103-134.

Rosenberg, P. (2004). *Jane Addams: social reformer and Nobel Prize winner.* Chanhassen, Minn.: Child's World. Retrieved from http://www.loc.gov/catdir/toc/ecip041/2003006276.html

Ross, C. E., & Jang, S. J. (2000). Neighborhood disorder, fear, and mistrust: The buffering role of social ties with neighbors. *American journal of community Psychology*, *28*(4), 401-420.

Ross, J. C. (1977). Arnold Rose on Voluntary Associations. *Journal of Voluntary Action Research*, *6*(1-2), 7-17.

Rothschild, J., & Whitt, J. A. (1986). *The cooperative workplace: potentials and dilemmas of organizational democracy and participation*. Cambridge [Cambridgeshire]: New York: Cambridge University Press.

Ryan, A. (1995). *John Dewey and the High Tide of American Liberalism.* New York: W.W. Norton & Company.

Ryfe, D. (2005). Does deliberative democracy work? *Annual Review of Political Science*, *8*(1), 49-71.

Safford, S. (2009). *Why the garden club couldn't save Youngstown: the transformation of the Rust Belt*. Cambridge, Mass.: Harvard University Press.

Sahlins, M. (1972). *Stone Age Economics*. Chicago: Aldine Atherton.

Salamon, L. M. (1987). Of Market Failure, Voluntary Failure and Third Party Government: Toward a Theory of Government-Nonprofit Relations in the Modern Welfare State. *Journal of Voluntary Action Research*, *16*(1-2), 29-49.

Salamon, L. M. (1993). The Global Associational Revolution: The Rise of the Third Sector on the World Scene. *Center on Civil Society. Johns Hopkins University*, *Occasional Paper #15*.

Salamon, L. M. (2003). *The state of nonprofit America.* Washington, D.C.: Brookings Institution Press.

Saldivar-Tanaka, L., & Krasny, M. (2004). Culturing community development, neighborhood open space, and civic agriculture: The case of Latino community gardens in New York City. *Agriculture and human values*, *21*(4), 399-412.

Sandel, M. J. (2012). *What money can't buy: the moral limits of markets* (1st ed. ed.). New York: Farrar, Straus and Giroux.

Sargeant, A. (2009). *Marketing management for nonprofit organizations* (3rd ed. ed.). Oxford;

New York: Oxford University Press.

Sargeant, A., & Shang, J. (2010). *Fundraising principles and practice*. San Francisco: Jossey-Bass.

Sargeant, A., & Wymer, W. W. (2008). *The Routledge companion to nonprofit marketing* (Routledge companions). London; New York: Routledge.

Sarri, R. (1971). Administration in Social Welfare. In R. Morris (Ed.), *Encyclopedia of Social Work* (Vol. I, pp. 39-48). New York: National Association of Social Workers.

Schabas, W. (2013). *The Universal Declaration of Human Rights*.

Schonfeld, R. C. (2012). *JSTOR: a history.* Princeton, N.J.: Princeton University Press. Retrieved from http://www.jstor.org/stable/j.ctt7s6z3

Schrift, A. D. (1997). *The logic of the gift: toward an ethic of generosity*. New York: Routledge.

Schrift, A. D. (1997). *The logic of the gift: toward an ethic of generosity*. New York: Routledge.

Schwarzenbach, S. A. (2005). Democracy and friendship. *Journal of social philosophy*, *36*(2), 233-254. Retrieved from http://people.stfx.ca/x2008/x2008ofp/Schwarzenback - Democracy and Friendship.pdf

Schwarzenbach, S. A. (2009). *On civic friendship: including women in the state.* New York: Columbia University Press.

Scorza, J. A. (2004). Liberal citizenship and civic friendship. *Political theory*, *32*(1), 85-108. Retrieved from http://ptx.sagepub.com/content/32/1/85.short

Scott, W. R., & Meyer, J. W. (1982). *The organization of institutional sectors.* [Stanford, Calif.]: Institute for Research on Educational Finance and Governance School of Education Stanford University.

Scrutton, T. E. (1887). Commons and Common Fields: Or, The History and Policy of the Laws Relating., 180.

Seligman, A. B. (1992). *The Idea of Civil Society.* New York: Free Press.

