Revisiting the Commons - Symposium

The Commons Between Law, Space, and Belonging

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Abstract

This paper examines the commons as a conceptual and practical framework capable of reshaping the traditional paradigm of private property. Building on Veronica Pecile's analysis of urban conflicts and grassroots initiatives, the paper argues that the commons reveal a fragmented and relational understanding of ownership, one in which access, participation, and inclusion become central legal values. By situating the commons within the theory of goods, the analysis highlights their capacity to reconfigure private law from within, offering an institutional repertoire that operates in the interstices between public and private, state and market. Particular attention is devoted to the structural critique of the owner's right to exclude, understood as the core mechanism through which inequality is reproduced and non-ownership is rendered invisible in legal doctrine. The paper shows how contested property claims emerging in urban contexts articulate alternative models of ownership that accommodate the interests of non-owners and prioritize the social functions of resources. It further explores the risks and possibilities inherent in the internal organization of commons-based communities, including governance, membership, and substantive inclusion. Ultimately, the paper contends that the commons provide a legally viable and normatively compelling tool for redistributing access to resources in a context of growing economic inequality, revealing how private law can serve not merely as a system of allocation but as a field of transformative institutional innovation.

I. Introduction. Commons, Property, and the Touristification of Authenticity

I read Veronica Pecile's book during my summer holidays, particularly while spending time in Lecce, the town where I lived before moving to Turin to attend university. This context made me especially receptive to Pecile's idea of using the 'empty signifier' of the commons as both a strategy and a set of tools to resist the touristification and commodification of folklore and authenticity, elements increasingly exploited by neoliberal economies. The case of Puglia – akin to what is observed in Naples and Palermo – exemplifies this dynamic: the coastline has been extensively commodified; 'experiential' activities such as *orecchiette*-making workshops are marketed through global platforms like Airbnb, and local cultural practices, including the *pizzica* dance and traditional festivals (*sagre*), are systematically reconfigured for tourist consumption. The nexus between commons and touristification movements appears particularly promising from a legal

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perspective. It opens the possibility of reframing rights of use and access to urban space, thereby enabling a reconceptualization of property law from its margins, grounded in situated, local practices. Pecile's intervention is especially significant for private law theory in that it foregrounds the fragmentation of property. The book demonstrates how the traditional paradigm of ownership is continually destabilized and rearticulated through the everyday practices of communities. Contested property claims, therefore, do more than articulate alternative conceptions of ownership based on belonging; they introduce a competing theoretical model. This model challenges legal scholarship to interrogate the adequacy of the traditional paradigm in confronting structural inequalities and the redistribution of wealth. It is not accidental that these conflicts and innovations arise primarily in urban contexts, where the material tension between ownership and non-ownership is most acutely visible.[1]

This paper is structured as follows.

Section I analyzes Pecile's proposal to approach the commons through its impact on legal forms. This analytical move is crucial: the commons represent not merely a departure from, but a systematic challenge to, the orthodox paradigm of property. Their defining features – access, inclusion, and participation – undermine the central prerogatives of ownership, particularly the rights to exclude and to unilaterally determine the use of a resource. Furthermore, the commons must be understood both as a theoretical construct and as a practical institution. As such, they provide not only an intellectual critique of property law but also concrete experiments in the redistribution of space and wealth.

Section II turns to Pecile's exploration of the redistributive potential of property. Here, the author considers innovative legal instruments developed by grassroots movements, including community land trusts, civic uses, and regulatory frameworks that enable alternative models of commons governance. Yet the argument can be extended further: by reconstructing the genealogy of property law, it becomes possible to identify and activate latent features within the legal tradition that are conducive to more horizontal and flexible forms of redistribution.

Section III examines the model of legal abstraction outlined by Pecile at the conclusion of her work. This model rests on two foundational insights: first, the notion of belonging as a broader and more inclusive category than ownership; and second, the recognition that 'things' are themselves constituted through legal techniques. The implications of this theoretical framework are not confined to the realm of abstraction. Emerging jurisprudence in Italy, as evidenced by a recent decision of the Supreme Court, demonstrates the concrete relevance of the commons in shaping alternative regimes of management and access.

[1] See on these topics M. Di Masi, 'Quale sostenibilità per il turismo? Prospettive critiche' *Rivista critica del diritto privato*, 225-254 (2024); M.R. Marella, 'Urban Space as a Commons' 28 *TECHNE - Journal of Technology for Architecture and Environment*, 28-34 (2024).

