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session 6

17 december 2014

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ECOFEMINIST PERSPECTIVES

Earth Democracy: Beyond Dead Democracy and Killing Economies*

Vandana Shiva

I want to thank the University of Waterloo for inviting me for this lecture series. It is a pleasure to be back. It [southern Ontario] is the only place where I have stayed for a substantial period of time—three years for my doctoral work—outside India. It makes me nostalgic for my student days, the most stimulating time intellectually that I've had. I never really wanted to give up my reflections on quantum theory, but I felt a bit indulgent, just living for my own intellectual stimulation. So I started the kind of work I do today. I started a public interest organization for research, and later I started Navdanya, the movement that has grown to be India's biggest organic movement and seed savers' movement. I started these things because we went wrong in the way we defined democracy. Because democracy is defined as the one day when you go to vote, and you vote on the basis of "what are the options?" But there are fish in the oceans, and there are trees and the earthworms in the soil, and they count, too, for life on earth. But they were left out of the thinking on democracy.

So we have this deep and very artificial conflict between considerations of sustainability and considerations of economic "growth." It should never have happened. After all, the real live growth of the trees in the forest should have been counted. But if trees in the forest are growing they weren't "growing" economically. The day you chop them down, that's when "growth" happened. And as this illusion of wealth and growth took over more and more, we built systems where even the shallow democracy that is based on representative voting has been taken away from us. Democracy is supposed to be for rule of the people, by the people, for the people. But every citizen of every country just has to look back over the last two decades to see how increasingly the will of the people just doesn't matter anymore. If you don't want nuclear power plants, it doesn't matter. Our Prime Minister can go to Washington and sign a nuclear deal with the president of the

*This is a slightly edited version of the J.G. Hagey Lecture, which Vandana Shiva delivered on October 21, 2009 at the University of Waterloo in Waterloo, Ontario, Canada. We are grateful to the co-sponsors of this lecture, the University of Waterloo and the University of Waterloo Faculty Association, for allowing us to publish it.

U.S. If the American citizens and the U.K. citizens and the European citizens march in the streets and say “we don’t want to go to war, we don’t want to invade Iran,” it doesn’t matter. Knowing Canadians, having spent time here and still having some very dear friends, I know Canadians are definitely committed to environmental sustainability and definitely committed to global justice. But if you watch your negotiators in the climate negotiations, in the biodiversity negotiations, in the trade negotiations, are they representing your will? I don’t think so. Something has happened. Democracy and governance went mutant. And they went mutant because globalization took over. And globalization didn’t take over in a kind of natural organic growth. It’s presented that way you know, “we lived in villages, then we lived in states, and now we live in a beautiful global world—it’s all a village.” It’s not.

Basically what happened was through the ‘80s, big giant corporations that had captured the domestic markets in rich countries wanted markets globally, and to get those markets they had to rewrite the rule of trade. The rewriting of the rules started with the Uruguay Round of the GATT [the General Agreement on Tariffs and Trade, which preceded the World Trade Organization]. And while we were busy living our lives and practicing our democracies, they were busy writing the treaties which were then called international treaties and were defined as being arrived at through multilateral negotiations. I know at least three of the treaties that are now part of the global governance system in the trade system: the WTO Agreement on Agriculture, the WTO Agreement on [Trade-Related Aspects of] Intellectual Property, [or TRIPS], and the WTO Agreement on [the Application of] Sanitary and Phytosanitary Measures.

In the case of the intellectual property agreement, the companies had grouped together in the 1970s. They formed an intellectual property committee. These were corporations from Europe, Japan, and North America. And they were across sectors. Walt Disney wanted royalties on Mickey Mouse whenever it was printed on a little t-shirt; Monsanto wanted monopolies on seed; Pfizer and the pharmaceutical industry wanted monopolies on medicine. And in the intellectual property committee, they drafted the agreement that is today called the intellectual property agreement of the WTO. It is called the “Trade-Related Intellectual Property” agreement, because intellectual property, first of all, doesn’t exist. Before the Trade-Related Intellectual Property agreement, industrial property and design copyright were national systems, democratically defined.

Why do I say that “intellectual property” doesn’t exist? Because you have very different criteria for protection of industrial invention and protection of cultural and creative invention. Copyright is given to songs and the writing of books. Patents used to be given only for manufacture—for a genuine invention with very strict criteria. It had to be novel, it had to have utility, and it had to be novel in a non-obvious way, which is defined in law as no one skilled in the art can do what you have done.

But by taking intellectual property into one rubric, two things were done. The idea of creativity in writing songs and music was transferred to industrial monopoly. So in those early days in the late 1980s when the Uruguay Round was really being pushed . . . I don't know how many of you will remember the image of elephants being brought up from Bangkok to crush CDs, and the image created was that all these Thais and Chinese and Indians are all pirates, because they take our music and copy it. But the real intent was, in fact, a reverse piracy: how to take the biodiversity, the genetic resources, the seeds, the medicinal plants, the centuries of innovation of Third World societies, patent it, and call it an invention. I call this phenomenon biopiracy.

Biopiracy is the patenting of biodiversity and the traditional knowledge of cultures of the South. But the way the intellectual property issue was opened up to allow anything to be patented opened the floodgates for piracy and the patenting of life. Life had never been treated as a subject of patents before this. In the U.S. they made an error in 1980, and a genetically engineered micro-organism was given a patent.¹ But in law it was never the case that you say "life is a manufacture, life is an invention; therefore, life is the monopoly of companies, and companies can now collect rents from life itself." It is the habit of seed to reproduce. Under patent law, that is wrong. And the thinking behind all of this comes through. I'll just give you a few examples. Roundup-resistant crops have also spread in Canada, as we have seen with Roundup-resistant soya and the very famous case of Percy Schmeiser, who was sued after Monsanto contaminated his [canola] seeds. But in the biodiversity convention, when the discussion was taking place about the bio-safety of these crops—their risks to the environment, the contamination of the kind that spread to Percy's field—the debate ended up being Monsanto representatives standing up and essentially saying "we have invented such a smart technology that it prevents weeds from stealing the sunshine."

Earlier, in India, Cargill—which is now owned by Monsanto in the seed sector outside North America—had come in with sunflower seeds, hybrid seeds that absolutely failed. Farmers had an action, and the Cargill chief said, in essence: "these Indian peasants are so stupid, they don't understand that we have created such smart technologies that we have prevented the bees from usurping the pollen." Can you imagine a mindset where the pollinators who give us the food that we have are treated as "thieves of the pollen." The biodiversity on this planet is treated as a thief of sunshine. Peasants who do their ethical duty, moral duty, and ecological duty of saving and exchanging seeds are treated as thieves of intellectual property.

¹On June 16, 1980, the U.S. Supreme Court ruled in a 5-to-4 decision that Ananda Chakrabarty, a microbiologist working at General Electric who had developed a genetically engineered *pseudomonas* bacterium to help clean up oil spills, could receive a patent for this man-made form of life. This landmark decision, *Diamond v. Chakrabarty*, opened the floodgates for genetically engineered organisms and enabled the establishment of the biotech industry.

