Common Property: Uncommon Forms of Prosocial Organizing

1. Introduction

As Adam Smith memorably observed, the world of self-interested commerce is replete with positive externalities (Smith, 1904 [1776]). Much good comes to societies in which profit-seeking enterprise flourishes, including gainful employment and the generation of income available for expenditure on the necessities of life as well as those things that make it enjoyable. Alas, the externalities are not always positive. Since the dawn of commercial activity, there have been worries about its negative effects on those who engage in it, and on the societies in which it takes place. But lately there has come to be heightened concern that left to its own self-interested devices, business is doing a good deal of harm. Porter and Kramer (2011) remark, "business increasingly has been viewed as a major cause of social, environmental, and economic problems. Companies are widely perceived to be prospering at the expense of the broader community" (p. 62).

This heightened concern has brought with it a renewed attention to the question of what should count as value in the world of business (Donaldson & Walsh, 2015), and calls for a concept of "shared value" that recognizes "societal needs, not just conventional economic needs, define markets" (Porter & Kramer, 2011, p. 5). This is the climate in which concepts of 'prosocial motivation', 'prosocial behavior' and 'prosocial organizing' have taken root in the world of business. What makes motivation, behavior or the process of organizing prosocial is their other-directedness; an orientation toward benefiting others by relieving their hardship and/or promoting their welfare (Batson & Powell, 2003, p. 463).

Prosocial venturing can take many forms and is promoted in a number of different forums. The most obvious manifestation of an interest in prosocial business is the attention paid to social enterprise that has mushroomed since the early 1990s. But the scope of prosocial organizing broadens out in such considerations as the attention paid since the 1960s to corporate social responsibility (CSR), especially when CSR is seen as going mere beyond statutory compliance to corporate activity aimed at furthering some social good. Many of the initiatives undertaken since 2004 under the umbrella of the United Nations Global Compact similarly embody a push for a prosocial business impact.

Our intention in this paper is to launch a theoretical consideration of one important but neglected aspect of prosocial organizing: the underlying property regime. That leads us to draw attention to a particular property form that has received little or no attention as an instrument of prosocial organizing, though it has been employed in several notable examples of that activity: common property. In highlighting this institutional arrangement, we wish to go beyond identifying an under-recognized feature of some prosocial organizations and highlight an instrument with potential advantages for additional instances of prosocial organization.

The plan of this paper is as follows. We begin by explicating the dominant assumptions about property that underlie much thinking about business activity, including its prosocial examples, and contrast these with the varied and complex concepts of property that are obscured by those assumptions. We draw attention to an historical example of the way that common property has been employed in a striking form of prosocial venturing, and follow this with a sketch of three current exemplars of prosocial organizing built around common property. Next, we outline the way that standard market arrangements require the commodification of factors such as land, labor and capital, and the damage done by commodification. We then theorize how the common property regime can have the effect of decommodifying capital, labor and land by re-embedding them in society and the environment and restoring their use value. We then compare our common property prosocial organizations (CPPOs) with other recent innovations in prosocial organizing, such as B-Corps and L3Cs. We discuss the potential of CPPOs for further innovation in prosocial organizing, and conclude with some suggestions about further research into that potential.

2. Enlarging the Concept of Property

A capitalist market system depends fundamentally on the institution of private property. Perhaps as a consequence, when the word 'property' is used, it is generally taken for granted in industrialized societies that the reference is to private property: the exclusive possession of some entity by individual persons or organizations (artificial persons in law). This assumption is, historically, socially and legally myopic.

As Ostrom (2000) has shown, it is easy to oversimplify the concept of property. The institution of property in fact gathers up a complex and variable bundle of different rights that a person or group has in relation to some asset. Each bundle is made up of some combination of the right to access, to withdraw resource units, to regulate and improve, to determine who else may have access and withdrawal privileges, and to sell or lease (Schlager & Ostrom, 1992). The bundles of rights may be held in differing combinations. There may be a right, for example, to access property coupled with limited rights to its management, or a right to exclude others from accessing property but not the right to sell (alienation).

Modern scholars agree that property relations are essentially social relationships that exist in agreements among members of society with respect to the relationship between some person or group and some asset: "First and foremost, *all property rights flow from the collective* as opposed to flowing from some alleged 'natural rights' that are claimed to be logically prior to the state" (Bromley, 1991, p. 5, italics in the original). Property rights exist, on this view, in the agreement by members of a society to respect a specific set of entitlements between some person or group and some asset(s).

Across different societies, cultures and nations there is a rich diversity of property regimes and rights, a diversity with respect not only to the combination of rights that may be entailed but also to who may hold them. Although a taxonomy of property rights cannot capture fully this variety, in this paper we distinguish among four property regimes: private property, collective property, common property, and public property. Full property rights under each regime will consist in something approaching all the rights that constitute property relations, but it is worth emphasizing that under each regime, rights may be bundled in a variety of ways.

Full private property rights consist of the possession by a person of the something like the full bundle of rights referred to above, with respect to some asset, although there are almost always limitations on the extent of those rights. The legislation in most industrialized countries constitutes firms, properly registered, as individual legal persons, and they are therefore included as private property holders. A collective property regime, in contrast, refers to an asset in relation to which members of a group have property rights that are held jointly but divisibly; i.e., individual members of the group may withdraw their share of the jointly held property and treat that share as individual property. In this respect, collective property may be seen as a sub-class of private property. Private and public corporations exemplify the collective property regime in that individual shareholders are regarded as part owners with the right to treat their share of ownership as personal property that can be bought and sold independently.