Selwood, S., Brown, G., & Powell, W. W. (2001). *The UK cultural sector: profile and policy issues*. London: Policy Studies Institute.

Selznick, P. (1966). *TVA and the grass roots; a study in the sociology of formal organization.* New York: Harper & Row.

Selznick, P. (1995). Defining Democracy Up. *Public Interest*, *119*, 106-110.

Sen, A. (2012). What happened to Europe? Democracy and the decisions of bankers. *New Republic*, *August 2, 2012*. Retrieved from

http://www.tnr.com/article/magazine/105657/sen-europe-democracy-keynes-social-justice?page=0,0&utm_source=The%20New%20Republic&utm_campaign=d222df7d4e-TNR_Daily_081412&utm_medium=email

Shambra, W. (2012). *Richard Cornuelle's Quest for Community: Reflections on 'Denationalizing' Community*. Proceedings from New Work for Invisible Hands: A Research Colloquium Exploring the Legacy of Richard Cornuelle.

Shapin, S. (1998). Placing the view from nowhere: historical and sociological problems in the location of science. *Transactions of the Institute of British Geographers, 23*(1), 5-12.

Shechter, B. (2009). Review of Donald C. Hodges' *Deep Republicanism: Prelude to Professionalism*. *The Good Society*, *18*(2).

Shechter, B. (2009). Review of Donald C. Hodges' *Deep Republicanism: Prelude to Professionalism*. *The Good Society*, *18*(2).

Shechter, B. (2009). Review of Donald C. Hodges' *Deep Republicanism: Prelude to Professionalism*. *The Good Society*, *18*(2).

Sheehan, J. J. (1989). *Modern German History 1770-1866*. New York: Oxford University Press.

Sherraden, M. W. (2005). *Inclusion in the American dream: assets, poverty, and public policy*. New York: Oxford University Press.

Sieder, V. M. (1966). The Historical Origins of the American Volunteer. In W. A. Glaser & D. L. Sills (Eds.), *The Government of Associations.* New York: Bedminster Press.

Sievers, B. R. (2010). *Civil society, philanthropy, and the fate of the commons.* Medford, Mass. Hanover [N.H.]: Tufts University Press University Press of New England.

Sills, D. L. (1957). *The volunteers, means and ends in a national organization; a report.* Glencoe, Ill.: Free Press.

Sloan, M. F. (2009). The effects of nonprofit accountability ratings on donor behavior. *Nonprofit and voluntary sector quarterly*, *38*(2), 220-236. Retrieved from http://www.midot.org.il/Sites/midot/content/File/מאמרים סדרת -ביקורת/Sloan - The Effects of Nonprofit Accountability Rating on Donor Behavior.pdf

Sloane, D. C. (1991). *The last great necessity: cemeteries in American history.* Baltimore: Johns Hopkins University Press. Retrieved from http://www.loc.gov/catdir/bios/jhu051/90041906.html

Smith, A. (1981). *The Wealth of Nations.* New York: Viking Penguin.

Smith, A., Raphael, D. D., & Macfie, A. L. (1976). *The theory of moral sentiments.* Oxford [Oxfordshire] New York: Clarendon Press Oxford University Press.

Smith, C., & Freedman, A. (1972). *Voluntary Associations: Perspectives on the Literature.*

Cambridge MA: Harvard University Press.

Smith, D. H. (1974). Research and Communication Needs in Voluntary Action. In J. Cull & R. Hardy (Eds.), *Volunteerism: An Emerging Profession.* Springfield, IL: Charles C. Thomas.

Smith, D. H. (1981). Altruism, Volunteers and Volunteerism. *Journal of Voluntary Action Research*, *10*(1), 21-36.

Smith, D. H. (1991). Four Sectors or Five? Retaining the Member-Benefit Sector. *Nonprofit and Voluntary Sector Quarterly*, *20*(2), 137-151.

Smith, D. H. (1992). A neglected type of voluntary nonprofit organization: Exploration of the sem-formal, fluid membership organization. *Nonprofit and Voluntary Sector Quarterly*, *21*(3), 251-260.

Smith, D. H. (1999). Researching volunteer associations and other nonprofits: an emergent interdisciplinary field and possible new discipline. *The American Sociologist*, *30*(4), 5-35.