In 1987, I first came to know of this mindset by being invited to a meeting on biotechnology. That's when I decided that my life had to be dedicated to saving seeds. I started Navdanya, which means nine seeds. It also means "the new gift." N-A-V-D-A-N-Y-A: if you want to find out more about it, go to the website, Navdanya.org. And it's been an amazing journey for me since then, because I'm a physicist. I walked out of my first biology class, because I had to cut up cockroaches, and biology was not stimulating for me, physics was. But I had to learn about biology from nature and peasants; they are our teachers of biology. The biology I have learnt is a biology of life. In my teaching from nature and biodiversity and the tremendous richness of biodiversity on this planet, I think it is unacceptable that life be turned into property and rents be collected from the renewal of life.

And that's why from the day I heard about patenting on life, we started movements for no patents on life; we started movements for the defense of living systems, of intellectual systems, as the commons. And the most important outcome of this has been that when everyone thought, "oh, now there is only one way that this can go, which is privatization of the planet," we have a new celebration of the idea of the commons. In software, we've got the open source software movement; in agriculture, we've got the open source seed movement, exchanging seeds. And we have now the Nobel Prize in economics given to a woman for her work on the commons. The privateers would, of course, have liked to see an end to any discussion of the commons, and I think they will be broken-hearted this year. The commons and democracy go hand-in-hand, as do enclosures of commons and the destruction of democracy.

As the rule-making shifted to the hands of these giant companies—and, the highest level of rule-making right now is the World Trade Organization—decision-making shifted to the hands of these corporations, and democracy went from being "by the people, of the people, for the people" into "by the corporations, of the corporations, for the corporations." The term "free-market democracy," that's what it means. And it's a very, very frequently used term, "free-market democracy." It's freedom for the corporations and a threat to freedom for ordinary citizens everywhere, particularly citizens of the South whose resources and whose labor drives this globalized economy.

The agriculture agreement is the other agreement. It was literally written by Cargill. Monsanto went on record to say for the intellectual property agreement: "We were the patient, the diagnostician, and the physician all in one. We defined the problem that farmers save seed, and we offered a solution: make it a crime to save seed." In the case of the agriculture agreement, the agriculture officials were deputies to the U.S. trade negotiators, who took the treaty to Geneva, and it became the world's treaty. It has nothing to do with agriculture. It doesn't have the word "soil" in it; it doesn't have the word "food" in it; it doesn't have the word "farmer" in it. But what it does have is "market access," "export competition," "domestic support."

It's about how to convert the world into a global monopoly of grain and staples. It has been done as a result of these rules, and markets have been forced open.

I remember 1998. It was a strange year for us. Monsanto came to India violating all our rules thinking "there is no democracy in this country, there is no rule-making in this country, we'll write the rules." But we did have laws. We had environment protection laws. We had laws about genetic engineering. We had laws for seed safety and bio-safety. And so when they entered and put huge ads about how the next year all Indian farmers would be buying their GM seeds, I checked with the government, and I asked "did they go through the regulatory process?" And the government said "no, nobody came to us, we don't even know they exist." And so I sued through the Supreme Court of India, and they were stopped for four years from introducing genetically engineered crops. Of course they pushed it over time. The consequence of it has been that farmers who used to have either free seed or seed for two or three rupees a kilogram—50 rupees make a dollar, so when we are talking two or three rupees we are talking a few cents—now have to pay much more for their seed. And that's the kind of economy in which Indian peasants operate in, the majority of whom have less than one hectare of land. Eighty percent of Indian farmers have less than a hectare of land, and two-thirds of India is still farmers—two-thirds of India is on the land.

As these new seed monopolies started to get established, the first thing that happened was democratically shaped laws started to be altered. So deregulation is very, very much a part of corporate rule—deregulating environmental protections, deregulating social protections. In any case, these seeds weren't designed to control pests, as it's made out to be. The Bt cotton, which is the seed that is sold in India, had a Bt toxin in it, and the claim is that it is to control the bollworm pest, and therefore you can reduce the use of pesticides. The opposite happens. The bollworm becomes resistant, and new pests emerge. The seed costs jump from seven rupees to 1,700 rupees a kilogram. Pesticide use has increased thirteenfold. The new seeds have to be bought every year. They have to be fertilized, and you need irrigation for them. This is a recipe of indebtedness, and the farmers can't pay it back. [Yet Indian farmers are trapped into this], because we signed the other treaty. The Agriculture Agreement is dragging down the price of what farmers produce for farmers of Canada as much as the farmers of India. It's designed to do that. So the cotton that the farmer produced becomes cheaper, but the costs of producing the cotton constantly rise.

The result of this debt trap has been something we have never had in India—farmer suicide on an epidemic scale. The count now according to the National Bureau of Crime, which keeps suicide records, is 200,000 suicides since 1997, and the graph of suicides goes up like this. The state where Bt cotton has spread most is Maharashtra. Now interestingly, this is the state where cotton was domesticated. It is also the state which has the oldest research institute on cotton in the world. And this cotton institute used to have 20–30 varieties of cotton suited for Indian

conditions. Suited both climatically with drought-resistant cottons, but also suited for our hand-loom industry and our carding industry, because you can only use short staple cotton for hand-spinning. And the new hybrids of the Bt cotton fiber just don't work for hand-spinning. So the raw material for the hand-spinning, hand-loom industry has dried up. And the farmers are getting trapped in debt.

In this area we now have 4,000,000 acres under Bt cotton and 4,000 farmer suicides per year. So three years ago I took a pilgrimage to this area to really understand why the farmers were not giving up Bt cotton. I found they cannot give up Bt cotton, because the companies ensure that they destroy the alternative. They call it "seed replacement." Everything is very "scientific." They call it seed replacement: replacing the inferior varieties from farmers for the advanced modern varieties. So within a season, where companies enter, there is no seed. And farmers don't realize that this is happening in village after village. They think that it's just happening to them. They think they can always go to their aunt's village and get the seed. I've seen this happen to chicken farmers in South Africa. I asked "why is there only one variety of chicken everywhere?" They said, "one season, the big chicken industry came and said 'give up your old chicken, here's a new one.'" And everyone thought there's a grandmother, an aunt, a cousin, from whom they can get their own indigenous breeds. Everyone had been subjected to that same replacement. So biodiversity can be extinguished in one season—which is millennia of evolutionary history being extinguished in a second.

After this journey, I decided to do what we do in the rest of the country. Navdanya's main work is setting up community seed banks, seeds in the commons. And I've travelled to villages and collected sometimes two grains of a variety of seed. But the beauty of seed is that you can begin with two, and five years down the line you have two truckloads. Seed multiplies, and that's the problem for the corporations. So how do you prevent nature's renewal? By criminalizing renewability, by criminalizing seed-saving.

We've taught the farmers of this area how to grow organic again, and we just did an assessment, a survey with the farmers. Farmers who are now growing organic cotton and using indigenous varieties for food crops also are earning ten times more than the farmers growing Bt cotton. Farmers get into Bt cotton on the promise that they are going to be millionaires—everyone has to be a millionaire. Anything less than that isn't good enough. And people get trapped into it. I get, I think on a daily basis—I'm sure you get it too—in the junk mail at least 20 announcements in the name of Yahoo, in the name of Oxfam, in the name of this bank or that bank, that I've just won a million dollars or a million pounds. They say you just have to send us your account and we will just transfer it. Well, of course what they do is get a hold of your account and take out all you have. And so many innocent people fall into that trap.