A common property regime is similar to, but importantly different from collective property. Like collective property, common property is an asset over which a group of persons share ownership rights; but in the case of common property they share those rights co-equally

(Ciriacy-Wantrup & Bishop, 1975), and – crucially – those rights are *not* divisible among persons. Members of the common property ownership group are essentially trustees, not individual or collective owners, since their ownership interest is not defined by their rights in relation to individual shares. Legally, individual owners cannot be discriminated in common ownership. Specifically, members cannot sell their share in rights of exclusion and management as divisible portions of an asset (Ostrom, 2000, p. 341). A member's interest in common property is defined by their participation in the group that, according to institutional arrangements, exercises ownership entitlements. Importantly, common ownership does not entail open access, which is fact the absence of any form of ownership (McKean, 2000, p. 8). As Bromley and Cernea (1989) have pointed out, arguments for a "tragedy of the commons" (Hardin, 1968) often rest on a confusion between a common property regime and open access. Institutionally, common property ownership includes the right of a distinguishable group to exclude others from access or other aspects of ownership with respect to an asset (Ostrom, 2000, p. 335).

It is important not to confuse common property with public property, a sub-class of state property in which an asset or resource is owned by a governmental authority. Some types of public property, e.g., offices, buildings and equipment, are restricted in their access in the same way as access to private property. But when a governmental authority designates some of its property as open access to the public in its jurisdiction (Clarke & Kohler, 2005, pp. 37-38), that makes it public property. Public property differs from common property in two related ways: the scale of access to it, and nature of the asset itself. The extension of access to whole populations allowed for in public property contrasts with the restricted access permitted with common property. This is no doubt related to the fact that a public property asset is generally taken to be 'nonsubtractable,' i.e., the use of the resource by one person does not subtract substantially from the ability of others to access it (McKean, 2000), while an asset held as common property are seen as subtractable.

Ostrom (2000, p. 234) notes the prevailing assumption that private property is an essential feature of any economic system that can be relied upon to produce 'development' in the form of dependable surpluses. The assumption underlying this view is that private property, and the opportunity of exchange for profit, provides an incentive structure that is uniquely suited to producing overall social and environmental benefits concurrently with maximizing individual interests. This belief underpins the view that market capitalism is the primary engine of development. Common property regimes, as defined above, are assumed to be inefficient because they entail three forms of wastage: common owners expend resources competing for the productive outcomes that are not distributed until realized; the high costs anticipated for reducing the externalities of mutual overuse; and the lack of individual incentives to work hard, since increases in productivity are shared by the common owners and do not accrue to the individual (Mukhija, 2005; Ostrom, 2000).

Scholars have challenged the belief that private property rights are invariably the best mechanism for generating prosocial benefits, and there is increasing evidence that the short-term focus of private property regimes contributes significantly to negative social and environmental impacts such as pollution, overharvesting and deforestation (Harvey, 2005, 2007). Moreover, common property ownership often equals, and may exceed, the prosocial benefits of a private property regime (see, e.g., Mukhija, 2005). For example, Peredo and Chrisman (2006) found that a common property regime combined with collective governance structures in community-based enterprises serve as a robust mechanism for poverty alleviation and natural resource conservation in poor countries.

3. The Neglected History of Common Property Prosocial Organizing

The common property regime was, for many centuries, a standard way of regarding property, especially in land (Richard, 1951). Property theorist C.B. Macpherson opined "[i]t is only when we enter the modern world of the full capitalist market society, in the seventeenth century, that the idea of common property drops out of sight" (1978, p. 10). Since the Industrial Revolution, to the extent that common property was considered at all, it was seen as an anachronistic holdover from feudal times. What this hides from view is the persistent use in this same time period of organizational forms based on common property as a prosocial response to hardship.

Consider the example of the cooperative movement originating in the UK and spreading from there to the industrialized world. The Rochdale Society of Equitable Pioneers, founded in 1844, was not the first enterprise founded on cooperative principles, but it was the longest-lasting and became the prototype for an organizational form that has spread around the world. The conditions of its founding, and its organizational features, are germane to our thesis.

The northern English town of Rochdale in the 1840s was clear example of the social dislocation brought about by the Industrial Revolution. Rochdale had been a center for the hand loom textile industry, but the emergence of the power loom and its growing concentration especially in the industrial center of Manchester, brought hardship to the weavers (Fairbairn, 1994). Some persisted in attempting to maintain themselves at their trade, while others joined those displaced by enclosures in seeking employment in the steam-powered mills. But privation and inadequate housing was widespread, bred by long working hours, low pay, unsafe working conditions and casual employment. Workers were at the mercy of merchants, often the companies they worked for, selling them adulterated goods at high prices, and offering credit to capture them in an exploitative consumer relationship (Fairbairn, 1994).

