

Sous la direction de
BÉATRICE PARANCE
JACQUES DE SAINT VICTOR

REPENSER LES BIENS COMMUNS

CNRS EDITIONS

Repenser Les Biens Communs

**Elizabeth Auclair, Marie-Laure
Poulot, Anne Hertzog**



Repenser Les Biens Communs:

Repenser les biens communs Béatrice Parance, Jacques de Saint Victor, 2014-02-13 L'eau l'air les ressources naturelles et les fonds marins certains médicaments le spectre hertzien le numérique peuvent être analysés comme des biens communs Nécessaires tous il convient d'en offrir l'usage chacun Mais par quels outils Si au Moyen Âge il existait des biens communaux et des droits d'usage comme celui des forêts le droit moderne occidental a fait de la propriété publique ou privée la pierre angulaire de tous les rapports entre les personnes et les choses Après la chute du Mur la privatisation des biens a même fini par devenir le dogme Avec parfois des dérives dramatiques ainsi en Bolivie la privatisation de l'eau au cours des années 2000 a eu pour conséquence de soulever une véritable révolte des populations locales Suite à la guerre de l'eau dite de Cochacamba cette ressource y est désormais un bien commun et la constitution bolivienne est une des premières à reconnaître cette notion Comment réguler les droits d'accès et la protection de certains biens que l'on considère comme essentiels pour la survie de l'espèce Quels mécanismes juridiques utiliser pour en protéger et en partager l'accès Si penser les biens communs est une absolue nécessité c'est aussi une impasse intellectuelle de notre droit qui ne dispose pas de réponses satisfaisantes dans ses catégories classiques Le droit doit donc de toute urgence se réinventer Telles sont les ambitions de cet ouvrage *Repenser les biens communs* Jacques de Saint Victor, Béatrice Parance, 2014-02-13 L'eau l'air les ressources naturelles et les fonds marins certains médicaments le spectre hertzien le numérique peuvent être analysés comme des biens communs Nécessaires tous il convient d'en offrir l'usage chacun Mais par quels outils Si au Moyen Âge il existait des biens communaux et des droits d'usage comme celui des forêts le droit moderne occidental a fait de la propriété publique ou privée la pierre angulaire de tous les rapports entre les personnes et les choses Après la chute du Mur la privatisation des biens a même fini par devenir le dogme Avec parfois des dérives dramatiques ainsi en Bolivie la privatisation de l'eau au cours des années 2000 a eu pour conséquence de soulever une véritable révolte des populations locales Suite à la guerre de l'eau dite de Cochacamba cette ressource y est désormais un bien commun et la constitution bolivienne est une des premières à reconnaître cette notion Comment réguler les droits d'accès et la protection de certains biens que l'on considère comme essentiels pour la survie de l'espèce Quels mécanismes juridiques utiliser pour en protéger et en partager l'accès Si penser les biens communs est une absolue nécessité c'est aussi une impasse intellectuelle de notre droit qui ne dispose pas de réponses satisfaisantes dans ses catégories classiques Le droit doit donc de toute urgence se réinventer Telles sont les ambitions de cet ouvrage *The Commons and a New Global Governance* Samuel Cogolati, Jan Wouters, 2018-12-28 Given the new found importance of the commons in current political discourse it has become increasingly necessary to explore the democratic institutional and legal implications of the commons for global governance today This book analyses and explores the ground breaking model of the commons and its relation to these debates Finance Reconsidered Bernard Parancque, Roland Pérez, 2016-09-06 This volume argues the need for a radical break with the methodological individualism that dominates economics management and finance asking How should

we re define the concept of value and serving as a stepping stone for the rethinking of academic finance **Marine Genetic Resources, R&D and the Law 1** Bleuenn Guilloux,2018-09-05 Advances in research and development reveal the immense diversity and potential of marine genetic resources Under international law no specific regime applies to these complex and paradoxical objects of use The Law of the Sea Convention sets a framework that is partly inadequate for this new category of resources The Biodiversity Convention and the Nagoya Protocol only address the genetic resources of national areas Patents allow their holder to exercise a monopoly on exploiting biotechnological creations to extensive claims questioning the common nature of biodiversity and related knowledge They hinder research and the objectives of biodiversity law The legal and practical rules of physical and functional access vary in geometry They focus on the valorization of research results crystallizing conflicts of interest between suppliers and users Sustainable research and development is essential to the knowledge and protection of marine biodiversity The qualification of marine genetic resources in common standard contractual tools distributed research and development infrastructures negotiation of an agreement on sustainable use and conservation of biodiversity beyond the limits of national jurisdiction would To remove these inconsistencies