Today we are unfortunately becoming more insecure, poorer, more desperate, precisely because everyone is being made to chase this illusion of becoming a

millionaire. I loved what the head of the Church of England just said, Dr. Rowan Williams. He said, “people have allowed themselves to become addicted to fantasies about prosperity and growth, dreams of wealth without risk, and profits without cost. The consequence of such a lifestyle has meant that the human soul was one of the foremost casualties of environmental degradation.” And he goes on to say that “if we don’t make a rapid shift, humanity is faced with being choked, drowned, or starved by its own stupidity.” That’s not typical of a church leader.

But even church leaders are having to notice that something is seriously wrong with the world that is being constructed. And it’s not just the church leaders. If you have ever invested—I have never invested in stocks—but if you invested in stocks last September, you are in no doubt. And this trigger of the financial crisis that started on Wall Street went all the way to countries like India and has triggered destruction of small-scale production. It has also further destabilized an agriculture that was destabilized by WTO rules and, along with the WTO rules, the World Bank structural adjustment programs. They go hand-in-hand now. You just have to read the text. The WTO rules and structural adjustment packages say the same thing. And basically what they are saying is “don’t grow food, it’s not worth it.” We are supposed to grow flowers to export to you and, of course, they all get auctioned in Amsterdam. We are supposed to grow fresh fruits and vegetables, and we are supposed to grow meat. There was even a report of the World Bank that said the sacred cow was a barrier to trade, and, somehow, India’s religious sentiments had to be dealt with in order to encourage Indians to export meat on a larger scale. And they pushed us even further when the mad cow epidemic happened in the U.K. Remember that crazy situation where they were feeding dead and infected cows as cattle feed? And when the cows died, they ground them up, fed the resulting “protein concentrates” to cows, and more cows became infected. They turned those infected cows into hamburgers, and twelve people died before the government woke up and said something is terribly wrong.

The definition, the process, and like I said, the words created, are amazing: “Seed replacement”—it should really be “seed extinction.” “Rendering.” “Rendering” is the word used for when you are not supposed to figure out where it comes from or where it goes to. So when the dead cow is turned into cattle feed, it is rendered. When some poor innocent person is picked up somewhere as a terrorist and is thrown into a prison somewhere without trial, that’s rendering. The same word is used, “rendering.”

We have been told that food will be looked after by agribusiness. Seed—why should nature bother about seed? Monsanto is going to produce seed. But Monsanto cannot. All that Monsanto can do is produce two applications: herbicide-resistant and Bt toxin crops. They have managed to put these traits into four species so far: corn, canola, soya and cotton. They haven’t done very well with taste or quality, and they haven’t done very well with yield, either, even though the advertisements these days are, “Nine billion people to feed, a changing climate, how will we feed the

world?” I say, “You don’t feed the world. Mothers in kitchens feed the world. Women on farms feed the world. What you do is take the tiny incomes of farmers out of their hands and leave them in debt.”

On this logic—the logic that we have today—there will be no more small farmers in the world. And that’s the plan. That’s the design. And the design is supported by the illusion that somehow industrial agriculture produces more food. It doesn’t. We are always told that the Green Revolution produces more food, but it doesn’t. It produces more rice and wheat. But it destroyed our pulses; it destroyed our oil seeds; it destroyed all the multiple sources of food; it has left farmers in debt. In the early phases, when farmers were angry, they took up guns. We saw the violence of Punjab, which is when I wrote my book, *The Violence of the Green Revolution*. And now all the suicides are in Punjab. There’s a train that leaves Punjab to go to Rajasthan. It’s called the “Cancer Train.” Half of the occupants of that train are cancer patients from Punjab, because the pesticide use has gone so high that people are now either dying of suicide or dying of cancer.

And if you go back to what started me, I was a quantum physicist, now I’m looking at agriculture. Nineteen Eighty-Four was the year that the Punjab violence really erupted and the agriculture package called the Green Revolution had been given the Nobel Peace Prize. Something’s funny. This was supposed to be about peace, but we have war. What really happened? So I studied the Green Revolution. Ten times more water to produce the same amount of food than through ecological methods, and now we have a water famine in India. Nineteen Eighty-Four was also the year when innocent people, children, women, and old people, on the night of the 2nd of December were killed while sleeping, because the pesticide plant had a gas leak in the city of Bhopal. Thirty thousand people have died since then. It was 30,000 in Punjab; 30,000 in Bhopal. And now we have 200,000 farmers committing suicide. These are numbers that I have personally counted—in one little area of the world.

You go to Latin America, you see the Roundup being sprayed from the air to grow the Roundup-resistant soya that is then exported as cattle feed. Children are dying in Argentina and Paraguay. I’ve been in the Amazon where indigenous people are being shot and killed to clear rainforest to grow soya bean. Sister Dorothy, who used to work with the indigenous people, has been assassinated. So we are living in a global economy of genocide, and it is rooted in these decisions because of the destruction of democracy.

It’s killing public health. A billion people are now permanently hungry. We have never had that in history before. Short-term famines, localized in space, localized in time. But nature is productive and people are productive. You jump right back and continue to produce food. Now you have a billion people permanently hungry. Most of them are producers of food; they are trapped in this killing economy where they spend more to grow food than they can ever earn. So they are constantly selling what they grow, staying hungry themselves, just to pay back the debt.

India has emerged as the capital of hunger. There are more people hungry today in India than in sub-Saharan Africa. And this happened during a period when India was the land of the emerging economy, of the shining India. In India “the emerging superpower” is sometimes how we are referred to. But that growth of 9 percent was on the basis of the destruction of our food security and our agrarian systems.

The people being denied food is one side of the public health disaster. The other side is people eating food that is not worthy of being eaten—that shouldn’t be called food in the first place. Sometimes we call it honestly; we call it “junk food.” And just as you do a click of the button on junk mail, we should be doing a click of the button on junk food. But junk food today is becoming the only legal option. Safe home-made food . . . if you have a little kitchen or you have a little artisanal cheese processing unit, sanitary and phytosanitary measures will shut it down. And I laugh and say, just at the time when humanity needs to reclaim its hands, when humanity needs to remember it has hands that work, we are told that hands are the biggest danger on this planet. Anything touched by hands is dangerous. Stuff loaded with toxins and genetically modified, that is safe and good for you. The 2 billion people who are victims of obesity and diabetes, are part of the killing economy. We are seeing this change.

Again, talking about these phrases that have no beginning and no end, India is called, a “country in nutritional transition.” Let’s now explain what we are transitioning from and to. The “from” is a rich, biodiverse, time-tested cuisine that gave health. It’s one of the most healthy eating systems in the world, because it is deeply balanced, and the poorest of persons can afford to put their little bit of grain, their little bit of cumin and coriander, and the coriander leaves—just a few. Or your curry pata for the South Indians, which gives you all the vitamin A—more than all the efforts of genetic engineering to provide “golden rice” for vitamin A—that you need. Seventy times less efficient, genetic engineering is, than the options we have. So we are moving from there into the same junk food culture.