Rochdale had for many years been exposed to the tradition of cooperation-based organizations as a means of addressing social as well as economic ills, though these organizations were typically relatively short-lived and limited in their impact (Fairbairn, 1994). In August of 1844, 28 men, eight of them weavers and the remainder tradesman or workers of other kinds, met to form a cooperative association aimed at addressing the misery that they and those around them were enduring. Each of them undertook to accumulate, by weekly donations, a pound sterling to contribute to a pool of capital to be held in common by the group. Subsequent members were required to make a similar contribution. The aim of the society was stated to be "the pecuniary benefit, and the improvement of the social and domestic condition of its members" (Rochdale Society of Equitable Pioneers, 1844, p. 2). Their first, very successful enterprise was a consumer cooperative aimed at supplying its members with household necessities, of good quality and reasonable prices. The Society's founding document listed further aims such as cooperative housing, cooperative manufacturing to provide employment, and the purchase of land for cooperative cultivation. All of these ventures were attempted, many of them successfully, as time progressed; but the consumer cooperative remained the most visible and successful enterprise.

At the heart of Rochdale Society's cooperative organizational form was the common property regime. Governance was democratic, with each member having a role in decision-making at weekly meetings, and each member having one vote. Members did receive a limited amount of interest on their membership investment (thus providing a form of savings for the poor), but they benefited from any surplus the Society made only to the extent they had used its services. Thus, profits, in the form of dividends, went to owner/users, and not to outside investors, and it was not related to an individual share of ownership. The common ownership of capital, as distinct from collective ownership, was made clear in an 1854 amendment to the Society's constitution, which stipulated that in the event of dissolution, the value of any remaining assets would not be divided among members, but given to some charity or similar organization (Fairbairn, 1994, p. 9).

Rochdale clearly had an impact. By 1851, at least 130 other cooperative societies had been formed in the UK. By 1855, Rochdale itself had 1,400 members and by 1859 it included six branch stores (Fairbairn, 1994, pp. 10-11). Federations of cooperatives were forming by the 1860s, as the movement's impact on consumer welfare became more and more widely accepted. The founding impetus of cooperative enterprise in addressing hardship underlines its prosocial origins.

4. Current Common Property Prosocial Organizations (CPPOs)

The late twentieth and early twenty-first centuries have continued to feature challenges to human welfare: hunger, issues of health, homelessness or inadequate housing, and other privations. There are those who believe, or hope, that standard forms of commercial enterprise will address these challenges over the long run, by way of positive externalities. But, as pointed out in the introduction to this paper, there has been increasing attention to forms of organizing enterprise that are prosocial, in the sense of not leaving the welfare outcomes to externalities.

Researchers have begun to explore innovations in organizing for prosocial outcomes, (e.g. Viner, 2013). What has not appeared in analyses of these prosocial responses is something we believe is a vital consideration in organizing for prosocial outcomes: the concept of how prosocial enterprises construct their ownership. Our argument here is that this is an important variable, obscured by the assumption that private ownership is the preferred means for delivering welfare. We contend that attending to that variable can open opportunities that have only begun to be appreciated.

We summarize below three exemplars of what we will call ‘Common Property Prosocial Organizations (CPPOs)’. All of our exemplars have been legally constituted in the last twenty-five years, though they grew out of social processes that originated in recognition of unmet social needs, and an understanding that some form of enterprise could address it. All three employ the common property regime as the fundamental resource base for delivering prosocial benefits. Each of our exemplars has distinctive features and a complex history behind its societal and eventual legal recognition. The narratives we present suggest that the legislation for each CPPO lay at the end of an informal developmental process, characterized by trial and error experimentation with alternative organizational structures aimed at producing economic, social and environmental benefits. The developmental process is one in which new organizational forms emerge and evolve first as operational, social phenomena before receiving the *imprimatur* of legal recognition. What is crucial, however, is the way that some urgent need, such as access to healthcare, employment, access to affordable housing, and the multitude of other needs arise in communities, calls forth a prosocial response that employs common property as a primary instrument for delivering benefits.

4.1 Social Cooperatives (Italy)

In post-WWII Italy, the government met increasing demands for social services by enlarging the pension system rather than providing the services, the only non-government organizations (NGOs) explicitly aimed at providing social benefits were cooperatives. In Italy, cooperatives were legally restricted to providing benefits to their members (Borzaga & Santuari, 2001, pp.

168-169). By the 1970s, however, some NGOs were using the cooperative organizational form, despite legal restrictions and opposition from many in the cooperative movement, to address social needs that took them beyond the borders of membership. Initially, many that took this route banded together as 'associations,' staffed mainly by volunteers and meant not as stable suppliers of services but a temporary solution until the welfare system responded by providing social services (Borzaga & Santuari, 2001, p. 169). When this did not take place, many of these associations re-formed themselves as what they called 'social solidarity cooperatives' (SSCs) (Borzaga & Santuari, 2001, p. 171) and new social service delivery organizations were incorporated in that form.

Legislation to institutionalize formally the SSC was first drafted in 1981, but it needed a decade of debate to resolve disagreements about organizational structure and governance. Throughout that period there was a steady increase in the number of de facto SSCs, and by the time of the legislation (1991) there were almost 2,000 in existence (Borzaga & Santuari, 2001, p. 172). Italian law (381/1991) institutionalized the SSC and the new property rights regime and distinguished between Type A social cooperatives (*cooperative sociali di tipo a*) that deliver social, health and educational services, and Type B social cooperatives (*cooperative sociali di tipo b*) that provide work integration for disadvantaged people. Significantly, SSC membership extends beyond their intended beneficiaries, and often includes volunteers as well as those providing professional services (European Confederation of Workers' Co-operatives Social Co-operatives and Social and Participative Enterprises, 2006).