Smith, D. H. (2000). *Grassroots associations.* Thousand Oaks, Calif.: Sage Publications.

Smith, D. H. (2000). *Grassroots associations*. Thousand Oaks, Calif.: Sage Publications.

Smith, D. H., Stebbins, R. A., & Dover, M. A. (2006). *A dictionary of nonprofit terms and concepts* (Philanthropic and nonprofit studies). Bloomington: Indiana University Press. Retrieved from http://www.loc.gov/catdir/toc/ecip068/2006005271.html

Smith, H. L. (1937). *The Borderland Between Public & Voluntary Action in the Public Services*. London: Oxford University Press.

Smith, S. R., & Lipsky, M. (1992). *Nonprofits for Hire: The Welfare State in the Age of Contracting*. Cambridge MA: Harvard University Press.

Snow, C. P. (1959). The Two Cultures and the Scientific Revolution. *Encounter*, *XII*(6), 17-24.

Speckbacher, G. (2003). The economics of performance management in nonprofit organizations. *Nonprofit Management and Leadership*, *13*(3), 267-281.

Speckbacher, G. (2008). Governance: An Economic Approach. *Nonprofit Management & Leadership*, *18*(3), 295-320.

Spector, M., & Kitsuse, J. I. (1987). *Constructing social problems*. Chicago: Aldine.

Srubar, I. (1996). Neoliberalism, transformation and civil society. *Sociologicky Casopis*, *32*(1), 67-78.

Steinberg, D. M. (2004). *The mutual-aid approach to working with groups: helping people help one another* (2nd ed. ed.). New York: Haworth Press. Retrieved from http://www.loc.gov/catdir/toc/ecip0416/2004007025.html

Steinberg, R. (2008). Principal-agent theory and nonprofit accountability. *Indiana University-Purdue University Indianapolis, Department of Economics Working Papers,*. Retrieved from http://ideas.repec.org/p/iup/wpaper/wp200803.html

Steiner, J. F. (1925). *Community organization, a study of its theory and current practice.* New York, London: The Century Co.

Stephenson, M. (1994). Revisiting the Nonprofit Organization as Mediating Institution in Society.

Stewart, M. (2000). *Chronic conditions and caregiving in Canada: social support strategies.* Toronto; Buffalo: University of Toronto Press.

Strauss, A. L. (1978). *Negotiations: varieties, contexts, processes, and social order* (1st ed. ed.). San Francisco: Jossey-Bass.

Stroman, D. F. (2003). *The disability rights movement: From deinstitutionalization to self-determination.* Washington DC: University Press of America.

Sugden, R. (1984). Reciprocity: The Supply of Public Goods Through Voluntary Contributions. *The Economic Journal*, *94*, 772-787.

Svensson, P. (2008). *Why did enclosures matter in Scandinavia, when they didn't in Britain.*

Swartley, W. M. (2012). *Health, healing and the church's mission: Biblical perspectives and moral priorities.* Downers Grove, IL: IVP Academic.

Szabo, J. F. (2010). *Death and dying: an annotated bibliography of the thanatological literature.* Lanham: Scarecrow Press.

Szasz, A. (1992). Progress through mischief - The social movement alternative to secondary associations. *Politics & Society*, *20*(4), 521-528.

Talisse, R. B. (2003). Can democracy be a way of life? Deweyan democracy and the problem of pluralism. *Transactions of the Charles S. Peirce Society*, *39*(1), 1-22.

Tarrow, S. (1993). Modular collective action and the rise of the social movement: Why the French revolution was not enough. *Politics and Society*, *21.*(1), 69-90.

Tarrow, S. G. (1989). *Democracy and disorder: protest and politics in Italy, 1965-1975.* Oxford New York: Clarendon Press Oxford University Press. Retrieved from http://www.loc.gov/catdir/enhancements/fy0640/88026040-d.html

Tarrow, S. G. (1993). Social Protest and Policy Reform - May 1968 and the Loi-Dorientation in France. *Comparative Political Studies*, *25*(4), 579-607.

Tarrow, S. G. (1994). *Power in movement: social movements, collective action, and politics* (Cambridge studies in comparative politics). Cambridge [England]; New York: Cambridge University Press.

Taylor, C. (1990). Modes of civil society. *Public Culture*, *3*(1), 95-118.