II. Section I: The Commons and the Fragmentation of Property

According to Pecile's research, the commons exert a direct influence on legal forms, an impact that derives from understanding them simultaneously as a concept and as a practice. In this sense, the commons foster marginalized conceptualizations of ownership, grounded in relational ties that connect owners, non-owners, and things. This framing is particularly valuable for private law theory, as it positions the commons as a tool for rethinking legal institutions *from within*. From this perspective, the commons should be situated within the theory of goods, not as an entirely new paradigm of property, but as a progressive reconfiguration of the traditional one. Several considerations support this approach. First, the definition elaborated by the Rodotà Commission in 2007 explicitly recognized commons as encompassing both public and private goods, a conception subsequently replicated in local regulations on the governance of urban commons adopted across several Italian cities.[2] Second, the theory of goods is a core area of private law, since the legal classification and allocation of things reveal how social groups structure themselves.[3] The internal organization of communities involved in managing commons, and their practices of self-regulation, can either affirm or undermine the defining features of this category – namely, access, participation, and a qualitative conception of the private relationships – generated by the collective management of goods. This position articulates a vision that is both radically transformative and yet compatible with the existing structure of the legal system. It corroborates Pecile's interpretation of the commons as institutions situated in the interstices between public and private, state and market, rather than existing entirely beyond these categories. In this sense, they may indeed be understood as a 'repertoire of modes of resistance under the strain of neoliberal transformations'.[4]

However, this is not the only possible understanding of the commons. In the United States, the commons are often conceptualized as a distinct form of collective ownership, considered more effective for managing certain categories of resources – so-called common-pool resources – than either private property or governmental

[2] M.R. Marella, 'The Law of the Urban Common(s)' 118 (4) *South Atlantic Quarterly*, 877-893 (2019); C. Iaione, 'The Right to the Co-city' 15(1) *Italian Journal of Public Law*, 80-142 (2017); F. Giglioni, 'I regolamenti comunali per la gestione dei beni comuni urbani come laboratorio per un nuovo diritto delle città' *Munus*, 271-313 (2016); U. Mattei and A. Quarta, 'Right to the city or urban commoning? Thoughts on the generative transformation of property law' 1(2) *The Italian Law Journal*, 303-325 (2015). See also M. Graziadei, 'Urban Commons in Italy' 18 *FIU Law Review*, 821-846 (2024).

[3] A. Gambaro, 'I beni', in A. Cicu and F. Messineo eds, *Trattato di diritto civile e commerciale* (Milano: Giuffrè, 2012).

[4] V. Pecile, *Law, Social Movements and The Politics of the Commons. Lessons from the Italian South* (London: Routledge, 2025) 7.

regulation.[5] This account resonates with the influential work of Elinor Ostrom.[6] Yet, in my view, such an approach risks occupying a relatively narrow conceptual space. It tends to abstract the commons from the structural pressures of neoliberalism – particularly the power of corporations – and from the urban conflicts in which the commons are marked by greater ambiguity and contestation.

Conversely, another strand of scholarship conceives of the commons as political and institutional forms fundamentally incompatible with capitalism. From this perspective, the commons are positioned beyond the public-private dichotomy and understood as necessarily disruptive of the existing legal order. While this interpretation raises important questions about the relationship between *constituted* and *constituent* power,[7] it risks overlooking the potential of the commons to generate new legal institutions of solidarity.[8] Such institutions, even within the contingencies of the present, can serve as vehicles of meaningful social and economic transformation.[9]

The commons, therefore, enable the articulation of an alternative model of ownership, in which not only the interests of owners but also those of non-owners and the material characteristics of the good itself are taken into account. As the Rodotà Commission emphasized, formal title to property is not central to the commons.[10] What matters is the management of the resource, understood as instrumental both to the fulfillment of constitutional rights and to the inclusion of non-owners through guarantees of access and participation.[11] Accordingly, the commons are structurally incompatible with the owner's right to exclude. This raises a fundamental question: can alternative forms of property exist without the right to exclude?