We work with children on the food issue. In Delhi, obesity has jumped from 7 percent in 1995 to 14 percent in 2005, and between 2005 and 2008, it’s gone up to 25 percent. So we are emerging as the capital of hunger on the one hand and the capital of diabetes on the other. Forty million Indians are going to be diabetic within the next decade. All because the balanced diet has been destroyed; all you’re being given is starch and artificial, synthetic sugars. And the children are being made to believe that that is heaven. I think advertising of the food industry is one more assault on democracy, because it takes away your freedom to make rational choices.

The final impact of this system of non-sustainable production is on climate change. Until recently the links between climate change and the food system were not even addressed, which is why I wrote my book, *Soil Not Oil*. And when we started to do the research and started to put the figures together, if you put the emissions from agriculture, which are three kinds—carbon dioxide from the use of

fossil fuels, nitrous oxide from the use of synthetic fertilizers, and methane from the factory farming of animals—that's about 40 percent of the emissions. Then you add all the transport, stuff moving around the world, every country importing, every country exporting the same thing: the big global food swap.

We have wonderful apples in Kashmir, but the only apples you see in my local market are Washington state apples. And I had the pleasure of being served the most delicious Ontario apple by Jonathan on my way from the airport, after so long. After you've been on a trip, and you bite into an apple—the hotels have this wonderful red stuff, all waxed . . . I mean, you bite into it and there's no juice! It's supposed to sit there for three more weeks as decoration pieces. This was a juicy apple. When I travel I order only fruit. And they sometimes dice up the fruit, so you can't make out whether it's a melon or a pear or an apple, because it all tastes the same. And they are all designed to live forever in a transport system, not live a short distance between where they are grown and where they are to be eaten. So even our taste is being stolen, the quality of our food is being stolen.

But in all of this you've got shipping and transport as a major issue. All breeding today is to let things that should rot, not rot. Flavr Savr tomato was the first tomato that was genetically engineered. A tomato that was never supposed to rot; it was hard like a ball, you could throw it across the room. Nobody bought it; it wouldn't cook. We miss the old varieties where you do a sauce, you chop up the tomato and it dissolves. Now you've got tomatoes sitting like pieces of meat, and I don't eat meat so it's not a very delightful thing to cook with: tomatoes that don't dissolve.

Transport adds another 10 percent. Eighteen percent emissions are coming from chopping down the rainforests to grow soya. First you have emissions from burning the forests, then you have emissions in the actual production of the soya bean. You add all these figures up, you're talking about a very large contribution. Are the corporations that are driving climate change going to say, "no, we won't ship rotten fruit around the world?" "we won't process more food into junk food and package more to add to the climate burden of food?" They won't do it. Are the negotiators in Copenhagen this December suddenly going to come to miraculous conclusions? I don't think so. The negotiations have as good as fallen apart in Bangkok, where the rich countries, and unfortunately your country [Canada], are leading in dismantling the United Nations Framework Convention on Climate Change. Which is why there was a walk out by the G77 countries.

The process right now is this: in 1992 we got the Climate Treaty in Rio. Then in 1997 we got the Kyoto Protocol under the treaty. The Copenhagen negotiations are merely supposed to be the next phases of Kyoto. They are not supposed to change the original treaty under the Kyoto phase. But the rich countries want to dismantle the very framework of a global climate regulatory system, because they want to

create a bigger market, and regulation doesn't allow that. They would like all regulation to decide to "leave the sorting out of climate problems to the polluters. In fact, pay them more, reward them with carbon credits and trade in pollution, and somehow it will all get sorted out." It is not sorting out. Emissions trading schemes have actually allowed the greenhouse gas emissions to increase.

The U.S., anyway, never intended to do its part on Kyoto, and it hasn't. But even Europe hasn't done enough, and now it wants to get rid of what little commitments it has. They want to get rid of commitments under Kyoto, which go to 2012. So there is no legally binding treaty in the world at this point. And that's because we have a dictatorship at the economic level, which will not allow governments to take measures for environmental protection and in the public interest. If we're going to set this right, we have to begin with action. As Ghandi said, "you have to be the change you want to see." Change has never come from the top. Or, I should say it this way: change for freedom and change for democracy have never come from the top. Change for dictatorship is, of course, always from the top.

One of the costs that this genocidal economics has had is that it has robbed us of our very humanity. It has killed our humanity both by making us so scared all the time of the future by leaving us no public system, no public security, but also by telling us "all you are are just shoppers in the global marketplace. Someone has to produce cheap goods somewhere, all you have to do is buy." And if you notice, after the financial crisis, what were the governments saying? "Buy, buy, buy!" How do you buy if you don't have purchasing power? How do you have purchasing power if you don't have a job, if you don't have a livelihood? So the roots of the issue—the destruction of livelihoods of people, the jobs of people, the productive capacity of people—is not being addressed. What is being addressed is how to create more consumerism by exploiting nature more and by exploiting people more. We are seduced into this through "cheap": cheap food, cheap clothing, cheap everything. But "cheap" has very high costs to the planet. I know in my country what a cheap global economy means to the tribals and the farmers of our land; what a cheap production system means to the women who are not even allowed to have a just return for their labor. We are much more than just consumers. Consumption in the middle ages referred to TB, of which you died. Consumption still refers to dying, except now it's on a planetary scale.

So the first step we have to make is a shift in our consciousness, that we are not mere consumers, passive, helpless, and powerless. We are earth citizens. We are members of an earth community. And the tremendous power and energy is with *us*. That shift to citizens of the earth also goes hand-in-hand with recovery of the commons, which is the reason I have worked on saving seed as a commons and water as a commons. Wonderful women in Plachimada shut down Coca-Cola. We as citizens of Delhi stopped the privatization of Delhi's water supply. You begin with small steps, and the small steps can have very, very large consequences.

In Navdanya, our whole concept is based on recovering seed freedom and seed sovereignty. First, the sovereignty of the seed itself: the seed should be able to reproduce. We don't need terminator technologies to take away the future of the seed. And we need farmers' freedom to save and exchange seed. We need society's freedom to have options to produce different seeds, and not just from four genetically modified crops. It breaks my heart to know that 90 percent of industrial foods in rich countries are now based on strange mixes of corn and soya into everything—even sugar is from corn. Everything is now corn and soya, corn and soya, corn and soya, and most of it is genetically engineered.

We started the movement for “food sovereignty.” And food sovereignty for us first and foremost means growing food in ways that don't harm the earth. Growing it in freedom as sovereign producers, having the freedom to choose what you grow because part of the global economic dictatorship is that farmers don't have a choice. And that choice is taken away either through law—as in the case of intellectual property rights and sanitary and phytosanitary measures—or it gets taken away through technology. If you're a small farmer in Argentina, you cannot grow any food for yourself. You can't have a kitchen garden, because the Roundup sprayed from the air kills everything green that it comes in contact with; the only plant that survives is the Roundup-resistant plant.

In our food sovereignty movement, we've linked the community seed banks, the organic production, and the direct marketing—two small steps. You know, I am very, very bad at business thinking. But we are there in the market, in a farmer-run movement. Farmers are not very good sorting out the balance sheet. And yet, when they don't do it as working out a balance sheet, but do it as their ecological responsibility and their sovereignty, suddenly everything falls into place. Just as much as, if you're a good organic farmer you don't look at your production, you look at feeding the soil, and the soil looks after feeding you.