Representations and Rights of the Environment Sandy Lamalle,Peter Stoett,2023-04-06 Attending to the Cry of the Earth requires a critical appraisal of how we conceive our relationship with the environment and a clear vision of how to apprehend it in law and governance Addressing questions of participation responsibility and justice this collective endeavour includes marginalised and critical voices featuring contributions by leading practitioners and thinkers in Indigenous law traditional knowledge wild law the rights of nature theology public policy and environmental humanities Such voices play a decisive role in comprehending and responding to current global challenges They invite us to broaden our horizon of meaning and action modes of knowing and being in the world and envision the path ahead with a new legal consciousness A valuable reference for students researchers and practitioners this book is one of a series of publications associated with the Earth System Governance Project For more publications see www.cambridge.org/earth-system-governance *Global Bioethics* Henk ten Have,2016-02-10 The panorama of bioethical problems is different today Patients travel to Thailand for fast surgery commercial surrogate mothers in India deliver babies to parents in rich countries organs body parts and tissues are trafficked from East to Western Europe physicians and nurses migrating from Africa to the U S thousands of children or patients with malaria tuberculosis and AIDS are dying each day because they cannot afford effective drugs that are too expensive Mainstream bioethics as it has developed during the last 50 years in Western countries is evolving into a broader approach that is relevant for people across the world and is focused on new global problems This book provides an introduction into the new field of global bioethics Addressing these problems requires a broader vision of bioethics that not only goes beyond the current emphasis on individual autonomy but that criticizes the social economic and political context that is producing the problems at global level This book argues that global bioethics is a necessity because the social

economic and environmental effects of globalization require critical responses Global bioethics is not a finished product that can simply be applied to solve global problems but it is the ongoing result of interaction and exchange between local practices and global discourse It combines recognition of differences and respect for cultural diversity with convergence towards common perspectives and shared values The book examines the nature of global problems as well as the type of responses that are needed in order to exemplify the substance of global bioethics It discusses the ethical frameworks that are available for global discourse and shows how these are transformed into global governance mechanisms and practices

Les communs, aujourd'hui ! Collectif, 2019-10-10 Les communs désignent des modes de gestion de ressources matérielles ou immatérielles spécialement foncières Ils sont fondés sur le partage des potentialités de ces ressources ou de leurs bénéfices et ne relèvent ni de la propriété privée ni du domaine public d'un État Ils mobilisent des collectifs dits communautaires peu ou pas institutionnalisés et des règles qui peuvent être implicites et informelles L'origine foncière ils se sont adaptés pour répondre de nouveaux besoins de ressources Leurs formes se sont diversifiées et connaissent aujourd'hui une nouvelle mutation dans le contexte de la révolution numérique et des initiatives des pays du Sud en réponse aux dérèglements climatiques et aux transformations des sociétés humaines et de l'économie mondiale Le présent essai est le fruit de réflexions collectives réunies l'occasion d'un colloque organisé par l'Académie des sciences d'outre-mer ASOM Il définit ce que deviennent les communs aujourd'hui Comprendre les communs leur reconnaître une place dans le droit national et international sont des enjeux politiques économiques et écologiques indispensables une mondialité maîtrisée une biodiversité protégée et une prospérité assurée pour demain Dans ce livre sont posés les obstacles d'adaptation existants et esquissés des pistes dont il est crucial que les États et les citoyens se saisissent pour faire face aux besoins croissants de partage et de création de ressources

Dictionnaire des biens communs Judith Rochfeld, Marie Cornu, Fabienne Orsi, 2021-01-06T00:00:00+01:00 Que sont les communs La notion ne cesse d'être mobilisée aujourd'hui Elle traduit le constat d'une évolution des pratiques sociales les biens seraient davantage mis en partage Logiciel libre habitat participatif vélos ou voitures en usage successif entreprise qui serait le bien commun de toutes les parties prenantes la notion envahit tous les domaines de la vie allant de la culture à l'environnement et à l'urbanisme la santé au travail et la technologie Si la mobilisation est intense c'est que la notion autorise à penser le changement social sur la base d'un réinvestissement du collectif des communautés du partage et de l'usage Elle réinterprète les valeurs fondatrices des sociétés contemporaines Ainsi les communs sont intrinsèquement liés au rôle de l'État de la propriété et de la démocratie Ils sont la fois une réflexion théorique un débat politique et un lieu d'expériences citoyennes Ce dictionnaire placé mi-chemin entre le vocabulaire et l'encyclopédie est un véritable outil de compréhension du phénomène dans les différents champs où il intervient Deuxième édition