The right to exclude has traditionally been conceived as the defining feature

[5] H. Dagan and M.A. Heller, '*The Liberal Commons*' 110(4) *Yale Law Journal*, 549-623 (2001). See also A. Di Robilant, 'Common Ownership and Equality of Autonomy' 58(2) *McGill Law Journal*, 263-320 (2021); Id, 'Property and Democratic Deliberation: The Numerus Clausus Principle and Democratic Experimentalism in Property Law' 62 *The American Journal of Comparative Law*, 367, 390-394 (2014).

[6] E. Ostrom, *Governing the Commons. The Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press, 1990).

[7] S. Bailey and U. Mattei, 'Social Movements as Constituent Power: The Italian Struggle for the Commons' 20 *Indiana Journal of Global Legal Studies*, 965 (2013); M. Hardt and A. Negri, *Commonwealth* (Cambridge, Massachusetts: The Belknap press of Harvard University Press, 2009).

[8] G. Alpa, *Solidarietà. Un principio normativo* (Bologna: il Mulino, 2022); S. Rodotà, *Solidarietà. Un'utopia necessaria* (Roma-Bari: Laterza, 2014); S. Steinar, *Solidarity in Europe. The history of an idea* (Cambridge: Cambridge University Press, 2005).

[9] A.J. Cohen and S. Healy, 'Diverse Legalities: Towards a Legal Theory for a Postcapitalist Political Economy' 88 *Law and Contemporary Problems,* 79-115 (2025).

[10] According to the Rodotà Commission, the commons can belong to public legal entities or private individuals. In any case, their collective use must be guaranteed, within the limits and according to the procedures established by law. See Art 1, para 3, lett *c)*.

[11] For an interesting taxonomy of the role of access in private, public and common property see, C. Rodgers, 'Towards a Taxonomy for Public and Common Property' 78(1) *Cambridge Law Journal* 124, 131-132, (2019).

of property,[12] marking the distinction between ownership and non-ownership. In this model, access to resources subject to property regimes is reduced to an exception, and property is imagined not as a site of inclusion, but as the private domain of an exclusive master. Despite the existence of statutory limits imposed in the public interest, the dominant interpretation of property continues to reproduce the image of ownership as absolute control. Property, in this sense, is described as the sphere of *having*, while its counterpart – *not having* – is rendered invisible, both in the legal rule and in prevailing doctrinal narratives.[13]

Yet the recent growth of poverty and inequality has given empirical weight to the abstract notion of *not having*, and it has fueled contested property claims that directly challenge the centrality of exclusion. The critique of exclusion is thus a necessary first step toward rethinking the redistribution of wealth in a context where resources are already largely allocated and public authorities are increasingly reluctant to use expropriation as a tool to address inequality. Within this framework, the 'counter-value' of *not having* may acquire concrete legal significance through the recognition of an enforceable prerogative of access, achieved by balancing exclusion and inclusion.

This interpretive proposal redefines the role of private law. By acknowledging the limitations of the welfare state in combating inequality and in supporting the claims of non-owners, private law itself becomes a field in which redistributive mechanisms can be articulated. The commons, understood in this way, represent not merely a critique of ownership, but a positive legal framework through which access, inclusion, and participation can be realized within the structure of property law.

The right to exclude is conventionally regarded as both the necessary and sufficient condition for the existence of property; without it, the very institution would be fundamentally compromised. However, a closer reading of statutory provisions and doctrinal definitions of private property reveals that this power plays a more instrumental role: it functions primarily to secure the effective exercise of the rights to use, enjoy, and dispose of things. In this perspective, exclusion is not the ultimate justification for private property, but rather a mechanism enabling the owner to manage the good free from external interference.

Within this framework, access is generally understood as an authorization granted by the owner, permitting another to enter immovable property or to make use of a movable good.[14] Absent such authorization, access constitutes an unlawful act, often sanctioned under criminal law. Nonetheless, legal systems have long recognized exceptions to this general rule, permitting non-owners to enter or use

[12] T.W. Merrill, 'Property and the Right to Exclude' 77(4) *Nebraska Law Review*, 730 (1998); Id, 'Property and the Right to Exclude II' 3 *Brigham-Kanner Property Rights Conference Journal*, 1 (2014).

[13] A. Quarta, *Non-proprietà. Teoria e prassi dell'accesso ai beni* (Napoli: Edizioni Scientifiche Italiane, 2016).