A central feature of the cooperative form in Italy, as elsewhere, was the maintenance of at least a large share of the organization's capital as indivisible, common property (International Co-operative Alliance, 2015; Somerville, 2007). Italian law underscored this requirement by prohibiting the privatization (demutualization) of cooperatives until 2003. When privatization was subsequently allowed, the stipulation was attached that when it took place the indivisible assets had to be maintained intact and transferred to another cooperative body (Battilani & Zamagni, 2011). Similarly, there is a strict limitation on the redistribution of any surplus to members (European Confederation of Workers' Co-operatives Social Co-operatives and Social and Participative Enterprises, 2006, p. 5). The progressive adaptation of the cooperative model that eventuated in the Italian SSC maintained these features.

As of 2008, there were almost 14,000 social cooperatives operating in Italy, based on common property and employing well over 300,000 people, many of them disadvantaged. (Poledrini, 2015).

The CopAps cooperative (*Cooperative per Attivité e Prodotti Sociale*), illustrates the model (Restakis, 2010). Retrenchment in the state-sponsored mental health system was among the factors that led caregivers dealing with the needs of mentally disadvantaged members in the Sasso Marconi region, just south of Bologna, to form a workers' cooperative of health care providers in 1979. The organization evolved into a Type B social cooperative of families and caregivers. During the week, about 20 handicapped individuals take part in life-skills and vocational training, while on the weekend they staff a *trattoria* for families visiting from nearby Bologna. They also cultivate medicinal herbs and operate a landscaping business. The co-op provides sensitive care and satisfying employment that is fully funded by the revenue it derives from its products and landscaping services, and fees from families of the participants. CopAps is typical of many SSCs in being relatively small and locally oriented, but also in being networked with other SSCs in an umbrella organization that offers the benefits of larger scale purchasing power and advocacy.

4.2 The Community Land Trust (USA)

The Community Land Trust (CLT) was recognized in US federal statute in 1992 after a process of development in several states of the USA. The origins of the CLT lie in the inadequate supply of land and housing for the disadvantaged, the high cost of land and housing that made purchase impossible for those on low incomes, and social activists committed to the belief that in their society at the time, "unsatisfactory institutional answers have been evolved to the questions of allocation, continuity, and exchange" (Swann, Gottschalk, Hansch, & Webster, 1972, p. xiii). Inspired by examples of land acquired and managed in trust by communities in places such as Andean villages in South America, as well as communities in Mexico, Africa, India, and Israel, activists developed a land tenure regime that would protect the rights of communities and land-users by placing areas of land into common ownership. The plan was first attempted by New Communities Inc., in 1969, as a way of providing African-Americans in the rural South with secure access to land in the face of widespread prejudice, high land costs and predatory credit systems (Curtin & Bocarsly, 2008, p. 370). The innovation in the experiment was to separate the cost of land, the costliest part of home-ownership and subject to speculation in private hands, from the cost of housing structures. New Communities Inc. succeeded in providing a prototype for dealing with the impact of rising land costs and investors speculation that made private home ownership difficult to achieve and sustain.

CLTs were formed in a number of predominantly rural locations in the 1970s, but it was in the mid-80s, with urban housing in increasingly short supply due to gentrification and speculation, that CLTs began to take hold in cities where the provision of affordable housing had become an urgent problem (Davis, 2010).

At the heart of the CLT is the common property regime. Ownership of land does not rest with individuals but is vested indivisibly, in a community-based social enterprise, while individuals or groups who lease a parcel of the land may own buildings and improvements located on it. Land thus becomes common property, held in trust on behalf of those making use of the land. Profit-making is intentionally taken out of the equation, since profit-making is the source of the problem that CLTs are meant to address: the ascendancy of exchange value for land over its use value, with the result that increasing segments of a population are unable to finance their own housing (Harvey, 2014, pp. 22-24).

The classic CLT is governed by a tri-partite board composed of members from three groups: lessees who own property on leased land, non-lessee members who live in the CLT community, and members of the public who support the CLT (Curtin & Bocarsly, 2008, p. 375). As of 2007, it was estimated that there were approximately 190 CLTs in the US, largely serving very low (less than 50% Area Median Income), low (50-80% Area Median Income) and moderate (80-120% Area Median Income) income households (Sungu-Eryilmax & Greenstein, 2007: 2). By late 2016, the total number of CLTs in the US had grown to more than 270 (National CLT Network, 2016b). There is a growing CLT social movement in other countries including the UK and Canada (Gupta & Crosbie, 2005; Lewis & Conaty, 2012). As of late 2016, the UK CLT Network recognized 170 CLTs in England and Wales, half of them formed in the previous two years (National CLT Network, 2016a).

The development in 1984 of the Burlington Land Trust in Burlington, Vermont, USA, illustrates the urgent need that elicits the prosocial response of a land trust. The attractions of

Burlington as housing and vacation destination for New Yorkers created a market in which housing prices were climbing at twice the national rate. Local residents were being priced out of housing in their own communities. Activists established the Burlington Community Land Trust, and the municipal council, intent on dealing with a crisis in affordable housing, provided some funding. The trust moved quickly to acquire land and begin opening the way for housing priced for its use value, and not by speculative forces. Now known as the Champlain Housing Trust, the trust manages 2,200 apartments and leases land to 565 home owners, all at prices well below prices in the market controlled by land values (Champlain Housing Trust, 2016).