Taylor, C. (2002). Modern social imaginaries. *Public Culture*, *14*(1), 91-124.

Taylor, C. (2004). *Modern social imaginaries.* Durham: Duke University Press.

Taylor, C., Tully, J., & Weinstock, D. M. (1994). *Philosophy in an age of pluralism: the philosophy of Charles Taylor in question.* Cambridge; New York: Cambridge University Press. Retrieved from http://www.loc.gov/catdir/description/cam026/93046337.html

Thomson, C. (1992). *The singing revolution: A political journey through the Baltic states*. London: Penguin Books.

Tilly, C. (1978). *From mobilization to revolution.* Reading, Mass.: Addison-Wesley Pub. Co.

Tilly, C. (1986). *The contentious French.* Cambridge, Mass.: Belknap Press.

Tilly, C. (1990). *Coercion, capital, and European states, AD 990-1990*. Cambridge, Mass., USA: B. Blackwell.

Tilly, C. (1993). *European revolutions, 1492-1992.* Oxford, UK; Cambridge, Mass., USA: Blackwell.

Tin, T., Lamers, M., Liggett, D., Maher, P. T., & Hughes, K. A. (2014). Setting the scene: Human activities, environmental impacts and governance arrangements in Antarctica. In *Antarctic Futures* (pp. 1-24). Netherlands: Springer.

Titmuss, R. (1970). *The Gift Relationship*. London: Allen and Unwin.

Tocqueville, A. d. (2004). *Democracy in America* (A. Goldhammer, Trans. The library of America; 147). New York: Library of America: Distributed to the trade in the U.S. by Penguin Putnam. Retrieved from http://www.loc.gov/catdir/enhancements/fy0721/2003061885-b.html

Tocqueville, A. d., & Reeve, H. (1835). *Democracy in America.* London: Saunders and Otley.

Tocqueville, A. d., Bradley, P., Reeve, H., & Bowen, F. (1945). *Democracy in America.* New York: A. A. Knopf.

Tocqueville, A. d., Furet, F., & Mélonio, F. (1998). *The Old Regime and the Revolution* (A. S. Kahan, Trans.). Chicago: University of Chicago Press.

Tocqueville, A. d., Mansfield, H. C., & Winthrop, D. (2000). *Democracy in America / translated, edited, and with an introduction by Harvey C. Mansfield and Delba Winthrop.* Chicago: University of Chicago Press.

Tönnies, F. (1955). *Community and association (Gemeinschaft und Gesellschaft)*. London,: Routledge & Paul.

Tönnies, F. (1957). *Community & society (Gemeinschaft und Gesellschaft)*. East Lansing,:

Michigan State University Press.

Trattner, W. I. (1994). *From Poor Law to Welfare State: A History of Social Welfare in America.* New York: Free Press.

Tully, J. (2009). *Public Philosophy in a New Key: Volume 1, Democracy and Civic Freedom (Ideas in Context)*. Cambridge University Press.

Tully, J. (2014). *On global citizenship: James Tully in dialogue*.

Turner, F. J., & Faragher, J. M. (1998). *Rereading Frederick Jackson Turner: "The significance of the frontier in American history", and other essays.* New Haven, Conn.: Yale University Press.

Turner, R. H., & Killian, L. M. (1987). *Collective behavior* (3rd ed. ed.). Englewood Cliffs, N.J.: Prentice-Hall.

Udoidem, S. I. (1988). *Authority and the common good in social and political philosophy.* Lanham, MD: University Press of America.

United States Supreme Court. (2010). Citizens United v. Federal Elections Commission 130 S. Ct. 876, 558 US 50, 175 L. Ed. 2d 753 - Supreme Court, January 21, 2010.

University Press of New England.

Vaillancourt, Y. (2003). *Social Economy: Health and Welfare in Four Canadian Provinces*. Fernwood Books Ltd.

Vallerand, R. J. (2008). On the psychology of passion: In search of what makes people's lives most worth living. *Canadian Psychology/Psychologie Canadienne*, *49*(1), (1. Retrieved from http://www.selfdeterminationtheory.org/SDT/documents/2008_Vallerand_CanPsych.pdf on September 3, 2014.)