[14] D.B. Kelly, 'The Right to Include' 63 *Emory Law Journal*, 857 (2014).

private property without the consent of the holder. The Italian Civil Code, for example, allows entry in cases such as retrieving a lost object, repairing a common wall, or exercising the right to hunt. Local regulations similarly authorize access for the collection of flowers, medicinal herbs, and mushrooms.

These instances illustrate how forms of access have persisted despite the individualistic rhetoric of private property. Crucially, in none of these cases is the legal institution of property extinguished; the attenuation of the right to exclude does not dismantle its conceptual structure. Property, in this sense, can be likened to a Jenga tower: even when the 'brick' of exclusion is partially removed, the overall edifice remains intact. This insight is of particular significance for contemporary debates, as it demonstrates that private property can accommodate limits on exclusion without collapsing as a legal institution. Recognizing this opens the way for the development of redistributive mechanisms within property law, thereby expanding its capacity to address social inequalities while preserving its structural coherence.

III. Section II: Access, Exclusion, and the Redistribution of Property

The rules discussed above were originally developed to prevent conflicts characteristic of rural contexts, typically involving different categories of owners; for instance, the case of repairing a common wall concerns two adjacent proprietors. Yet, these examples demonstrate the possibility of articulating a genuine counter-principle: exclusion and access can coexist within a legal system and under the broader framework of property law.

A further step, however, is necessary. The counter-principle of access should not be reduced merely to the opportunity to enter private land or to exercise limited rights of self-use. Rather, it must also encompass participation in the management of resources through innovative institutions or reconfigured traditional mechanisms. Comparative experience supports this interpretation: the *Allemansrätten* in the Nordic countries[15] and the 'right to roam' in England[16] both exemplify institutionalized forms of access that temper exclusion while preserving property's legal structure. These models provide a starting point for developing a discourse aimed at balancing *having* and *not having*, reconciling the traditional conception of private property with contemporary social needs.

In practice, however, such results are often pursued through intentional violations of property, forms of proprietary disobedience characteristic of commons

[15] See F. Valguarnera, 'Access to Nature', in M. Graziadei and L. Smith eds, *Comparative Property Law: Global Perspectives* (Cheltenham: Edward Elgar, 2017), 258.

[16] J.L. Anderson, 'Britain's Right to Roam: Redefining the Landowner's Bundle of Sticks' 19(3) *Georgetown International Environmental Law Review*, 375 (2007); J. Perle, 'The Invisible Fence: An Exploration of Potential Conflict between the Right to Roam and the Right to Exclude' 3(1) *Birkbeck Law Review*, 77 (2015).

movements. The occupation of physical spaces constitutes a preliminary step toward establishing practices of self-government and seeking legal arrangements capable of defending these factual situations. Pecile underscores this point, highlighting how both self-government and the strategic use of law are distinctive features of commons movements.

From a legal perspective, acts of proprietary disobedience challenge the crystallized set of property rights and open the way to a counter-hegemonic interpretation of property law.[17] They stimulate the search for principles and legal meanings capable of integrating the commons within the legal system. The question then arises: who is tasked with collecting and codifying these principles? At times, political mediation by public authorities plays this role, underscoring both the continued relevance of representative democracy and the tensions in the relationship between commons movements and institutional politics.[18] Simultaneously, courts may serve as arenas for negotiating these conflicts. By adjudicating clashes between access and exclusion with reference to material conditions and competing interests, judicial institutions can develop balancing mechanisms that lend legitimacy to arrangements forged through commons practices. However, a set of interpretative criteria adequate to the rise of the commons and to a new understanding of the paradigm of property is necessary to support courts in resolving disputes involving antagonistic uses of property, particularly conflicts between inactive owners and active possessors. Cases of unlawful occupation of abandoned immovables, for instance, can be addressed through an innovative form of legal reasoning that incorporates multiple perspectives. As for the substance of these interpretative criteria, courts should consider two principal factors. The first concerns the state of necessity that compels individuals to infringe upon private ownership. The second involves assessing the owner's concrete and demonstrable interest in maintaining exclusive enjoyment of the property. Where such an interest cannot be substantiated, access by non-owners should be preferred. Furthermore, in evaluating the owner's legitimate expectations, courts should not take into account speculative or generic future uses invoked to justify ongoing exclusion. Only future uses that have been concretely planned and whose realization is imminent should be deemed sufficient to preclude non-owners' access. Within this framework, the notion of temporary use acquires particular significance:[19] non-owners may utilize the resource, provided that they do not alter its economic function or compromise the owner's residual proprietary position.