And we are looking at the wrong end of things. They're torturing a cow into giving more milk with rBGH. And you have a very famous case where Health Canada didn't allow [research on health effects of rBGH]; and all scientists involved were turned out of their work. That, too, is an aspect of fascism. Every independent public scientist who did honest work, according to what they were meant to do, was removed from the system by the pressure of these corporations.

We've also started a school of the seed, a university of the seed. I call it the Earth University. Simple steps of learning once again how we live at peace with the Earth. I think we are again at that moment in evolution as a species when we can either choose to sleep walk into extinction or we can choose to build a new freedom, and through that new freedom a future for our species. Freedom, sustainability, justice, and peace have become inseparable from each other. You can't work for any of them partially; they all come together. An economic system that is a system of peace also creates a just system. A system that is just, which allows people to have their share of

the resources of the earth, is a system that would be sustainable. And a system that is sustainable will be a system that will be based on freedom of the people, freedom of the earth, freedom of the species.

I'd like to conclude by sharing with you a very ancient tradition from India. But it could be contemporary ecological learning in a university. It says "the universe is the creation of the supreme power meant for the benefit of all creation; each individual life form must therefore learn to enjoy its benefits by forming a part of the system in close relationship with other species. Let not any one species encroach upon others' rights." And in the work that we've done at Navdanya, what we have found is that the more space that you leave for other species, the more generous the species are to you and the more food they give you.

So the idea that you must turn the world into monocultures, fumigate them with herbicides, load them with pesticides, ship them thousands of miles, process them to death, and somehow you get more food? It's not true. Any food system that destroys biodiversity is impoverishing our food supply. Because, ultimately, everything on this planet is food, and the more food we leave for others, the more food we have for ourselves.

And the final teaching I will leave you with says "a selfish man, over-utilizing the resources of nature to satisfy his own ever-increasing needs, is nothing but a thief, because using resources beyond one's need would result in the utilization of resources over which others have rights." That is Earth Democracy. On this beautiful planet there is enough for all, as Gandhi said, but there isn't enough for a few people's greed. That is what we have to cope with, the excessive greed that has become like a cancer on the planet and in our societies. And we can do it together, and each of us in our lives.

Thank you.

FEMINISM AND THE POLITICS OF THE COMMON IN AN ERA OF PRIMITIVE ACCUMULATION (2010)

Our perspective is that of the planet's commoners: human beings with bodies, needs, desires, whose most essential tradition is of cooperation in the making and maintenance of life; and yet have had to do so under conditions of suffering and separation from one another, from nature and from the common wealth we have created through generations.

—The Emergency Exit Collective, “The Great Eight Masters and the Six Billion Commoners” (Bristol, Mayday 2008)

The way in which women's subsistence work and the contribution of the commons to the concrete survival of local people are both made invisible through the idealizing of them are not only similar but have common roots. . . . In a way, women are treated like commons and commons are treated like women. —Maria Mies and Veronica Benholdt-Thomsen, “Defending, Reclaiming, Reinventing the Commons” (1999)

Reproduction precedes social production. Touch the women, touch the rock. —Peter Linebaugh, *The Magna Carta Manifesto* (2008)

Introduction: Why Commons?

At least since the Zapatistas, on December 31, 1993, took over the *Azócalo* of San Cristóbal to protest legislation dissolving the *ejidal* lands of Mexico, the concept of the “commons” has gained popularity among the radical Left, internationally and in the United States, appearing as a ground of convergence among anarchists, Marxists/socialists, ecologists, and eco-feminists.¹

There are important reasons why this apparently archaic idea has come to the center of political discussion in contemporary social movements. Two in particular stand out. On the one side, there has been the demise of the statist model of revolution that for decades has sapped the efforts of radical movements to build an alternative to capitalism. On

the other, the neoliberal attempt to subordinate every form of life and knowledge to the logic of the market has heightened our awareness of the danger of living in a world in which we no longer have access to seas, trees, animals, and our fellow beings except through the cash-nexus. The “new enclosures” have also made visible a world of communal properties and relations that many had believed to be extinct or had not valued until threatened with privatization.² The new enclosures ironically demonstrated that not only commons have not vanished, but new forms of social cooperation are constantly being produced, also in areas of life where none previously existed, as for example the Internet.

The idea of the common/s, in this context, has offered a logical and historical alternative to both State and Private Property, the State and the Market, enabling us to reject the fiction that they are mutually exclusive and exhaustive of our political possibilities. It has also served an ideological function, as a unifying concept prefiguring the cooperative society that the radical Left is striving to create. Nevertheless, ambiguities as well as significant differences exist in the interpretations of this concept, which we need to clarify, if we want the principle of the commons to translate into a coherent political project.³

What, for example, constitutes a common? Examples abound. We have land, water, air commons, digital commons, service commons; our acquired entitlements (e.g., social security pensions) are often described as commons, and so are languages, libraries, and the collective products of past cultures. But are all these “commons” on the same level from the viewpoint of devising an anticapitalist strategy? Are they all compatible? And how can we ensure that they do not project a unity that remains to be constructed?

With these questions in mind, in this essay, I look at the politics of the commons from a feminist perspective, where feminist refers to a standpoint shaped by the struggle against sexual discrimination and over reproductive work, which (quoting Linebaugh) is the rock upon which society is built, and by which every model of social organization must be tested. This intervention is necessary, in my view, to better define this politics, expand a debate that so far has remained male-dominated, and clarify under what conditions the principle of the common/s can become the foundation of an anticapitalist program. Two concerns make these tasks especially important.

Global Commons, World Bank Commons

First, since at least the early 1990s, the language of the commons has been appropriated by the World Bank and the United Nations, and put at

the service of privatization. Under the guise of protecting biodiversity and conserving “global commons,” the Bank has turned rain forests into ecological reserves, has expelled the populations that for centuries had drawn their sustenance from them, while making them available to people who do not need them but can pay for them, for instance, through ecotourism.⁴ On its side, the United Nations, in the name again of preserving the common heritage of mankind, has revised the international law governing access to the oceans, in ways enabling governments to consolidate the use of seawaters in fewer hands.⁵

The World Bank and the United Nations are not alone in their adaptation of the idea of the commons to market interests. Responding to different motivations, a revalorization of the commons has become trendy among mainstream economists and capitalist planners, witness the growing academic literature on the subject and its cognates: “social capital,” “gift economies,” “altruism.” Witness also the official recognition of this trend through the conferral of the Nobel Prize for Economics in 2009 to the leading voice in this field, the political scientist Elinor Ostrom.⁶

Development planners and policy-makers have discovered that, under proper conditions, a collective management of natural resources can be more efficient and less conflictual than privatization, and commons can very well be made to produce for the market.⁷ They have also recognized that, carried to the extreme, the commodification of social relations has self-defeating consequences. The extension of the commodity-form to every corner of the social factory, which neoliberalism has promoted, is an ideal limit for capitalist ideologues, but it is a project not only unrealizable but undesirable from the viewpoint of the long-term reproduction of the capitalist system. Capitalist accumulation is structurally dependent on the free appropriation of immense areas of labor and resources that must appear as externalities to the market, like the unpaid domestic work that women have provided, on which employers have relied for the reproduction of the workforce.