4.3 Community Interest Company (UK)

The late twentieth century saw increasing awareness in the UK of a wide variety of unmet social needs. A significant development during this period was government promotion of social enterprise as an instrument for dealing with those needs. Creation of the Community Interest Company (CIC) in 2005 was one important expression of this policy approach, but it carried a significant difference from other instances of social enterprise: a foundation in common property.

The legislation for the CIC amended The Companies Act of 1985, signaling that the new organizational form was in many respects a traditional, limited liability company (corporation) as then represented in British corporate law, and the same incorporation and taxation principles apply. In addition, however, a CIC must achieve the following: 1) satisfy a government appointed regulator that its primary purpose is to benefit a wider community beyond its membership; 2) incorporate under an asset lock to protect assets from being distributed to members and require that on liquidation they be handed on to another asset locked organization; and 3) consult with stakeholders and file an annual CIC report to show that it continues to satisfy the community interest. The defining feature of an asset lock represented a new approach to the property relationship as a way of dealing with social needs: a foundation in common property.

One aim of legislating for the CIC was to increase access to capital since, as a company, it may approach banks and other financial institutions more easily than other prosocial organizations. If incorporated by shares, then dividend distribution is allowed, but within strict limitations imposed by the CIC regulator. The asset lock that establishes the assets of the CIC as indivisible, common property, and strict limitation on dividend distribution, represents a departure from the assumption that the private property regime is the preferred instrument for producing social benefit. As of August 2016, there were more than 10,000 CICs incorporated in the UK. In 2012, two provinces in Canada – British Columbia and Nova Scotia – passed legislation providing for enterprises modelled on the CIC, including its asset lock and limited distribution of surplus (BC Centre for Social Enterprise, 2015; Lazier, 2012).

The Canal and River Trust, registered as a CIC in 2012, provides an example. It took over ownership of more than 2,000 miles of waterways formerly in national ownership (www.canalrivertrust.org.uk). The aim of the Trust is to maintain and increase public access to and use of inland waterways, and foster entrepreneurial ways of generating income for the Trust. Employees and volunteers are involved in waterways renovation and repair projects, and entrepreneurs can lease land and property to develop new business opportunities, e.g., tourism, fishing and water sports ventures. In a second example, Bikeworks registered as a CIC in 2006 and coordinates a range of commercial and social benefit activities (www.bikeworks.org.uk). Income is generated from several retail outlets and the sale of sports based training and team building courses, at the same time as providing supported employment for exoffenders and substance users.

Table 1 summarizes the features of the three exemplar CPPOs and shows the convergence on limited distribution of surpluses to members/shareholders and, crucially, the indivisibility of assets held as common property.

TABLE 1.

Summary of CPPO Exemplar Forms

Organizational form	Location	Prosocial purpose(s)	Accountability for prosocial benefits	Property regime	Distribution of surpluses	Disposal of assets on liquidation
Social Co-operatives (1991)	Italy	Type A: To pursue the general interests of the community and citizens' social integration by delivering social, health and educational services. Type B: Integration of disadvantaged persons into the workforce	As for traditional co-operatives, plus annual review by Ministry of Labour and central co-operative confederations	Property held in common, i.e., not divisible	Limited interest payment on member shares and stakeholder investments permitted, otherwise prohibited	Must be conveyed to another co-operative or co-operative federation
The Community Land Trust (1992, and subsequent)	USA, UK and Canada	To provide affordable housing by removing the cost of land from the housing price	Oversight of tri-partite governing board (lessees, residents and other members of the public), plus compliance with charity or non-profit regulations	Property held in trust, as common property, by non-profit corporation, i.e., not divisible	Must be reinvested or returned to reserves	Cannot be distributed to trustees. Generally, remaining equity must be conveyed to similar organization
Community Interest Company (2005, 2012)	UK, Canada	To provide for a form of business or other activity conducted for community benefit and not primarily for private profit	CIC regulator on the basis of CIC annual report, which must be made publicly available	Property essentially held in common, though CICs formed as public companies can allow	Limited distribution of dividends or interest where there are shareholders and/or lenders;	Cannot be distributed; must be conveyed to another asset-locked community interest body (CIC,

		trading of shares	otherwise must be reinvested	charity or similar)

There are other recognizable examples of the CPPO, especially in Europe, including the Collective Interest Co-operative Society (France), Social Initiative Co-operatives (Spain), Social Solidarity Co-operatives (Portugal), (Defourny & Nyssens, 2008; European Confederation of Workers' Co-operatives Social Co-operatives and Social and Participative Enterprises, 2006). Legislation in British Columbia, Canada, provided in 2007 for Community Service Cooperatives, providing services to non-members, and based entirely on a common property regime with no allowance of surplus distribution to members. In addition, particular forms of social enterprise outside Europe and North America, particularly in the context of Indigenous territories, might also be recognized as CPPOs (see, e.g., Anderson & Giberson, 2004; Berkes & Davidson-Hunt, 2010; Peredo & Chrisman, 2006).

5. Market Exchange and Commodification

A theoretical perspective on the potential impact of employing common property in prosocial organizing helps bring out the distinctive role this organizational form may make. The key element in this theoretical perspective is the concept of commodification.