Léon Duguit and the Social Obligation Norm of Property Paul Babie, Jessica Viven-Wilksch, 2019-09-07 This book demonstrates the importance of Léon Duguit for property theory in both the civil and common law world It translates into English for the first time ever Duguit's seminal lecture on property the sixth

of a series given in 1911 in Buenos Aires It also collects essays from the leading experts on the social function of property in major civil and common law jurisdictions internationally The book explores the importance that the notion of the social function of property has come to have not only in France but in the entire civil law tradition and also considers the wide if unattributed and seldom regarded influence in the common law tradition and theory of property *Patterns of Commoning* David Bollier, Silke Helfrich, 2015-11-06 What accounts for the persistence and spread of commoning the irrepressible desire of people to collaborate and share to meet everyday needs How are the more successful projects governed And why are so many people embracing the commons as a powerful strategy for building a fair humane and Earth respecting social order In more than fifty original essays *Patterns of Commoning* addresses these questions and probes the inner complexities of this timeless social paradigm The book surveys some of the most notable inspiring commons around the world from alternative currencies and open design and manufacturing to centuries old community forests and co learning commons and dozens of others David Bollier www.bollier.org is an American author activist and independent scholar who has studied the commons for nearly twenty years Silke Helfrich commonsblog.wordpress.com is a German author and independent activist of the commons who blogs at www.commonsblog.de and cofounder of the Commons Institut in Germany With Michel Bauwens Bollier and Helfrich are cofounders of the Common Strategies Group For more information go to the book's website *Patterns of Commoning* www.patternsofcommoning.org

Les ressources génétiques marines, R&D et droit 1 Bleuenn Guilloux, 2018-09-01 Les progrès de la R D en sciences du vivant ont permis de révéler la richesse et la fragilité du vivant et l'utilité des ressources génétiques marines Cet ouvrage étudie ces ressources en tant qu'objets d'usage actuel de nature complexe auxquels aucun régime spécifique ne s'applique En amont de la chaîne de R D les conventions fixent des cadres inadéquats ou incomplets En aval de la chaîne de R D les brevets d'invention permettent leurs titulaires d'exercer un monopole d'exploitation sur plusieurs créations biotechnologiques aux revendications extensives questionnant la nature commune de la biodiversité et des connaissances associées *Les ressources génétiques marines R D et droit 1* plonge le lecteur dans un univers juridique en construction et apporte des réponses sur la nature du vivant la bioprospection marine les commons mais aussi et surtout sur la protection de l'extraordinaire biodiversité marine

Anthropologie des prédati ons foncières Michèle Leclerc-Olive, Collectif, 2017-05-01 Depuis le tournant des années 2000 l'extraction des matières premières p trole or m taux rares etc a connu une croissance sans précédent bouleversant les écosystèmes locaux dans les zones où ces industries s'installent des opérations commerciales grande échelle accaparent des terres paysannes et de grandes agences de coopération soutiennent des programmes de modernisation de la production agricole qui finissent par priver des communautés villageoises de leurs terres Et alors que ces mutations entraînent que d'arroi d'racinement et paupérisation les logiques économiques et financières qui les précèdent se précipitent inéluctables Ces politiques sont en effet formulées le plus souvent dans un appareillage théorique qui entrave l'élaboration de problématiques alternatives Cet ouvrage poursuit donc un double

