Commons Against and Beyond Capitalism

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> In our view, we cannot simply say "no commons without community." We must also say "No commons without economy," in the sense of *oikonomia*, i.e., the reproduction of human beings within the social and natural household. Hence, reinventing the commons is linked to the reinvention of the communal and a commons-based economy.
>
> -Maria Mies and Veronika Bennholt-Thomsen.

The concept of the 'commons' has become a ubiquitous presence in the political, economic and even real estate language of our time. Left and Right, neo-liberals and neo-Keynesians, Conservatives and Anarchists use it in their political interventions. The World Bank has embraced it requiring, in April 2012, that all research conducted in-house or supported by its grants be "open access under copyright licensing from Creative Commons—a non-profit organization whose copyright licenses are designed to accommodate the expanded access to information afforded by the Internet" (World Bank). Even that titan of neoliberalism, *The Economist*, has proven to have a soft spot for it, in its praise of Elinor Ostrom, the doyen of commons studies and critic of market totalitarianism, as indicated by the eulogy in its obituary:

> It seemed to Elinor Ostrom that the world contained a large body of common sense. People, left to themselves would sort out rational ways of surviving and getting along. Although the world's arable land, forests, fresh water and fisheries were all finite, it was possible to share them without depleting them and to care for them without fighting. While others wrote gloomily of the tragedy of the commons,

> seeing only over-fishing and over-farming in a free-for-all of greed, Mrs Ostrom, with her loud laugh and louder tops, cut a cheery and contrarian figure. (*Economist* 2012)

Finally, it is hard to ignore the prodigal use of "common" or "commons" in the real estate discourse of university campuses, shopping malls and gated communities. Elite universities requiring their students to pay tuition fees of $50,000 a year call their libraries "information commons." *It is almost a law of contemporary society that the more commons are attacked, the more they are celebrated.*

In this article we examine the reasons for these developments and respond to some of the main questions facing anti-capitalist commoners today:

*What do we mean by "anti-capitalist commons"?

**How can we create, out of the commons that our struggles bring into existence, a new mode of production no longer built on the exploitation of labor?

***How can we prevent commons from being co-opted and instead of providing an alternative to capitalism, becoming platforms on which a sinking capitalist class can reconstruct its fortunes?

1. History, Capitalism and the Commons

We start with a historical perspective on the commons, keeping in mind that *history itself is a common* even when it reveals the ways in which we have been divided, provided it is narrated through a multiplicity of voices. History is our collective memory, our extended body connecting us to a vast expanse of struggles that give meaning and power to our political practice.

History then shows us that 'commoning' is the principle by which human beings have organized their existence on this earth for thousands of years. As Peter Linebaugh reminds us, there is hardly a society that does not have the commons at its heart. (Linebaugh a) Even today, communal systems of property and commoning social relations continue to exist in many parts of the world especially among of indigenous people of Latin America, Africa, and Asia.

When we speak of commons, then, we do not only speak of one particular reality or a set of small-scale experiments, like the rural communes of the 1960s in Northern California, however important they may have been (Boal *et al*.). We speak of large-scale social formations that at times were continent-wide, like the networks of commons that in pre-colonial America stretched from present-day Chile to Nicaragua and Texas, connected by a vast array of economic and cultural exchanges, including gift and barter. In Africa as well, communal land tenure systems have survived to the present, even in the face of an unprecedented "land grabbing" drive presently directed against them (Pearce). In England, common land remained an important economic factor until the beginning of the 20th century. Linebaugh estimates that in 1688, one quarter of the total area of England and Wales was common land (Linebaugh b: 116). After more than two centuries of enclosures involving the privatization of millions of acres, according to the Eleventh Edition Encyclopedia Britannica, the amount of common land remaining in 1911 was 1,500,000 to 2,000,000 acres, roughly 5% of English territory. By the end of the 20th century common land was still 3% of the total of the territory (Naturenet)

These considerations are important not because we wish to model our concept of the commons and commoning practices on the past. We cannot construct an alternative society by nostalgic returns to social forms that have already proven unable to resist the attack of capitalist relations against them. The new commons will have to be a product of our struggle. Looking back through the ages serves, however, to rebut the assumption that the society of commons we propose is a utopia or that commons can only be small scale projects, rather than the foundation of a new mode of production alternative to capitalism.

