

# **Protecting future generations through commons**

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# **PART I**

## **FOUNDATIONAL CONCEPTS OF THE COMMONS AND FUTURE GENERATIONS: IDENTITY, PROPERTY AND PARTICIPATORY DEMOCRACY**

# Future generations now!

## A commons-based analysis

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What is a generation? How can it be past, present or future? Who belongs to a given generation? The old man in his deathbed? The baby in the process of being delivered? Those that happen to be 35 years old in a given moment? Generations and individuals within a generation are like water in a river. The flux of the change is so intimately part of the whole that every distinction carrying any ontological significance can only be arbitrary.

Einstein said that “the distinction between past, present and future is only a stubbornly persistent illusion” and surely, even in the lifetime of a middle-aged person, the general perception about the future evolves over time and thus as well the nature of the illusion. When I was a young boy back in the 1960s in the booming industrial north of Italy, the “future” was presented as something very bright. There was a sense that progress was inevitable and that all of our problems could be solved via technology: everyone could simply own helicopters, for example, to resolve urban traffic jams. In the 1970s, I was exposed for the first time to young people of my age from the other side of the Iron Curtain and I directly experienced that both capitalists and Soviet communists shared the same faith in the idea of “progress” and “a better future.” Future generations, that is, young individuals in a community, were invariably promised a better world. In the 1990s, in the aftermath of the fall of the Berlin Wall, we were told that we had arrived at “the end of history” and there was no future other than the current very bright present of Western liberal democracies (Fukuyama 1992). The individual consumer could enjoy a state of an “eternal present” guaranteed by liberal democracy, technological successes and the rule of law. Amidst fears of communism and a nuclear holocaust, the opulent society attempted to remove the very fear of death through a social process of denial based on the myth of eternal youth. The “eternal present,” as Gui Debord described (2002), was the carefree philosophy of satisfaction through consumerism, and lasted

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less than 20 years. The economic crisis which began in 2007 in the United States revealed that not even the institutionally immortal and all-mighty corporate legal person was immune to death. September 15, 2008, the day on which Lehman Brothers “died”, inaugurated the “spectacle” of the new and dark “fear of the future” as opposed to the earlier promised golden “eternal present”. In this more recent shift of attitude and ethos, it is believed that future generations will be inevitably worse off than previous ones. We cannot look at the future with hope as in the “good old days” of seemingly endless economic boom, nor can we even look on with a sense of detachment, as in the days of the end of history. The tranquillising illusion of the “eternal present” has transformed into immanent fear.

## **A generation as a collective entity**

A generation is a collective entity. It contains a large number of individuals that are born, grow, reach adulthood, age and decline together, roughly in the same period of time. In the current Western, highly individualised world, generations have very scant social, let alone legal, meaning. Sure, we go to school at the same age and we are ranked in sports by age groups. Nevertheless, we do not owe special duties to members of our age group nor can we claim rights toward them. As such, a generation is not a legal entity; it does not have rights or duties towards individuals or other generations. All of this, however, is simply not true in many social contexts different from *here* and *now* where the concept of the eternal present never managed to take hold. In many African countries all children, boys and girls, that are circumcised in the same ceremony do form a legal entity (in Mali it is called a *Kari*) and their role in society includes duties and responsibilities to the age group and to the community (Grande 2004). The members of the young *Kari* engage in chores together and when they are older they share the honour and responsibility of being village judges on the same bench (Keità 2008). Members of a *Kari* will protect and help each other in the case of divorce or other difficulties and a strong solidarity develops within such groups. *Kari* members are taught the knowledge of previous generations, thus institutionalising the transmission of the past to the future. Another example of this is the way in which land received by previous generations is held in trust for the next. This collective property structure served as a *de facto* resistance to colonialism but today more than ever is under threat by corporate plunder

and land-grabbing, which has been transformed into an ideology by the World Bank development rhetoric (Mattei and Nader 2008).

Moving away from the “rest” to the heart of the West, even in European Alpine villages, the connection between age groups is still very strong and in certain areas they develop as commons organisations, which are involved in fulfilling crucial social needs in the direct management of irrigation and drinking water. In the Aosta Valley in Italy, at the foot of Mont Blanc, these sophisticated commons organisations are called *Nus*. In the Alpine villages, one generation of youngsters would cut trees and put them aside to season so they could be used in construction by their grandchildren, two generations later. These intergenerational duties allowed many Alpine dwellings that were built in the 17th century to maintain the same roofs of wood and flat stones. The same process of regenerating resources through intergenerational duties was used by another Alpine common, the Premiata Comunità di Fiemme in the Trentino region. Buildings of Venice today are still based on beams that the Venetians purchased from the Premiata Comunità. Because of the long intergenerational seasoning process of the logs, beams have resisted sometimes five or six centuries in the water of the Venetian Lagoon. The necessity of reclaiming the lost solidarity between generations is well analysed in the chapter by Salvatore Settis “In whose name do we act?” He very clearly states that the interests of the future generation are in fact the interests of the current generation. If we take for example measures for the sustainable construction of housing or, on a larger global level, measures to prevent global warming now for the future, the current generation benefits as well from the short- and long-term benefits. As Settis says “to speak in the name of future generations is to save ourselves.” This requires not only awareness about the way in which the actions of the current and previous generations affect both positively and negatively the lives (and resources) available for future generations, but also its protection and assertion as a fundamental constitutional right. He suggests (as does the present author) that the defence of the commons – as defence of the public interests – necessarily requires the direct involvement of citizens capable of and willing not only to represent their own interests but the interest of future generations. Settis suggests that this direct involvement may even require citizens to denounce current laws that justify the continuing plunder of the commons as unjust. While I agree to a great extent with Settis’s argument, I am more cautiously optimistic about the deployment of constitutional protections when the rights framework de-emphasises its individual rights