objectif D une part en r unissant des analyses anthropologiques de situations tr s diverses Asie Afrique Am rique latine il montre la similitude et la complexit des situations locales o des populations soutenues ou non par les pouvoirs locaux par des associations des ONG des instances publiques affrontent ou composent avec les strat gies des entreprises trang res et les politiques de l tat Il accorde une attention particuli re aux mutations des argumentaires et des dispositifs de gouvernance autour des objets de conflit terre eau environnement richesses mini res etc En donnant conna tre l histoire de ces confrontations parfois longue de plusieurs d cennies il esp re transmettre au lecteur un peu de l exp rience v cue par ces populations souvent oubli es par les r cits m diatiques D autre part conscient que nos habitudes de pens e conf rent la pr minence aux formules labor es par ces conomies extractivistes elles m mes telle la notion de mine durable par exemple cet ouvrage entend galement d naturaliser les cat gories qui forment le sens commun et conditionnent l acceptabilit sociale de telles pratiques pr datrices sont en jeu non seulement l avenir de ces soci t s mais celui de toute la plan te *Microéconomie et Macroéconomie - prépas ECE et BL* Vandewalle-Puch Catherine, 2018-07-31 Cet ouvrage permet de renforcer les connaissances acquises en cours d ESH pour r ussir les preuves crites et orales des concours HEC et ESCP Europe des pr pa ECE et B L Il pr sente les fondamentaux des analyses micro conomique et macro conomique du programme Pour chaque notion trait e on trouve L enjeu pour pr senter la notion Une d finition pour s assurer de la bonne ma trise des fondamentaux Les l ments incontournables de la notion pour comprendre et ne retenir que l essentiel Un exemple concret ou une repr sentation graphique clarifiant la notion pour faire la diff rence Les questions possibles pour s entra ner sur des sujets d oraux ou sur ce qui peut tre potentiellement pos lors de l entretien Faire des données environnementales des données d'intérêt général Marylou Le Roy, Ménehould Michaud de Brisis, Myriam El Andaloussi, Annie Blandin-Obernesser, Sophie Flak, Hervé Pillaud, Thomas Landrain, Charles-Pierre Astolfi, 2020-07-09 Dans l avis Faire des donn es environnementales des donn es d int r t g n ral les membres du Conseil national du num rique proposent que les donn es environnementales soient consid r es comme des donn es d int r t g n ral et constituent ainsi une brique de la transition cologique et solidaire Ils recommandent cet gard de Consacrer une notion extensive de donn e environnementale comme toute donn e par nature ou par destination relative l environnement son tat et ou ses flux d interaction Promouvoir une approche globale des donn es d int r t g n ral qu elles soient produites dans un cadre public ou priv en prenant en compte les enjeux de souverainet Octroyer aux donn es environnementales un statut de donn es d int r t g n ral au profit des entreprises des citoyens et des territoires Inciter au partage de donn es d int r t g n ral en facilitant l approche contractuelle et par projet et si cela est justifi imposer le partage de donn es environnementales d int r t g n ral en permettant leur reconnaissance par le juge ou par la loi Construire un r gime conciliant ma trise et ouverture pour les donn es environnementales d int r t g n ral Cet avis a t labor dans le cadre d une r flexion plus vaste sur les transitions cologiques et num riques qui a abouti la Feuille de route environnement et num rique 50 mesures pour un agenda national et europ en sur un num rique responsable c est dire sobre et au service de la

transition écologique et solidaire et des Objectifs de développement durable publiés en juillet 2020 **De la participation à la co-construction des patrimoines urbains** Elizabeth Auclair, Marie-Laure Poulot, Anne

Hertzog, 2017-12-18T00:00:00+01:00 La fabrique patrimoniale urbaine est aujourd'hui de plus en plus conçue et pratiquée comme une co-construction qui réunit des acteurs porteurs de savoirs différents mais complémentaires. Les processus de sélection, conservation et valorisation d'objets de signification comme patrimoines intègrent des formes d'expertises variées et participatives qu'elles soient initiées par des professionnels, des chercheurs, des institutions ou par d'autres acteurs issus des sociétés urbaines : habitants, associations, minorités. Les processus de patrimonialisation intègrent désormais du paradigme participatif dans l'action publique. C'est particulièrement remarquable lorsqu'il s'agit de porter attention aux démarches de patrimonialisation de catégories invisibles sans voix ou peu légitimes dans la ville. Les articles de chercheurs et les témoignages d'acteurs ici réunis enquêtent sur ce qui fait patrimoine pour certains groupes sociaux minoritaires ou marginalisés dans la ville ou pour les habitants d'espaces peu reconnus pour leur qualité patrimoniale : banlieues, friches, prisons, bidonvilles, bassin minier, quartiers d'habitat populaire. Ces démarches qui tendent à construire du commun par le patrimoine reposent souvent sur la mise en place de dispositifs particuliers de collaborations originales et de médiations innovantes. Elles permettent de réfléchir aux enjeux territoriaux, sociaux et politiques des processus de patrimonialisation urbains. Ces formes de co-construction s'apparentent-elles à un dépasement de la conflictualité patrimoniale ? Leur étude conduit à se demander si la patrimonialisation peut être un moyen de valoriser des territoires en marge de créer du lien social, d'intégrer des minorités socialement ou spatialement exclues, de bousculer des hiérarchies établies, voire de réinventer du commun au-delà des fractures et des inégalités.