Polanyi referred to the kind of societies we live in as "market societies": a relatively new development in which price-regulated markets are the primary institution governing the production, distribution and consumption of the means of livelihood (1977, p. 9). The dominance of markets requires that not only goods and services, but all productive factors be available for market exchange. What struck Polanyi particularly was how a particular set of elements not originally produced for sale in markets, in fact not really produced at all, must be treated as marketable items, as "commodities". The elements he had in mind were labor, land and money.

According to Polanyi, “the commodity description of labor, land and money is entirely fictitious” (2001 [1944], p. 76).[1]

In Polanyi’s view, treating labor, land and money as marketable is not just a category mistake. Abstracting from the real world the items that are traded as labor, land and money misrepresents real-world entities in ways that are damaging to the realities from which the fictitious commodities are abstracted.

Consider labor, with which Polanyi was especially concerned. The working part of a person’s life is, in reality, bound up with all other aspects of that life: family and domestic concerns, friendships, health, and all the psychological and material considerations that compose a human life. Treating the working part of life as a market commodity, Polanyi held, inevitably poses risks to the whole life from which it is abstracted. “(T)he alleged commodity ‘labor power’,” he wrote, “cannot be shoved about, used indiscriminately, or even left unused, without affecting also the human individual who happens to be the bearer of this particular commodity. In disposing of a man’s labor power the system would, incidentally, of the physical, psychological, and moral entity ‘man’ attached to that tag” (Polanyi, 2001 [1944], p. 76).

Polanyi advanced a similar argument about land. Interestingly, he viewed the reality from which commodity-land is abstracted primarily in terms of nature as the habitat of humanity. Land, he wrote, “invests man’s life with stability; it is the site of his habitation; it is a condition of his physical safety; it is the landscape and the seasons. We might as well imagine his being born without hands and feet as carrying on his life without land” (Polanyi, 2001 [1944], p. 187). Placing parcels of nature in the market, Polanyi argued, dislocates them from the factors of

[1] Though Polanyi’s use of this concept overlaps to some extent with that of Marx, it is different in several important respects. See Dale (2010: 84-86).

human life embedded in them. This is fully evident, he suggested, in modern colonization, where the needs of extraction or industrial-scale agriculture "shattered" the "social and cultural system of native life" (Polanyi, 2001 [1944], p. 188). But even in the colonizing societies, he maintained, the real estate market violates the fullness of nature as bound up with human habitation. Polanyi never thought of nature entirely apart from its service to humanity, but he did consider the effects of marketing land on nature itself when he observed that "even the climate of the country which might suffer from the denudation of forests, from erosions and dust bowls, all of which, ultimately, depend on the factor land, yet none of which respond to the supply-and-demand mechanism of the market" (Polanyi, 2001 [1944], p. 193).

Making money a marketable item has similar problems, according to Polanyi. Money, he contended, originates as an item of utility: "actual money is merely a token of purchasing power which, as a rule, is not produced at all, but comes into being through the mechanism of banking or state finance" (2001 [1944], pp. 75-76). Money, like property rights, is thus an institution grounded in social relationships (Maucourant, 1995). Treating money as a commodity strips away this embeddedness in exchange between persons, and misrepresents it as a depersonalized instrument for profit-making. As with other forms of commodification, the market exchange of money substitutes exchange value for use value, and in so doing, misrepresents in a destructive way the reality from which it is abstracted.

6. **Common Property and Decommodification**

The feature of common property that is most significant as a factor in prosocial organizing is its potential for decommodifying 'fictitious commodities', and restoring them to their place as contributors to human well-being.

Polanyi thought of decommodification as the removal of some factor "from the orbit of the market" (2001 [1944], p. 186). On this view, any process that significantly reduces dependence on the market for the delivery or exchange of some factor can be seen as decommodification.[2] Polanyi did not regard decommodification as an all-or-nothing process, insofar as he thought such things as labor unions had decommodified labor, even though they had not completely removed it from the market. At the same time, it would not be useful to attach the term 'decommodification' to very minor adjustments to market sensitivity, so we attach the modifier 'significant' to the kinds of reductions that a process must make. There is no way of specifying a precise threshold for significance, and our argument rests on the assumption that the differences we suggest meet an intuitive standard of significance.

Consider first the matter of money. Holding capital as common property, as our CPPOs do to at least some considerable extent, means that money is not employed primarily in markets for its exchange value. Holding a capital resource, even holding it in common, cannot in the modern, monetized world entirely avoid the exchange factor of money. But the way in which capital is treated as a common property asset means that its primary employment is for its purchasing power, not its ability to earn investment income. This is evident in the requirement

[2] This differs slightly from the definition of 'decommodification' given by Esping-Andersen (1990), who sees it as providing means of welfare apart from market mechanisms. We believe the spirit of Esping-Andersen's proposal is the same as the definition we propose, but ours is easier to apply to our discussion of decommodification of the factors themselves.

that is typical of CPPOs that at least a sizable portion of any surpluses but be reinvested in the enterprise; that is, used to purchase assets to further the achievement of enterprise goals, and not distributed as income to individuals thus realizing its exchange value. The maintenance of common capital as a source of purchasing power is underlined in the asset lock that CPPOs maintain. Even on dissolution, the assets of CPPOs may not be broken up and distributed to individuals, but must be retained as a resource for other organizations with similar aims.

What this means is that a capital foundation, to the extent that it is held in common, is devoted in perpetuity to its prosocial purpose and not diverted to pursuit of exchange value. The decommodification effect of common property in money is thus rich with potential for enhanced, prosocial organizing.