Van Bavel, T. J. (1984). *The Rule of St Augustine.* New York: Doubleday.

Van Til, J. (1988). *Mapping the third sector: voluntarism in a changing social economy.* New York, NY: Foundation Center.

Van Til, J. (1990). *Critical issues in American philanthropy: strengthening theory and practice* (1st ed.). San Francisco: Jossey-Bass.

Van Til, J. (2007). *Growing civil society: from nonprofit sector to third space.* Bloomington: Indiana University Press.

Van Til, J. (2012). *Why it is important to have a grounded definition of the third sector*. Proceedings from Workshop on Theoretical Variations for Voluntary Sector Organizing, Kingston Ontario.

Vitale, D. (2006). Between deliberative and participatory democracy. *Philosophy & Social*

Criticism, *32*(7), 739-766.

Vogler, J. (2012). Global commons revisited. *Global Policy*, *3*(1), 61-71.

Wach, H. M. (1993). Unitarian Philanthropy and Cultural Hegemony in Comparative Perspective - Manchester and Boston, 1827-1848. *Journal of Social History*, *26*(3), 539-557.

Wadell, P. J. (1991). *Friends of God: Virtues and Gifts in Aquinas*. New York: Peter Lang Publishing.

Wagner, A. (2000). Reframing 'Social Origins' Theory: The Structural Transformation of the Public Sphere. *Nonprofit and Voluntary Sector Quarterly.*, *29*(4), 541-554.

Wagner, A. (2012). Third sector or civil society? A critical discourse about scholarship relating to intermediate institutions. *Voluntary Sector Review*, *3*(3), 299-328.

Wagner, A. (2013). Plea for more integrative scholarship about intermediate organizations. *Voluntary Sector Review*, *9*(4), 325-331.

Walljasper, J. (2013). Hima: An Islamic tradition of the commons. *On The Commons*,. Retrieved from http://www.onthecommons.org/magazine/hima-islamic-tradition-commons

Walzer, M. (1995). The Concept of Civil Society. In M. Walzer (Ed.), *Toward A Global Civil Society.* Providence: Berghahn Books.

Warner, A. G. (1894). *American charities; a study in philanthropy and economics.* New York,: T. Y. Crowell.

Warner, A. G. (1988). *American Charities: A Study in Philanthropy and Economics.* New Brunswick NJ: Transaction Publishers.

Warner, A. G., Queen, S. A., & Harper, E. B. (1930). *American charities and social work* (4th ed.). New York,: Thomas Y. Crowell company.

Warner, W. L. (1963). *Yankee City.* New Haven,: Yale University Press.

Warner, W. L., & Lunt, P. S. (1941). *The social life of a modern community.* New Haven,

Warren, R. L. (1963). *The community in America.* Chicago,: Rand McNally.

Warren, R. L. (1967). The interorganizational field as a focus of investigation. *Administrative Science Quarterly*, *12*(3), 396-419.

Warren, R. L. (1971). *The community in America* (2d ed.). Chicago,: Rand McNally.

Warren, R. L. (1987). *The community in America* (3rd ed.). Lanham, MD: University Press of America.

Weart, S. R. (1998). *Never at war: why democracies will not fight one another*. New Haven:

Yale University Press.

Weber, M. (1958). *The Protestant ethic and the spirit of capitalism*. New York: Scribner.

Weber, M. (1968). *Economy and society; an outline of interpretive sociology.* New York: Bedminster Press.

Weisbrod, B. A. (1977). *The voluntary nonprofit sector: an economic analysis.* Lexington, Mass.: Lexington Books.

Weisbrod, B. A. (1986). Toward a theory of the voluntary nonprofit sector in a three sector economy. In *The Economy of Nonprofit Institutions: Studies in Structure and Policy.* New York NY: Oxford University Press.

Weisbrod, B. A. (1988). *The nonprofit economy.* Cambridge, Mass.: Harvard University Press.

Weisbrot, R. (1992). *Father Divine* (Black Americans of achievement). New York: Chelsea House.

Wellman, B. (2005). Community: from neighborhood to network. *Communications of the ACM*, *48*(10), 53-55.