[17] E.M. Peñalver and S.K. Katyal, *Property Outlaws: How Squatters, Pirates, and Protesters Improve the Law of Ownership* (London: Yale University Press, 2010), 55. See also A. Quarta and T. Ferrando, 'Italian Property Outlaws: From the Theory of the Commons to the Praxis of Occupation' 15(3) *Global Jourist*, 261 (2015).

[18] A. Quarta and M. Spanò, 'Le forme del comune. Note sulle istituzioni della cooperazione' *Iride*, 81-92 (2021).

[19] For an overview of temporary uses, see, D. Patti and L. Polyak, 'From Practice to Policy: Frameworks for Temporary Use' 8(1) *Urban Research & Practice*, 122 (2015).

IV. Section III: Institutions of the Commons

Clarifying the theoretical background allows us to turn to the definition of private arrangements capable of balancing access and exclusion, while addressing the structural inequalities that private property often generates. Pecile identifies several experimental models in this regard, including community land trusts[20] and civic uses.[21] These examples introduce the broader question of the institutions of the commons, or more precisely, the practical models through which common resources can be managed in ways that promote inclusion and participation.

Within the broader field of commons studies, this institutional dimension has generally been neglected, for two main reasons. First, the regulation of institutions governing the commons requires a robust application of private law, particularly of the principle of private autonomy. Yet this approach has been largely displaced in practice by the emergence of local regulations on urban commons, which predominantly employ the principles, logic, and institutions of administrative law. As a consequence, private law – once the original domain of the commons discourse – has assumed a recessive role.

Second, social movements have often displayed a deep mistrust toward private law and its institutions, perceiving them as instruments of market logic rather than as potential vehicles for social cooperation and *commoning*.[22] This suspicion has further marginalized private law in the design of institutional frameworks for governing the commons.

The retreat of private law from this field has resulted in limited attention to issues of community organization, which remain essential for ensuring genuine inclusion and participation. Paradoxically, by abandoning private law, commons governance risks reproducing new forms of exclusion and idiosyncrasy within the internal dynamics of the managing community itself. In other words, the abandonment of private property as an exclusive regime may inadvertently lead to the re-emergence of exclusionary practices within the commons' own organizational structures.

To explore this issue, we shall start from the two main configurations that communities use to adopt in governing the commons. The first is that of a formal community, which adopts one of the legal structures recognized by law, such as an association or foundation. The second is that of an informal community, which lacks a precise legal form but nonetheless establishes its internal organization, often

[20] A. Vercellone, 'The Italian Experience of the Commons. Right to the City, Private Property, Fundamental Rights' *The Cardozo Electronic Law Bulletin*, 1 (2020).

[21] C. Crea, '*Spigolando* tra biens communaux, usi civici e beni comuni urbani' *Politica del diritto*, 449 (2020); G. Micciarelli, 'Introduzione all'uso civico e collettivo urbano. La gestione diretta dei beni comuni urbani' *Munus*, 135 (2017).

[22] According to Bollier and Helfrich, the word 'commoning' defines 'the social practices and traditions that enable people to discover, innovate and negotiate new ways of doing things for themselves'. See D. Bollier and S. Helfrich, *The Wealth of the Commons. A World Beyond State and Market* (Amherst: Levellers Press, 2012), 28.

through original instruments such as charters or covenants, which define systems of decision-making, representation, and accountability. In both cases, membership is governed by the values and criteria enshrined in the community's founding documents (whether legal statutes or charters) which also set out procedures for admission and expulsion. While national legislation may impose certain limits or general procedures for expulsion (as, for example, in Italy),[23] the composition of the community remains largely a matter of private autonomy. This autonomy, however, has significant implications for the management of commons and, in particular, for the regulation of public use and access. The central risk is that the selection of new members – or even of mere users – may reintroduce exclusionary practices at the very level of community formation, thereby reproducing within the commons the same logic of exclusion that private property ostensibly seeks to overcome. Similarly, the issue of decision-making deserves particular attention. Decisions are generally taken through the method of consensus, which, on the one hand, ensures greater cohesion, but, on the other, requires that discussions be properly facilitated to guarantee the effective participation of all members.[24] Another critical aspect concerns the allocation of responsibilities in organizational settings that choose to move from individual legal representation to collective arrangements typical of communities that prefer to operate informally. Finally, the issue of substantive inclusion within commons communities cannot be overlooked. This dimension often encounters practical difficulties, particularly concerning the participation of those engaged in care work within families – and therefore, more frequently, women[25] – whose contributions are essential but often underrepresented in decision-making processes.