Not only have commons existed for thousands of years, but elements of a communally-based society are still around us, although subject to a constant attack that recently has intensified. Capitalist development requires the destruction of communal properties and relations. With reference to the 16th and 17th century 'enclosures' that expelled the peasantry in Europe from the land – the act of birth of modern capitalist society – Marx spoke of "primitive accumulation." But we have learned that this was not a one-time affair, spatially and temporally circumscribed, but a centuries-long process that continues into the present (Midnight Notes Collective). Primitive accumulation is the strategy the capitalist class always resorts to in times of crisis, when the command over labor has to be reasserted, since

expropriating workers and expanding the labor available for exploitation are the most effective methods for re-establishing the "proper balance of power" and gaining the upper hand in the class struggle.

In the era of neo-liberalism and globalization this strategy has been extremized and normalized, making primitive accumulation and the privatization of the 'commonwealth' a permanent process, now extending to every area and aspect of our existence. Not only are lands, forests, and fisheries appropriated for commercial uses in what appears as a new "land grab" of unprecedented proportions. We now live in a world in which everything, from the waters we drink to our body's cells and genomes, has a price tag or is patented and no effort is spared to ensure that companies have the right to enclose the remaining open space on earth and force us to pay to gain access to it. From New Delhi and New York to Lagos and Los Angeles, urban space is being privatized. Street vending or sitting on the sidewalks or stretching on a beach without paying are being forbidden. Rivers are damned, forests logged, waters and aquifers bottled away and put on the market, traditional knowledge systems are sacked through Intellectual Property Regulations and public schools are turned into for-profit enterprises. *This is why the idea of the commons exercises such an attraction on our collective imagination: their loss is expanding our awareness of the significance of their existence and increasing our desire to learn more about them.*

2. Commons and the Class Struggle: Co-opting the Commons

For all the attacks on them, commons have not ceased to exist. As Massimo De Angelis has argued, there have always been commons "outside" of capitalism that have played a key role in the class struggle, feeding the utopian/radical imagination and the bellies of many commoners (De Angelis). The workers' mutual aid societies of the nineteenth century are key examples of this "outside." (Bieto). More important for us is that new commons are constantly being created. From the free software movement to the Solidarity Economy movement, a whole world of new social relations is coming into existence based on the principle of communal sharing (Bollier and Helfrich), sustained by the realization that capitalism has nothing in store for us, except more wars, more misery and divisions. Indeed, at a time of permanent crisis and constant assaults on our jobs, wages, social spaces,

the construction of commons is becoming a necessary means of survival. It is not a coincidence that in the last two years, in Greece, as wages and pensions have been cut on average by 30% and unemployment among youth has reached 50%, several forms of mutual aid have appeared, like free medical services, free distributions of produce by farmers in urban centers, and the 'reparation' by electricians of the electrical wires that were cut because the bills were not paid.

We must underline, however, that the commoning initiatives that we see proliferating around us -'time banks,' urban gardens, Community Supported Agriculture, food coops, local currencies, 'creative commons' licenses, bartering practices, information sharing - are more than dikes against the neo-liberal assault on our livelihood. They are experiments in self-provisioning and the seeds of an alternative mode of production in the make. This is how we should view also the squatters' movements that, since the 1980s, have formed in so many urban peripheries throughout the world, which are products of land expropriations but also signs of a growing population of city dwellers "disconnected" from the formal world economy, now organizing their reproduction outside of state and market control (Zibechi: 190). As Raúl Zibechi suggests, these urban land squats are better envisioned as a 'planet of commons,' in which people exercise their "right to the city" (ibid.), rather than as the "planet of slums" that Mike Davis has described (Davis).