Welzel, C., Inglehart, R., & Deutsch, F. (2005). Social capital, voluntary associations and collective action: which aspects of social capital have the greatest 'civic 'payoff? *Journal of civil society*, *1*(2), 121-146. Retrieved from http://www.tandfonline.com/doi/abs/10.1080/17448680500337475

Westbrook, R. B. (1991). *John Dewey and American Democracy.* Ithaca NY: Cornell University Press.

Westlund, H., & Westerdahl, S. (1996). *Contribution of the social economy to local employment*. Stockholm: The Swedish Institute for Social Economy.

Whyte, W. F. (1943). *Street corner society; the social structure of an Italian slum*. Chicago, Ill.: The University of Chicago Press.

Wildte, F. (1928). Scandinavian Thing-steads. *Antiquity*, *2*(7), 328-336. Retrieved from http://www.antiquity.ac.uk/ant/002/Ant0020328.htm

Wills, G. (2004). Did Tocqueville 'Get' America? *New York Review of Books*, *51*(7), 52-56.

Wilson, J. Q. (1964). An Overview of Theories of Planned Change. In R. Morris (Ed.), *Centrally Planned Change: Prospects and Concepts*. New York: National Association of Social Workers.

Wineburg, R. J. (2001). *A limited partnership: the politics of religion, welfare, and social service*. New York: Columbia University Press.

Wolfe, C., & Neuhaus, R. J. (2009). *The naked public square reconsidered: religion and politics in the twenty-first century* (1st ed. ed.). Wilmington, DE: ISI Books.

Wormbs, N. (2011). Technology-dependent commons: The example of frequency spectrum for broadcasting in Europe in the 1920s. *International Journal of the Commons*, *5*(1), 92-109.

Worth, M. J. (2009). *Nonprofit management: principles and practice.* Los Angeles: Sage Publications.

Wronka, J. M. (1992). *Human Rights and Social Policy in the Twenty-First Century: A History of the Idea of Human Rights and Comparison of the United Nations Universal Declaration of Human Rights with United States Federal and State Constitutions*. Lanham MD: University Press of America.

Wuthnow, R. (1993). *Christianity in the twenty-first century: Reflections on the challenges ahead*. Oxford University Press New York.

Wuthnow, R. (1996). *Christianity and civil society: the contemporary debate*. Valley Forge, Pa.: Trinity Press International.

Wuthnow, R. (2003). *All in sync: how music and art are revitalizing American religion*. Berkeley, Calif.: University of California Press.

Wuthnow, R. (2004). *Saving America?: faith-based services and the future of civil society*. Princeton, N.J.: Princeton University Press.

Wuthnow, R., & Hodgkinson, V. A. (1990). *Faith and philanthropy in America: exploring the role of religion in America's voluntary sector* (1st ed. ed. Vol. The Jossey-Bass nonprofit sector series). San Francisco: Jossey-Bass.

Wymer, W. W., Knowles, P. A., & Gomes, R. (2006). *Nonprofit marketing: marketing management for charitable and nongovernmental organizations*. Thousand Oaks, Calif.: Sage Publications.

Yinger, J. M. (1960). Contraculture and subculture. *American Sociological Review*, 625-635.

Young, D. R. (1986). *What Business Can Learn from Nonprofits*. Proceedings from The Fourteenth Annual Meeting of the Association of Voluntary Action Scholars.

Young, D. R. (1988). *The nonprofit as a first sector: Policy implications*. Proceedings from Independent Sector.

Young, D. R. (2002). The Influence of Business on Nonprofit Organizations and the Complexity of Nonprofit Accountability Looking Inside as Well as Outside. *The American Review of Public Administration*, *32*(1), 3-19. Retrieved from http://arp.sagepub.com/content/32/1/3.short

Young, D. R. (2007). *Financing nonprofits: putting theory into practice.* Lanham, MD: Altamira Press.

Young, D. R., Hollister, R. M., & Hodgkinson, V. A. (1993). *Governing, leading, and managing nonprofit organizations: new insights from research and practice* (1st ed.). San Francisco: Jossey-

Bass Publishers.

Yu, P. (2007). The international enclosure movement. *Indiana Law Journal*, *82*, 827-907.

Zald, M. N., & McCarthy, J. D. (1987). *Social movements in an organizational society: collected essays*. New Brunswick, N.J., U.S.A.: Transaction Books.