All these issues require systematic conceptualization in order to develop private law institutions capable of governing the commons and enriching the range of legal tools available to empower communities in managing shared resources. This task is crucial because, as Pecile demonstrates in her book, not only do grassroots initiatives continue to sustain and revitalize the practice of commoning, but also because this discourse has been recently reinvigorated by a noteworthy decision of the Italian Supreme Court.[26]

[23] Art 24 of the Italian Civil Code regulates the exclusion of a member from an association, providing that it may be approved by the assembly for serious reasons; the excluded member may appeal this decision. However, a review of case law on this article shows that courts tend not to assess the substantive reasons for the exclusion, but only the procedure, in order to determine its validity.

[24] See on these problems the final report produced by the consortium of the Generative European Commons Living Lab project, available at https://tinyurl.com/3bu7kf9s (last visited 31 January 2026), 20: 'Consensual standard is highly demanding in terms of time and debate-consuming but it is the preferred one as it reflects not the decision's content in itself, but also the value of the debate to get it'.

[25] See the general report, ibid 15.

[26] Corte di Cassazione-Sezioni unite 11 August 2025 no. 23093, available at www.dejure.it. See also U. Mattei and A. Quarta, 'Abbandono immobiliare e beni comuni. Le Sezioni unite ribadiscono il loro contributo nell'elaborare una categoria sempre più indispensabile' *Foro Italiano*, 2572-2578 (2025).

That decision addresses a problem long debated in private law scholarship and jurisprudence: the admissibility of an owner's decision to renounce property rights over immovable goods. In its reasoning, the Court situates this issue within the broader framework of the commons, asking what solution would emerge when viewed through the lens of the commons theory. The Court's response is both innovative and significant, as it has the potential to inaugurate a new phase in the legal and practical development of the commons.

After recalling that the theory of the commons highlights the need to establish a specific legal regime for immovable goods that, irrespective of their public or private ownership, are functionally connected to the fulfillment of collective interests, the Court asserted that a different solution from that provided in the Civil Code should be possible. According to the Civil Code, immovables that are abandoned by their owner automatically pass into State ownership. However, the Court seems to suggest that when the owner's renunciation concerns immovables that could be directly managed by a community, an alternative regime should be envisaged and, in particular, one that recognizes and enables collective forms of stewardship consistent with the logic of the commons.

V. Conclusion

Despite the conclusion of the political season that emerged in Italy after the 2011 water referendum, when the notion of the *commons* became a keyword in both political and juridical discourse,[27] this category continues to influence grassroots initiatives as well as private law theory and jurisprudence. Italian courts, in particular, have shown an increasing inclination to engage with the conceptual and normative implications of the commons.

Within this evolving context, Pecile's work situates the commons in the urban dimension, revealing how cities have become a primary arena of conflict. These conflicts concern not only the inequalities generated by the internalization of rent but also a novel form of commodification that targets communities and their modes of living. In this sense, innovative forms of collective management affecting material goods may simultaneously enhance immaterial dimensions of social life, disentangling the economic valorization of authenticity and, more profoundly, of coexistence, sharing, and cooperation.

From a methodological standpoint, Pecile's book underscores the importance of an ethnographic approach to the study of the commons; one grounded in the analysis of communities, their internal organization, and their interactions with public authorities. The intricate network of relationships emerging from this perspective proves essential for conceptualizing the interplay between the commons

[27] C. Carrozza and E. Fantini, 'The Italian Water Movement and the Politics of the Commons' 9(1) *Water Alternatives*, 99, 103 (2016).

and forms of belonging. Such an approach could also inform private law scholarship on the commons, enabling the identification of recurring practices, challenges, and solutions within community-based experiments. This, in turn, would support the emergence and consolidation of similar experiences in other social and legal contexts.

For all these reasons, this book contributes to the study of tools to think property otherwise, from within its limits, and to imagine a legal order in which access, participation, and shared management are not exceptions but foundational principles of ownership itself.