The resistance of the indigenous people of the Americas to the increasing privatization of their lands has given the struggle for the commons a new impulse. While the Zapatistas' call for a new constitution recognizing collective ownership has gone unheeded by the Mexican state, the right of indigenous people to use the natural resources in their territories has been sanctioned by the new Venezuelan Constitution of 1999. In 2009, in Bolivia as well, a new Constitution has recognized communal property. We cite these examples not to propose that we rely on the state's legal apparatus to promote the society of commons that we call for, which would be a contradiction, but to stress how powerful is the demand coming from the grassroots for the creation of new forms of sociality and provisioning under communal control and organized according to the principle of social cooperation.

In the face of these developments, the task for us is to understand how we can connect these different realities and above all how to ensure that the

commons we create are truly transformative of our social relations and cannot be co-opted.

The danger of co-optation is very real. For years now, part of the capitalist international establishment (starting with the World Bank) has been promoting a softer model of privatization, appealing to the principle of the commons, as a remedy to the neo-liberal attempt to submit all economic relations to the dictate of the market. It is realized, in fact, that carried to an extreme the logic of the market becomes counterproductive even from the viewpoint of capital accumulation, precluding the type of cooperation necessary for an efficient system of production. Witness, for instance, the situation that has developed in US universities where the subordination of scientific research to commercial interests has curtailed communication among the scientists themselves, imposing secrecy concerning the subjects of their research projects and their results.

Appeal to the commons can also put a positive spin on privatization, blunting the expected resistance. Thus, in the name of protecting the 'global commons,' the World Bank has expelled from woods and forests people who had lived in them for generations, while giving access to them to people who can pay, arguing that the market (in the form of a game park or an eco-tourism zone) is the most rational instrument of conservation. (Isla) The United Nations as well has asserted its right to manage the world's main eco-systems – the atmosphere, the oceans, the Amazonian forest – and open them up for commercial exploitation in the name of preserving "the common heritage of humanity."

Communalism is also the jargon under which unpaid labor is recruited. For instance, British Prime Minister Cameron's "Big Society" program mobilizes people's energies for a variety of volunteer programs intended to compensate for the cuts in social services introduced in the name of the economic crisis. An ideological break with the tradition that Margaret Thatcher initiated in the 1980s when she proclaimed that "There is not such thing as Society," proceeding to cut even the glass of milk out of the children's school lunch, "The Big Society" is now ensconced in a series of laws, including the Public Services (Social Value) Act. This legislation instructs government-sponsored organizations (from day-care centers, to libraries and clinics) to recruit local artists and young people who, without pay, will engage in activities increasing the "social value," defined as social cohesion and reduction of the cost of social reproduction. This means that

non-profit organizations providing programs for the elderly will qualify for some government funding if they can create social cohesion and "social value," measured according to a special arithmetic factoring in the advantages of a socially and environmentally sustainable society embedded in a capitalist economy (Dowling). In this way communal efforts to build solidarity and cooperative forms of existence, outside the control of the market, contribute to cheapening the cost of social reproduction and even accelerate the lay-offs of public employees.

3. Commodity-Producing Commons

A different type of problem for the definition of anti-capitalist commons is posed by the existence of commons producing for the market and driven by the "profit motive." A classic example are the unenclosed Alpine meadows of Switzerland that every summer become grazing fields for dairy cows, providing milk for the huge Swiss dairy industry. Assemblies of dairy farmers, who are very cooperative in their efforts, manage these meadows. Indeed, Garret Hardin could not have written his "Tragedy of the Commons" had he studied how Swiss cheese came to his refrigerator (Netting).