Consider next the factor of labor. It has been argued (e.g. Garrow & Hasenfeld, 2014; Kelly, Campbell, & Harrison, 2015) that some CPPOs actually increase the commodification of labor for some people insofar as they aim their ventures at creating employment prospects for people at a disadvantage in the labor market. This view, however, overlooks the fact that these CPPOs, in providing employment opportunities for the disadvantaged attenuate the standard market forces of supply and demand. It is true that beneficiaries enter the labor market, but they are enabled to do this by measures that to at least some degree, reduce the operation of the demand structure of the market. We consider this to be decommodifying and to have clear prosocial benefits.

Add to this a very common feature of CPPOs: volunteer labor. CPPOs are frequently launched by volunteer activity (Borzaga & Santuari, 2001), specifically include volunteers in their membership (European Confederation of Workers' Co-operatives Social Co-operatives and Social and Participative Enterprises, 2006) and are sustained by volunteer work (Borzaga, 2011).

Volunteer work in supplying these prosocial services clearly reduces CPPO dependence on labor as a market item.

A clear example of decommodification is provided by CLTs. Polanyi is eloquent on the deleterious effects of commodifying land on the humans who inhabit it. The housing crises that afflict communities around the world are an embodiment of his concerns. They clearly result, in part at least, from the increased employment of land as a commodity. The majority of land-based housing in the industrialized world is built on speculation, and the use value of land is generally crowded out by exchange value (Harvey, 2014). In the face of this, the prosocial purpose of CLTs is providing affordable housing. It does this by removing land from the market, constituting it as common property and restoring its use of providing a place where people may build and maintain homes. The association of prosocial purpose with common property could not be more apparent.

The prosocial impact of using common property as an organizational base has the common denominator of restoring the factors of money, labor and land to something like their natural state; a state where they are embedded in nature and human well-being rather than abstracted into marketized, profit-oriented factors. The organizational structures of CPPOs, built around common property, withdraw, to a significant degree, money, labor and money from market forces and concentrate them on prosocial outcomes.

7. Locating the Common Property Prosocial Organization

Other new organizational forms for social enterprise have received legal recognition in the last two decades, especially in the US, and it is worth locating the CPPO in relation to some of those new prototypes as well as to the more traditional business models. To highlight the distinctive character of the CPPO we compare them as a group in to three principal organizational forms:

the publicly traded company, traditional cooperative, and "hybrids" such as the Benefit Corporation (B-Corp), and the Low-Profit Limited Liability Company (L3C) (Rawhouser, Cummings, & Crane, 2015). Table 2 summarizes the similarities, and differences, among these three main types.

TABLE 2.

Comparison of CPPOs with other organizational forms

Organizational form	Purpose	Property regime	Accountability	Distribution of surpluses	Disposal of assets on liquidation
Publicly traded company (19th Century)	Securing of profits for shareholders	Private property in equity shares	Annual General Meeting of shareholders, each having proportion of votes determined by class and number of shares	As decided by governing board, may distribute dividends to shareholders according to class and number of shares	First, repayment of creditors, then bondholders, then distributed among individual shareholders
Traditional co-operative (19th Century)	Mutual social, economic, and cultural benefit of members	Common property with exceptions: co-operatives that issue equity shares or preferred shares	General Assembly of members, one member one vote	As determined by by-laws: large requirement of reinvestment with balance permitted as dividend to members based on use of service. Recent models allow for limited returns to investors	Varies with constituency, either demutualization disposal of assets to other co-operative venture or federation
Hybrid USA forms (B-Corps, L3Cs) (2008, 2010)	A general or specific public benefit in addition to profit for shareholders	Private property	As for publicly traded company	As for publicly traded company, but assumption is that directors will direct more surplus to reinvestment	As for publicly traded company
CPPOs (1991-2012)	To provide either any general or specific social benefit; not based on individual gain or advantage,	Common property	By governing body, as established by incorporation/registration, plus annual or other review by	Limited or no dividends or interest allowed to members or investors	Cannot be distributed; must be conveyed intact and indivisibly to another asset locked body

limited profit making allowed in some cases, e.g., CICs	regulating bodies where required

Table 2 underscores the fundamental difference between CPPOs and the new hybrids entering prosocial business: the legally constituted property regime. The common property at the foundation of the CPPO is evident in the fact that equity cannot be divided for individual benefit and, in the event of liquidation, any remaining assets must be transmitted to another asset-locked body. In contrast, liquidation of B-Corps and L3Cs is carried out in the same way as a traditional public corporation, i.e., by dividing any remaining equity among shareholders. Traditional cooperatives overlap with the CPPO in that profit-making is not a priority, perhaps even negligible; and there is often, though not always, the equivalent of an asset lock. The difference is that traditional cooperatives aim to benefit their members. Cooperative principles include concern for community, but the extent and application of this commitment is left to the discretion of cooperative governing bodies.

The CPPO is a prosocial organizational form that has come to be identified by large groups of interested observers who agree on labels and "codes" that denominate new forms of social enterprise (Hannan & Freeman, 1989; Hannan, Pólos, & Carroll, 2007: ch's 2-5). A clear reference point is given for each CPPO by recognition in law, with attendant specification of codes and conditions. We contend that the exemplar CPPOs originated prior to legislation, and the legal recognition of CPPOs legitimizes their status beyond doubt.