Numérique, action publique et démocratie, 2021-05-06 Ce livre apporte sur la révolution numérique le plus récent et le plus clairage conceptuel et un panorama d'ensemble que l'on ne trouvera nulle part ailleurs. Imposant recueil de connaissances et d'expertises, il est un outil indispensable pour comprendre notre époque. La première partie consacrée à l'action publique montre comment s'articulent les stratégies des différents acteurs, pouvoirs publics, plateformes marchandes, communs du numérique pour la conduite des politiques publiques, la mise en place des infrastructures et la protection de l'environnement. Dans la seconde partie, centrée sur les services collectifs des acteurs de premier plan de ce nouveau monde numérique, présente une analyse approfondie des applications mises en œuvre dans les différents secteurs de l'économie publique et de l'économie sociale. La troisième partie traite des interactions entre numérique et démocratie et décrit les immenses perspectives ouvertes par la révolution numérique mais aussi les risques qu'elle comporte pour le droit, la justice, la protection des libertés et le fonctionnement de nos institutions. Ce livre est le cinquième de la collection Économie publique et économie sociale publiés aux PURH sous le guide de la commission scientifique du CIRIEC France. Il a été dirigé par Philippe Bance et Jacques Fournier avec la collaboration d'Olivier Bonet et Yannick Prost.

Dictionnaire de la science politique et des institutions politiques - 8e éd. Guy Hermet, Bertrand Badie, Pierre Birnbaum, Philippe

Braud, 2023-06-07 Ce Dictionnaire de la science politique et des institutions politiques couvre deux domaines distincts la théorie politique ses concepts ses méthodes et la pratique inscrite dans les institutions politiques et dans l'exercice du pouvoir Ce dictionnaire traite en priorité de la France et des pays francophones tout en s'efforçant d'élargir le champ de la comparaison la dimension européenne et même mondiale *The Commons, Plant Breeding and Agricultural Research* Fabien Girard, Christine Frison, 2018-03-09 The joint challenges of population increase food security and conservation of agrobiodiversity demand a rethink of plant breeding and agricultural research from a different perspective While more food is undeniably needed the key question is rather about how to produce it in a way that sustains biological diversity and mitigates climate change This book shows how social sciences and more especially law can contribute towards reconfiguring current legal frameworks in order to achieving a better balance between the necessary requirements of agricultural innovation and the need for protection of agrobiodiversity On the assumption that the concept of property can be rethought against the background of the right to include so as to endow others with a common right to access genetic resources several international instruments and contractual arrangements drawn from the plant breeding field including the Convention on Biological Diversity technology exchange clearing houses and open sources licenses receive special consideration In addition the authors explore the tension between ownership and the free circulation and exchange of germplasm and issues such as genetic resources managed by local and indigenous communities the ITPGRFA and participatory plant breeding programmes As a whole the book demonstrates the relevance of the Commons for plant breeding and agricultural innovation

Composer un monde en commun Gaël Giraud, 2022-10-14T00:00:00+02:00 Comment relever les extraordinaires défis que nous lançent les crises induites par la destruction de notre habitat planétaire Faut-il réviser le concept même de propriété privée Remettre en cause la souveraineté des États nations Comment construire ensemble les institutions internationales qui permettraient de prendre soin de nos communs globaux que sont le climat mais aussi la biodiversité la santé les cultures et jusqu'à la démocratie Car c'est elle qui aujourd'hui est menacée par notre refus d'inscrire des limites la toute puissance de la personnalité juridique des techniques extractivistes et de la marchandisation du monde O trouverons nous les ressources politiques culturelles et spirituelles pour inventer ces limites et en faire une chance plutôt qu'une insupportable privation de liberté Un tel projet exige de refonder l'utopie des Lumières Et pour cela de puiser la source du christianisme qui constitue l'une de ses matrices historiques Il implique donc une révision de la manière dont le christianisme se comprend lui-même expérience stylistique du retrait d'un Dieu qui s'efface pour nous ouvrir un horizon démocratique qu'il nous revient d'imaginer ensemble Ou religion d'un Christ glorieux qui légitimerait une souveraineté politique autoritaire carnivore phallocratique et colonialiste Telles sont quelques unes des questions que pose ce livre Apprendre à répondre participe peut-être de ce que les traditions bibliques nomment la sainteté Gaël Giraud est économiste et professeur suite Directeur de recherches au CNRS il dirige depuis 2021 le programme de justice environnementale à l'université de Georgetown Il a notamment publié Vingt propositions

pour reformer le capitalisme avec Cécile Renouard Flammarion 2009 Illusion financière éditions de l'Atelier 2013 Produire plus
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