Not accidentally, then, long before the Wall Street “meltdown,” a variety of economists and social theorists warned that the marketization of all spheres of life is detrimental to the market’s well-functioning, for markets too—the argument goes—depend on the existence of nonmonetary relations like confidence, trust, and gift-giving.⁸ In brief, capital is learning about the virtues of the “common good.” In its July 31, 2008 issue, even the London *Economist*, the organ of capitalist free-market economics for more than one hundred and fifty years, cautiously joined the chorus. “The economics of the new commons,” the journal wrote, “is still in its infancy. It is too soon to be confident about its hypotheses. But it

may yet prove a useful way of thinking about problems, such as managing the internet, intellectual property or international pollution, on which policymakers need all the help they can get.” We must be very careful, then, not to craft the discourse on the commons in such a way as to allow a crisis-ridden capitalist class to revive itself, posturing, for instance, as the guardian of the planet.

What Commons?

A second concern is that, while international institutions have learned to make commons functional to the market, how commons can become the foundation of a noncapitalist economy is a question still unanswered. From Peter Linebaugh’s work, especially *The Magna Carta Manifesto* (2008), we have learned that commons have been the thread that has connected the history of the class struggle into our time, and indeed the fight for the commons is all around us. Mainers are fighting to preserve their fisheries and waters, residents of the Appalachian regions are joining to save their mountains threatened by strip mining, open source, and free software movements are opposing the commodification of knowledge and opening new spaces for communications and cooperation. We also have the many invisible, commoning activities and communities that people are creating in North America, which Chris Carlsson has described in his *Nowtopia*.⁹ As Carlsson shows, much creativity is invested in the production of “virtual commons” and forms of sociality that thrive under the radar of the money/market economy.

Most important has been the creation of urban gardens, which have spread, in the 1980s and 1990s, across the country, thanks mostly to the initiatives of immigrant communities from Africa, the Caribbean or the South of the United States. Their significance cannot be overestimated. Urban gardens have opened the way to a “rurbanization” process that is indispensable if we are to regain control over our food production, regenerate our environment and provide for our subsistence. The gardens are far more than a source of food security. They are centers of sociality, knowledge production, cultural and intergenerational exchange. As Margarita Fernandez writes of gardens in New York, urban gardens “strengthen community cohesion,” as places where people come together not just to work the land, but to play cards, hold weddings, have baby showers or birthday parties.¹⁰ Some have a partnership relation with local schools, whereby they give children after school environmental education. Not last, gardens are “a medium for the transport and encounter of diverse cultural practices,” so that African vegetables and farming practices (e.g.) mix with those from the Caribbean.¹¹

Still, the most significant feature of urban gardens is that they produce for neighborhood consumption, rather than for commercial purposes. This distinguishes them from other reproductive commons that either produce for the market, like the fisheries of the “Lobster Coast” of Maine, or are bought on the market, like the land-trusts that preserve the open spaces.¹² The problem, however, is that urban gardens have remained a spontaneous grassroots initiative, and there have been few attempts by movements in the United States to expand their presence, and to make access to land a key terrain of struggle. More generally, how the many proliferating commons, being defended, developed, fought for, can be brought together to form a cohesive whole providing a foundation for a new mode of production is a question the Left has not posed.

An exception is the theory proposed by Negri and Hardt in *Empire* (2000), *Multitude* (2004), and more recently *Commonwealth* (2009), which argues that a society built on the principle of “the common” is already evolving from the informatization of production. According to this theory, as production becomes predominantly a production of knowledge organized through the Internet, a common space is formed which escapes the problem of defining rules of inclusion or exclusion, because access and use multiply the resources available on the net, rather than subtracting from them, thus signifying the possibility of a society built on abundance—the only remaining hurdle confronting the “multitude” being presumably how to prevent the capitalist “capture” of the wealth produced.

The appeal of this theory is that it does not separate the formation of “the common” from the organization of work and production as already constituted, but sees it immanent in it. Its limit is that it does not question the material basis of the digital technology the Internet relies upon, overlooking the fact that computers depend on economic activities—mining, microchip and rare earth production—that, as currently organized, are extremely destructive, socially and ecologically.¹³ Moreover, with its emphasis on science, knowledge production and information, this theory skirts the question of the reproduction of everyday life. This, however, is true of the discourse on the commons as whole, which has generally focused on the formal preconditions for their existence but much less on the possibilities provided by existing commons, and their potential to create forms of reproduction enabling us to resist dependence on wage labor and subordination to capitalist relations.

Women and the Commons

It is in this context that a feminist perspective on the commons is important. It begins with the realization that, as the primary subjects of

reproductive work, historically and in our time, women have depended more than men on access to communal resources, and have been most committed to their defense. As I wrote in *Caliban and the Witch* (2004), in the first phase of capitalist development, women were in the front of the struggle against land enclosures both in England and the “New World,” and the staunchest defenders of the communal cultures that European colonization attempted to destroy. In Peru, when the Spanish conquistadores took control of their villages, women fled to the high mountains, where they recreated forms of collective life that have survived to this day. Not surprisingly, the sixteenth and seventeenth centuries saw the most violent attack on women in the history of the world: the persecution of women as witches. Today, in the face of a new process of Primitive Accumulation, women are the main social force standing in the way of a complete commercialization of nature. Women are the subsistence farmers of the world. In Africa, they produce 80 percent of the food people consume, despite the attempts made by the World Bank and other agencies to convince them to divert their activities to cash-cropping. Refusal to be without access to land has been so strong that, in the towns, many women have taken over plots in public lands, planted corn and cassava in vacant lots, in this process changing the urban landscape of African cities and breaking down the separation between town and country.¹⁴ In India too, women have restored degraded forests, guarded trees, joined hands to chase away the loggers, and made blockades against mining operations and the construction of dams.¹⁵

The other side of women’s struggle for direct access to means of reproduction has been the formation, across the Third World—from Cambodia to Senegal—of credit associations that function as money commons.¹⁶ Differently named, “tontines” (in parts of Africa) are autonomous, self-managed, women-made banking systems, providing cash to individuals or groups that can have no access to banks, working purely on the basis of trust. In this, they are completely different from the micro-credit systems promoted by the World Bank, which functions on the basis of shame, arriving to the extreme (e.g., in Niger) of posting in public places the pictures of the women who fail to repay the loans so that some have been driven to suicide.¹⁷

Women have also led the effort to collectivize reproductive labor both as a means to economize on the cost of reproduction, and protect each other from poverty, state violence and the violence of individual men. An outstanding example are the *ola* communes (common kitchens) that women in Chile and in Peru set up in the 1980s, when, due to stiff inflation, they could no longer afford to shop alone.¹⁸ Like collective reforestation

and land reclamation, these practices are the expression of a world where communal bonds are still strong. It would be a mistake, however, to consider them as something prepolitical, “natural,” a product of “tradition.” In reality, as Leo Podlashuc notes in “Saving the Women Saving the Commons,” these struggles shape a collective identity, constitute a counterpower in the home and the community, and open a process of self-valorization and self-determination from which we have much to learn.