8. Conclusions

This paper has highlighted role of property regime in prosocial organizing: specifically, the way that a foundation in common property may in certain circumstances convey a distinct, prosocial advantage. Our argument employs the concepts of commodification and decommodification to show how in using common property, prosocial organizations help recover the factors of money, labor and land for the use-value that they have in their non-commodified status, a value that is specifically directed toward supplying human needs rather than a value that increases market worth.

It is important to recognize that this conclusion does not entail a negative estimate of prosocial organizing that accepts the commodification built into market-based activity. Where the aim is to produce prosocial outcomes, it would be unreasonable to insist that the means must be such that they resist the market structures that dominate our economies. In many circumstances, it is better to look after social needs in whatever ways are available than not to address them at all. The contribution of this paper is to highlight forms of prosocial organizing that have an important additional function: concentrating the factors of money, labor and land on prosocial outcomes in ways that standard market forces do not.

We have identified common property as an important resource, used by communities to advance their welfare and address social needs, and drawn attention to the potential advantages of this form of organizing. This identification can have the practical effect of drawing it to the attention of social entrepreneurs who may not be aware of its potential for prosocial organizing.

9. Future directions for CPPO research

We contend that identification of the CPPO and its role in relation to prevailing socio-economic assumptions lies at the threshold of a research domain rich with possibilities, of which we highlight five.

First, the extent to which the institution of common property is more widely employed for delivering social benefit deserves searching enquiry. We have identified prominent examples of the CPPO in Europe, the UK and North America; and there are many others in regions around the world. How widespread is CPPO? A closely related question concerns the variables associated with adoption of the CPPO. How are those variables related to economic, social and cultural values? Population ecology theory would be helpful in exploring the process and extent of international, national and regional diffusion of the CPPO. The CLT is a particularly interesting solution to the pressing social problem of housing shortages endemic to most major cities. More widely, are there forms of communication or cooperation or even partnership among organizations employing this tool and/or significant partnerships with other forms of organization as an aid to starting up or maintaining activity?

Second, further research could explore the entrepreneurial processes associated with the establishment and growth of CPPOs. How are the needs for CPPO interventions identified and responded to? Are there distinctive kinds of motivations, as suggested, for instance, by Poledrini (2015) in the case of Italian Social Co-operatives? How do communities coalesce and collaborate when garnering resources to establish and grow a CPPO? Lippmann and Aldrich (2016) use of "generational units" and "collective memory" to explore the emergence of entrepreneurial groups could be invaluable in this exploration. Since CPPOs are anchored in meeting the needs of the communities, to what extent does common property and asset specificity limit the growth aspirations of this distinct type of social enterprise? Do those creating CPPOs display a distinctive repertoire of entrepreneurial characteristics in the typology developed by Zahra, Gedajlovic, Neubaum, and Shulman (2009)? Research that explored how communities exploit opportunities to develop CPPOs would contribute to theoretical advancements in fundamental entrepreneurship questions concerning opportunity recognition, discovery and exploitation.

A third research opportunity concerns whether and to what extent common property regimes assist prosocial goal achievement. How do CPPOs compare in their productivity and effectiveness with other prosocial organizational forms? How is success measured, and to what extent does the common property regime enhance or inhibit comparative success? Further, how do CPPOs fare in the environment of highly competitive, market-based venturing based on profit-based incentives attached to private property? Are there specific barriers to maintaining community engagement, strategic direction and avoiding mission drift? There is ample scope for both qualitative and quantitative investigations, and for longitudinal studies related to factors associated with CPPO success, failure, and maintenance of social mission. For all these questions, it would be interesting to investigate whether contextual conditions influence national and regional differences in CPPO performance and innovation.

A fourth research question relates to an urgent need for development that confronts Indigenous communities around the world. Accompanying this challenge is an increased recognition that Indigenous community development must be on terms that arise out of Indigenous priorities and cultural values (Anderson, Dana, & Dana, 2006; Peredo & McLean, 2013). A prominent feature of many Indigenous cultures is a deep affiliation with their traditional lands (Peredo, Anderson, Galbraith, Benson, & Dana, 2004), which they relate to in way that invites comparison with the common property regime. How might property regimes, and the common property regimes that have emerged from colonial settlements, can be employed by Indigenous communities to effect not only material improvements in well-being but also conditions of sovereignty and self-determination. The prosocial possibilities of Indigenous common property regimes thus extend beyond material improvements and employment to include cultural reinforcement and resistance to the economic arrangements that have been part of the colonizing process. The prosocial possibilities of CPPOs become multi-dimensional in the context of Indigenous development. Research in this area would be rich in practical as well as theoretical implications.

Finally, the identification of CPPOs invites the question of whether there are other innovative forms of prosocial organizing that challenge the prevailing assumption concerning the private property regime. For example, are there other ways in which money, labor or land have been recovered from commodification in the interests of achieving prosocial outcomes? How might other fictitious commodities be reclaimed by prosocial organizational forms? Should such factors as education and certain forms of intellectual property be considered fictitious commodities, and the efforts of organizations to de-commodify them be investigated as part of this discussion of the potential of common property as a basis for prosocial organizing?

We contend that the employment of common property as an instrument of prosocial organizing has gone largely un-noticed, and giving it the attention it deserves could have valuable outcomes in helping enterprise address demanding social problems.

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