

# **Rethinking Anticommons: Property Rights and Resource Contestations in India's Forests**

## **Abstract**

In this dissertation, we try to understand the implications of anticommons property (multiple exclusion rights and no exclusive use privileges) on the governance of natural resources. We evaluate how anticommons influence conflicts around resource-use and how they get created and transformed in both policy design and implementation. This relatively new, but intensely debated, category of property, has come to characterize a wide range of resource contexts. Posited as symmetrically opposite to the commons property (multiple use rights and no exclusion right), anticommons are typically analyzed in terms of a tragedy – that of resource underuse. The dominant characterization of the anticommons property is one of “phantom tollbooths”, where robber-barons (holders of exclusion rights) extort and loot value from legitimate resource users bringing ruin to the economy. Consequently, a reassignment of rights to the most valuable resource-use is usually proposed as a solution.

This dissertation offers a fresh understanding of the anticommons problematique. We argue that like the “tragedy of commons”, the “tragedy of anticommons” too is a false problematic premised on a uni-dimensional view of natural resource, absolutist notions of property, and monolithic conception of the State. The narrow focus of the current scholarship on efficiency considerations fails to explain the ubiquitous existence, creation, and persistence of anticommons. Further, most of the existing policy prescriptions prove conceptually problematic and practically untenable. We argue that the very persistence of anticommons in the form of disaggregated rights (exclusion and use rights) and departmentalized governmental decision-making points to the inescapable multiplicity of use-values of a resource. These get valued differently a) by different individuals / groups of individuals within the local context, and b) at different scales by local, regional, national, and international actors.