The first lesson to be gained from these struggles is that the “commoning” of the material means of reproduction is the primary mechanism by which a collective interest and mutual bonds are created. It is also the first line of resistance to a life of enslavement, whether in armies, brothels or sweatshops. For us, in North America, an added lesson is that by pooling our resources, by reclaiming land and waters, and turning them into a common, we could begin to de-link our reproduction from the commodity flows that through the world market are responsible for the dispossession of so many people in other parts of the world. We could disentangle our livelihood, not only from the world market but from the war-machine and prison system on which the hegemony of the world market depends. Not last we could move beyond the abstract solidarity that often characterizes relations in the movement, which limits our commitment and capacity to endure, and the risks we are willing to take.

Undoubtedly, this is a formidable task that can only be accomplished through a long-term process of consciousness raising, cross-cultural exchange, and coalition building, with all the communities throughout the United States who are vitally interested in the reclamation of the land, starting with the First American Nations. Although this task may seem more difficult now than passing through the eye of a needle, it is also the only condition to broaden the space of our autonomy, cease feeding into the process of capital accumulation, and refuse to accept that our reproduction occurs at the expense of the world’s other commoners and commons.

Feminist Reconstructions

What this task entails is powerfully expressed by Maria Mies when she points out that the production of commons requires first a profound transformation in our everyday life, in order to recombine what the social division of labor in capitalism has separated. For the distancing of production from reproduction and consumption leads us to ignore the conditions under which what we eat or wear, or work with, have been produced, their social and environmental cost, and the fate of the population on whom the waste we produce is unloaded.¹⁹

In other words, we need to overcome the state of constant denial and irresponsibility, concerning the consequences of our actions, resulting from the destructive ways in which the social division of labor is organized in capitalism; short of that, the production of our life inevitably becomes a production of death for others. As Mies points out, globalization has worsened this crisis, widening the distances between what is produced and what is consumed, thereby intensifying, despite the appearance of an increased global interconnectedness, our blindness to the blood in the food we eat, the petroleum we use, the clothes we wear, the computers with which we communicate.²⁰

Overcoming this oblivion is where a feminist perspective teaches us to start in our reconstruction of the commons. No common is possible unless we refuse to base our life, our reproduction on the suffering of others, unless we refuse to see ourselves as separate from them. Indeed if “commoning” has any meaning, it must be the production of ourselves as a common subject. This is how we must understand the slogan “no commons without community.” But “community” not intended as a gated reality, a grouping of people joined by exclusive interests separating them from others, as with community formed on the basis of religion or ethnicity. Community as a quality of relations, a principle of cooperation and responsibility: to each other, the earth, the forests, the seas, the animals.

Certainly, the achievement of such community, like the collectivizing our everyday work of reproduction, can only be a beginning. It is no substitute for broader antiprivatization campaigns and the reconstitution of our commonwealth. But it is an essential part of the process of our education for collective governance and the recognition of history as a collective project—the main casualty of the neoliberal era of capitalism.

On this account, we must include in our political agenda the communalization/collectivization of housework, reviving that rich feminist tradition that we have in the United States, that stretches from the utopian socialist experiments of the mid-nineteenth century to the attempts that the “materialist feminists” made, from the late nineteenth century to the early twentieth century, to reorganize and socialize domestic work and thereby the home, and the neighborhood, through collective housekeeping—efforts that continued until the 1920s, when the “Red Scare” put an end to them.²¹ These practices, and the ability that past feminists have had to look at reproductive labor as an important sphere of human activity, not to be negated but to be revolutionized, must be revisited and revalorized.

One crucial reason for creating collective forms of living is that the reproduction of human beings is the most labor-intensive work on

earth, and to a large extent it is work that is irreducible to mechanization. We cannot mechanize childcare or the care of the ill, or the psychological work necessary to reintegrate our physical and emotional balance. Despite the efforts that futuristic industrialists are making, we cannot robotize “care” except at a terrible cost for the people involved. No one will accept “nursebots” as care givers, especially for children and the ill. Shared responsibility and cooperative work, not given at the cost of the health of the providers, are the only guarantees of proper care. For centuries the reproduction of human beings has been a collective process. It has been the work of extended families and communities, on which people could rely, especially in proletarian neighborhoods, even when they lived alone, so that old age was not accompanied by the desolate loneliness and dependence that so many of our elderly experience. It is only with the advent of capitalism that reproduction has been completely privatized, a process that is now carried to a degree that it destroys our lives. This we need to change if we are put an end to the steady devaluation and fragmentation of our lives.

The times are propitious for such a start. As the capitalist crisis is destroying the basic element of reproduction for millions of people across the world, including the United States, the reconstruction of our everyday life is a possibility and a necessity. Like strikes, social/economic crises break the discipline of the wage-work, forcing upon us new forms of sociality. This is what occurred during the Great Depression, which produced a movement of hobo-men who turned the freight trains into their commons seeking freedom in mobility and nomadism.²² At the intersections of railroad lines, they organized “hobo jungles,” prefigurations, with their self-governance rules and solidarity, of the communist world in which many of their residents believed.²³ However, but for a few “box-car Berthas,” this was predominantly a masculine world, a fraternity of men, and in the long term it could not be sustained.²⁴ Once the economic crisis and the war came to an end, the hobo men were domesticated by the two grand engines of labor-power fixation: the family and the house. Mindful of the threat of working class recomposition in the Depression, American capital excelled in its application of the principle that has characterized the organization of economic life: cooperation at the point of production, separation and atomization at the point of reproduction. The atomized, serialized family-house Levittown provided, compounded by its umbilical appendix, the car, not only sedentarized the worker, but put an end to the type of autonomous workers’ commons the hobo jungles had represented.²⁵ Today, as millions of Americans’ houses and cars have been repossessed, as foreclosures, evictions, the massive loss of employment

are again breaking down the pillars of the capitalist discipline of work, new common grounds are again taking shape, like the tent cities that are sprawling from coast to coast. This time, however, it is women who must build the new commons, so that they do not remain transient spaces or temporary autonomous zones, but become the foundation of new forms of social reproduction.

If the house is the *oikos* on which the economy is built, then it is women, historically the house-workers and house-prisoners, who must take the initiative to reclaim the house as a center of collective life, one traversed by multiple people and forms of cooperation, providing safety without isolation and fixation, allowing for the sharing and circulation of community possessions, and above all providing the foundation for collective forms of reproduction. As already suggested, we can draw inspiration for this project from the programs of the nineteenth century “materialist feminists” who, convinced that the home was a important “spatial component of the oppression of women” organized communal kitchens, cooperative households, calling for workers’ control of reproduction.²⁶ These objectives are crucial at present: breaking down the isolation of life in a private home is not only a precondition for meeting our most basic needs and increasing our power with regard to employers and the state. As Massimo de Angelis has reminded us, it is also a protection from ecological disaster. For there can be no doubt about the destructive consequences of the “uneconomic” multiplication of reproductive assets and self-enclosed dwellings, dissipating, in the winter, warmth into the atmosphere, exposing us to unmitigated heat in the summer, which we now call our homes. Most important, we cannot build an alternative society and a strong self-reproducing movement unless we redefine in more cooperative ways our reproduction and put an end to the separation between the personal and the political, political activism and the reproduction of everyday life.