Zietlow, J. T. (2002). Releasing a new wave of social entrepreneurship. *Nonprofit Management and Leadership*, *13*(1), 85-90.

Zietlow, J. T., Hankin, J. A., Seidner, A. G., & Hankin, J. A. (2007). *Financial management for nonprofit organizations: policies and practices*. Hoboken, N.J.: John Wiley & Sons. Inc.

Zimmerman, J. F. (1999). *The New England town meeting: democracy in action*. Westport, Conn.: Praeger.

Zinkeisen, F. (1895). The Anglo-Saxon Courts of Law. *Political Science Quarterly,* 10, 132-144.

Zunz, O. (2012). *Philanthropy in America: a history.* Princeton: Princeton University Press.

Zweig, S., & Bell, A. (2013). *The world of yesterday* (A. B., Trans.). London: Pushkin Press.

Version Notes

Version Numbering

Because it is so easy to make revisions to an electronic manuscript, some system for keeping track of those changes seems desirable, even necessary. The scheme for denoting versions of this manuscript used here is related to that employed by software developers and computer operating systems. It includes three letters and three digits (e.g., Edition PDF1.1.1 indicates the first PDF release of the first edition). The first digit denotes the edition number. The second indicates a new release with minor, but meaningful, corrections to the text. The third digit indicates any other type of technical correction (spelling errors, added sources, and the like). Finally, the letters preceding these numbers indicate the electronic publishing platform for which the version in question is optimized. (MW1.2.1, for example, indicates substantive corrections to the first edition of the Microsoft Word Read-Only version, while AR1.2.1 indicates the same changes to the Adobe Reader version and AI1.2.1 indicates the same textual changes to the Apple iBook version.

As with software errata, we will endeavor to include lists of such revisions in this section.

Version 1.1.0

This version was released on September 22, 2014. It is the equivalent of a software "beta" version; there are still a few rough spots to be ironed out, but the text is complete and 99.9% of the editing is also.

MSWord Notes

There are a number of electronic publishing advantages to the Microsoft Word version of *Voluntary Action in New Commons.* Any desktop or laptop computer should be able to read it and many tablets (iPads, etc.) are also able to read MS Word documents. The Table of Contents and footnotes are all hyperlinks. Clicking on a page number in the ToC should bring up the corresponding page, and hovering over a footnote will produce a small window with the footnote enclosed. There is no index, but searching for any term in the text is easy and versatile. The text is set in Print Layout view, but it is easy to switch to the other views, take notes, add comments, and do all the other things MS Word can do. The MS Word version MW1.1.0 is available at: http://bit.ly/Zcp0bv

PDF Notes

Adobe's Portable Document Format (PDF) also brings a number of advantages. Any desktop or laptop and most tablets should also be able to read it with the free and universally available Adobe Reader. Some basic editing functions and keeping notes is also easy. Both Microsoft and Adobe offer some version of cloud storage and sharing of versions across devices. The PDF version PDF1.1.0 is available for download at the author's pages on Academia.edu and ResearchGate:

https://www.academia.edu/3401786/Voluntary_Action_in_New_Commons

and

https://www.researchgate.net/profile/Roger_Lohmann

Version 1.2.1 Notes

One of the biggest changes from version 1.1.1 is the incorporation of all footnotes into the text. I did this primarily to accommodate the iBooks Author software, since it currently has no convenient method for handling footnotes.

In addition, the copyright terms are changed to a Creative Commons Attribution 4.0 International License and designated as a Free Cultural Work.

Other major changes in this version are:

Converted chapter numerals (e.g., Chapter 11) to text (e.g., Chapter Eleven).

Simplified some chapter titles and realigned and added some chapter epigraphs.

Moved a list from Chapter 4 to Appendix A.

Inserted the Pestoff figure into Chapter 4.

Added discussion of the Pestoff figure.

Inserted the Ostrom and Ostrom 2X2 (contingency) table into Chapter 7.

Added discussion of that table and the associated source

Inserted additional 'Types of Goods Produced' tables in Chapter 7 for benefactories, moratoria, performatories and celebratoria.

Changed the epigraph for Chapter 10.

Added Figures 4.2 and 4.3 and associated discussion to Chapter 4

Added Figures 12.1 and 12.2 to Chapter 12.