Another often cited example of commons producing for the market are those organized by the more than one thousand lobster fishers of Maine, operating along hundreds of miles of coastal waters where millions of lobsters live, breed and die every year. In more than a century, lobster fishers have built a communal system of sharing the lobster catch on the basis of agreed upon divisions of the coast into separate zones managed by local "gangs" and self-imposed limits on the number of lobsters to be caught. This has not always been a peaceful process. Mainers pride themselves on their rough rugged? individualism and agreements between different "gangs" have occasionally broken down. Violence then has erupted in competitive struggles to expand the allotted fishing zones or bust the limits on catch. But the fishers have quickly learned that such struggles destroy the lobster stock and in time have restored the commons regime (Woodward).

This commons-based fishing, outlawed for decades as a violation of anti-trust laws, is now accepted even by the Maine state's fishery management department. One reason for this change in official attitude is the contrast between the state of the lobster fisheries compared to that of the "ground-fishing" (i.e., fishing for cod, haddock, flounder and similar species) that is carried out in the Gulf of Maine and in Georges Bank where

the Gulf connects with the ocean. Whereas the former in the last quarter century has reached sustainability and maintained it (even during some severe economic downturns), since the 1990s, one species after another of ground-fish has been periodically overfished, leading to the official closure of Georges Bank for years at a time. (Woodward: 230-231) At the heart of the matter are the difference in the technology used by ground fishing and lobster fishing and, above all, the difference in the site where the catches are taken. Lobster fishing has the advantage of having its common pool resource close to the coast and within the territorial waters of the state. This makes it possible to demarcate zones for the local lobster gangs, whereas the deep waters of Georges Bank are not easily amenable to a partition. The fact that Georges Bank is outside the 20-mile territorial limit has meant that outsiders, using big trawlers, were able to fish until 1977 when the territorial limits were extended to 200 miles. They could not have been kept out before 1977, contributing in a major way to the depletion of the fishery. Finally, the rather archaic technology lobster fishermen uniformly employ discourages competition. By contrast, starting in the early 1990s, "improvements" in the technology of ground-fishing --"better" nets and electronic equipment capable of detecting fish more "effectively"-- have created havoc in an industry that is organized on an open access principle ("get a boat and you will fish"). The availability of a more advanced and cheaper detection and capture technology has clashed with the competitive organization of the industry that had been ruled by the motto: "each against each and Nature against all," ending in the "Tragedy of the Commons" that Hardin envisioned in 1968. This contradiction is not unique to Maine ground-fishing. It has plagued fishermen communities across the world, who now find themselves increasingly displaced by the industrialization of fishing, and the hegemonic power of the great trawlers, whose dragnets deplete the oceans. (Dalla Costa). Fishermen in Newfoundland have thus faced a similar situation to that of those of Georges Bank, with disastrous results for the livelihood of their communities.

So far Maine lobster fishers have been considered a harmless exception, confirming the neoliberal rule that a commons can survive only in special and limited circumstances. Viewed through the lens of class struggle, however, the lobster common has elements of an anti-capitalist common in that it involves workers' control of some of the important decisions concerning the work process and its outcomes. This experience then constitutes an invaluable training, providing examples of how large-scale commons can operate. At the same time, the fate of the lobster commons is

still determined by the international seafood market in which they are embedded. If the US market collapses or the state allows off-shore oil drilling in the Gulf of Maine, they will be dissolved. The Maine lobster commons, then, cannot be a model for us.

4. The Commons as the "Third Sector": A Peaceful Coexistence?

While commons for the market can be viewed as vestigial remnants of older forms of work cooperation, a growing interest in the commons also comes from a broad range of social democratic forces that are either concerned with the extremes of neo-liberalism and/or recognize the advantages of communal relations for the reproduction of everyday life. In this context, the common/s appears as a possible "third" space besides and equal to the state and the market. As formulated by David Bollier and Burns Weston in their discussion of "green governance":

> ...the overall goal must be to reconceptualize the neoliberal State/Market as a "triarchy" with the Commons—the State/Market/Commons—to realign authority and provisioning in new, more beneficial ways. The State would maintain its commitments to representative governance and management of public property just as private enterprise would continue to own capital to produce saleable goods and services in the Market sector (Bollier and Weston: 350).

Along the same lines, a broad variety of groups, organizations and theorists look today at the commons as a source of security, sociality and economic power. These include consumer groups, who believe that 'commoning' can gain them better terms of purchase, as well as home-buyers who, along with the purchase of their home, seek a community as a guarantee of security and of a broader range of possibilities as far as spaces and activities provided. Many urban gardens also fall in this category, as the desire for fresh food and food whose origin is known continues to grow. Assisted homes can also be conceived as forms of commons. All these are undoubtedly legitimate desires. But the limit and danger of such initiatives is that they can easily generate new form of enclosure, the commons being constructed on the basis of the homogeneity of its members, often producing gated communities, providing protection from the 'other,' the opposite of what the principle of the commons implies for us.

5. Redefining Commons

What then qualifies as "anti-capitalist commons"? In contrast to the examples we have discussed, the commons we aspire to construct are intended to transform our social relations and create an alternative to capitalism. They are not intended to only provide social services or to act as a buffer against the destructive impact of neo-liberalism, and they are far more than a communal management of resources. In sum, they are not pathways to capitalism with a human face. Either commons are a means to the creation of a new truly egalitarian and cooperative society or they risk deepening existing social divisions, creating havens for those who can afford them and who can therefore more easily ignore the misery by which they are surrounded.

Anti-capitalist commons are best conceived as autonomous spaces from which to reclaim control over our life and the conditions of our reproduction, and to provide resources on the basis of sharing and equal access, but also as bases from which to counter the processes of enclosure and increasingly disentangle our lives from the market and the state. They are thus qualitatively different then from those advocated by the Ostrom school, where the commons are imagined in a relation of coexistence with the public and with the private. Ideally, they embody the vision that Marxists and anarchists have aspired to but failed to realize: that of a society made of "free associations of producers," self-governed and organized to ensure not an abstract equality but the satisfaction of people's needs and desires. Today we may see only fragments of this world (in the same way as we may have seen only fragments of capitalism in late Medieval Europe) but already the commons we build should enable us to gain more power with regard to capital and the state, resist exploitation, and embryonically prefigure a new mode of production, no longer built on a competitive principle, but on the principle of collective solidarity.

How to achieve this goal? A few general criteria can begin to answer this question, keeping in mind that in a world dominated by capitalist relations the common/s we create are necessarily transitional forms.

i. Commons are not given, they are produced. Though we often say that commons are all around us – the air we breath and the languages we use

being key examples of shared wealth – it is truly only through cooperation in the production of our life that we can create them. This is because commons are not essentially material things but are social relations, constitutive social practices. This is why some prefer to speak of "commoning," or "the common," precisely to underscore the relational character of this political project. (Linebaugh a: 50-51).

ii. *Commons must also guarantee the reproduction of our life by collective labour.* Exclusive reliance on 'immaterial' commons, like the internet, will not do. Water systems, lands, forests, beaches, as well as various forms of urban space, are indispensable to our survival. But here too what counts is the collective nature of the reproductive work involved.

iii. *Commons should generally involve a common good, in the form of a shared natural or social wealth – lands, waters, forests, beaches, collective spaces, systems of knowledge and communication – to be used by all but not for commercial purposes.* We often use the concept of "the common" to refer to a variety of 'public goods' that over time we have come to consider 'our own,' like pensions, health-care systems, education. However, there is a crucial difference between the common and the public as the latter is managed by the state and is not controlled by us. This does not mean we should not be concerned with the defense of public goods. One of the main challenges we face is finding ways of connecting the struggle over the public to those for the construction of the common, so that they can reinforce each other. This is more than an ideological imperative. What we call the public is actually wealth that we have produced and we must re-appropriate. It is also evident that the struggles of public workers cannot succeed without the support of the 'community;' at the same time their experience can help us reconstruct our reproduction, to decide (for instance) what constitutes 'good health-care', what kind of knowledge we need, and so forth. However, it is very important to maintain the distinction, because the public is a state institution that assumes the existence of a sphere of private economic and social relations we cannot control.

iv. *Commons require a community.* This community should not be selected on the basis of any privileged identity, but rather on the basis of the care-work done to reproduce the commons and regenerate what is taken from them. Commons in fact entail obligations as much as entitlements. Thus the principle must be that those who belong to the common contribute to its maintenance, its reproduction; which is why (as we have seen) we cannot

speak of "global commons," as these presume the existence of a global collectivity which today does not exists and perhaps will never exist[1] as we do not think it is it is possible or desirable. Thus, when we say "No Commons without Community" we think of how a *specific community* is created in the production of the relations by which a *specific commons* are brought into existence and sustained.

v. *Commons require regulations*, stipulating how the wealth we share is to be used and cared for, the governing principles being equal access, reciprocity between what is given and what is taken, collective decision making, and power from the ground up, derived from tested abilities and continually shifting through different subjects depending on the tasks to be performed.

vi. *Equal access to the means of (re)production and egalitarian decision making must be the foundation of life in the commons.* This must be stressed because historically commons have not been prime examples of egalitarian relations. On the contrary, they have often been organized in a patriarchal manner that has made women suspicious about communalism. Today as well, many existing commons discriminate, mostly on the basis of gender. In Africa, as the land available is shrinking, new rules are introduced to prohibit access to people not originally belonging to the clan. But in these cases non-egalitarian relations are the end of commons, as they generate inequalities, jealousies, and divisions, providing a temptation for some commoners to cooperate with enclosers.

Conclusion

[1] An example of the fraud inherent to the idea of the "global commons" can be found in the debate that took place on June 14, 2012 during the US Senate Foreign Relations hearing concerning the ratification of the Law of Sea, which was meant to codify the use of the oceans beyond the 200 mile economic exclusion zone limit claimed by most nations with oceanic coast lines. The hearing pitted former Secretary of Defense Donald Rumsfeld against Senators John Kerry and Richard Lugar. Rumsfeld was against the treaty because it required companies that mined the ocean "commons" (i.e., beyond the 200-mile limit) to contribute to a fund that would compensate "less developed countries" whose companies do not have the technological or capital requirements to do such mining. He claimed that this type of wealth redistribution is a "novel principle that has, in my view, no clear limits" that "could become a precedent for the resources of outer space."

In conclusion, commons are not the practices by which we share in an egalitarian manner the resources we produce, but a commitment to the creation of a collective or multiple collective subjects, a commitment to the fostering of the common interest in every aspect of our life and political work, and a commitment therefore to the rejection of all hierarchies and inequalities, and all principles of 'othering' and exclusion.

These characteristics differentiate the common from the public, the latter being owned, managed, controlled and regulated by and for the state, therefore constituting a particular type of private domain. This is not to say that we shouldn't fight to ensure that the public is not privatized. As an intermediate terrain it is in our interest that private companies do not engulf "the public" which is the site where much of our past labor and resources are stored. But for the sake of fighting to generate new anti-capitalist commons it is crucial that we do not loose sight of the distinction.

Anti-capitalist commons are not the end point of anti-capitalist struggle, but its means. For a start we need to build movements that put on their agenda their own reproduction on a communal basis, which means movements whose members do not share only the space of the demonstration or the picket like but learn to put their lives in common, organizing for instance on the basis of their different needs and possibilities, and eliminating practices that can become principles of exclusion or hierarchization.

We see the Occupy movement and the movements of the squares as a crucial step in that direction. What is happening internationally proves that only when you have forms of collective reproduction, when you have communities that reproduce themselves collectively, can struggles be 'sustainable.'

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