It remains to clarify that assigning women this task of commoning/collectivizing reproduction is not to concede to a naturalistic conception of “femininity.” Understandably, many feminists would view this possibility as “a fate worse than death.” It is deeply sculpted in our collective consciousness that women have been designated as men’s common, a natural source of wealth and services to be as freely appropriated by them as the capitalists have appropriated the wealth of nature. But, quoting Dolores Hayden, the reorganization of reproductive work, and therefore the reorganization of the structure of housing and public space is not a question of identity; it is a labor question and, we can add, a power and safety question.²⁷ I am reminded here of the experience of the

women members of the Landless People's Movement of Brazil (MST), who when their communities won the right to maintain the land which they had occupied, insisted that the new houses should be build to form one compound, so they that they could continue to share their housework, wash together, cook together, taking turns with men, as they had done in the course of the struggle, and be ready to run to give each other support if abused by men. Arguing that women should take the lead in the collectivization of reproductive work and housing is not to naturalize housework as a female vocation. It is refusing to obliterate the collective experiences, knowledge, and struggles that women have accumulated concerning reproductive work, whose history has been an essential part of our resistance to capitalism. Reconnecting with this history is today for women and men a crucial step, both for undoing the gendered architecture of our lives and reconstructing our homes and lives as commons.

How the artistic breeding ground became a surrogate for real urban development

Roel Griffioen

In the Amsterdam city district New West, a rustling revolution is taking place. Before the crisis hit, cranes, construction fences and cement mills used to be the harbingers of progress. Now, it's pop up restaurants, film screenings with beer from microbreweries, urban gardens with 'forgotten vegetables', a coffee place with furniture made from scrap wood and sustainable products, or a T-shirt franchise with prints that are meant to appeal to the 'underground feeling' of the neighborhood ('Sleezy Sleeves makes Slotervaart cool!').

Mind you: New West is no Hipsterville, and it probably never will be. The super district, not much smaller than cities like Haarlem or Amersfoort with its 144,200 residents, is struggling with big and deeply rooted problems. Unemployment is higher, perceived unsafety is higher and social cohesion is lower than within the downtown 'ring'. When New West makes the news, it's usually about the umpteenth wave of burglaries or seized marijuana plantation, the increase of home prostitution or the rise of Muslim fundamentalism.

Until recently, a policy of demolition and reconstruction was considered panacea against such ills. Around the turn of the millennium, the biggest urban renewal operation in the history of the Netherlands was started in New West. Intervening in the hardware was supposed to solve poverty and crime: neighborhood by neighborhood, the blocky 1950s era apartment complexes were replaced with attractive apartments for the commercial rental and purchasing markets, to attract different social and economic groups.

Policymakers spoke breathlessly of New West as Europe's largest construction site, or even of 'the largest make-over in Europe.' As a result of the crisis, the imagined future arrived more slowly than they had hoped. In spite of that, New West is growing: two thousand new souls joined in 2012 – a year record for Amsterdam. In neighborhoods still waiting to be demolished, established residents are replaced with students and 'anti-squatters' with temporary rental contracts. Vacant schools, office buildings, garages and shop spaces are converted to 'cultural hot spots' or 'breeding grounds' in the blink of an eye. Community art projects and attractive housing agreements for artists are used to pump culture into the neighborhood. In the wake of this assault, the urban space, the shop selection and the demographic make-up slowly change.

It seems like the hard-line approach of demolition and reconstruction has been exchanged for 'soft' processes of urban renewal, with the cultural sector playing a key role. Administrators prefer to call this development an organic movement rather than 'official policy'. Paulus de Wilt, who was responsible for cultural and urban renewal in New West as a portfolio manager until recently, detects a change in mentality in the creative sector. They used to insist on living in the inner city, now they realize the advantages of New West: 'There's space here, it's cheap and it still has something jagged to it. It's a little like in Berlin, really.'

Breeding with the neighborhood

The suggestion that New West is being 'rediscovered' glosses over the fact that this

development is, in fact, being directed from the top down. Take the breeding grounds policy that Amsterdam has had since the turn of the century: New West takes the lead with eleven of such assorted cultural buildings, almost all of them opened during the last five years. Initially, this policy focused on the city center and the old harbors surrounding it. The policy was meant to ascertain that there remained enough affordable studios in the city for artists and other 'creative types'.

These days, new breeding grounds are mostly opened in the socially and economically weaker neighborhoods that encircle the city center, such as New West, North and Southeast. They are being assigned ever more social and economic functions. They are supposed to give 'new impulses' to the neighborhood, for example, by 'involving the residents of surrounding neighborhoods with cultural activities in the building.'

According to Arwen Schram, project leader at Bureau Broedplaatsen, a breeding ground has 'lots of social and economic potential. Especially in a troubled neighborhood like New West that has little to offer culturally, we don't want to leave that potential untapped.' Some breeding grounds' contracts obligate tenants to work 'for the neighborhood' half a day every week. Work may vary from designing a neighborhood logo to making a mural. Even though breeding grounds rarely create jobs for the neighborhood, all this creative activity does have an economic component, according to Schram: 'If only because people get their sandwiches from the baker down the street, or do groceries in the neighborhood.'

This economic approach to breeding ground policy is hardly new: it was introduced by squatters movement of Amsterdam. In the late 1990s, when the municipality closed down several influential squats, squatters rang the alarm. They alerted the municipality to the economic importance of squats for the city, as places where experiments can lead to innovation. If these autonomous zones disappear, creative talent will move abroad and Amsterdam will lose its fertile ground for innovation, according to their reasoning. This utilitarian approach to creativity is emphasized even more in the term 'breeding ground'. These are the cultural battery cages where ideas are produced from which *we* (the city, businesses, the economy) will profit in the future.

Getting creative with Richard Florida

According to Jaap Schoufour, head of Bureau Broedplaatsen, it was Richard Florida's *The Rise of the Creative Class* that saved breeding grounds policy. Just when the Mayor and Municipal Executive lost faith in further investments, this city marketing sociologist arrived with a handy theory about how the presence of the hip, cool, clever, and above all the *creative*, fuels a city's economy. Florida's exhortation is short and simple: make room for creativity, and even the most disadvantaged groups will profit, because the prosperity it creates trickles down into the lowest regions of the pyramid of society. Reaganomics with a social face.

For policymakers the world over, Florida's cut-and-paste theories have become a sort of paradigm, as Martha Rosler establishes in her biting *The Culture Class*. Even though Florida's trickle down thesis has been challenged widely, it is treated as gospel inside municipal management offices, city district offices and housing cooperatives. Florida has given breeding grounds policy a social veneer, because he has 'shown' that even the poor and the 'uncreative' benefit from the presence of these cultural growing rooms in their neighborhood.

The report *Strengthening by connecting. Arts and culture policy New West 2011-2014* even states that local arts and culture policy should be 'one of the pillars' of urban renewal. 'Artistic and cultural activity' exists 'at the intersection of regional development, education

in the arts and culture, talent development and (cultural) entrepreneurship.' It belongs to the 'foremost value-creating facilities', and contributes to quality of life in neighborhoods, a better social and economic position and 'higher real estate prices'. Thanks to their 'creative industriousness', artists function as 'the vanguard that attracts the intended audiences [that buy and rent houses]', to quote a developer at a meeting about the arts and the real estate market.

The art caravan

Boukje Cnossen, who researches the internal ecology of breeding grounds from New West, is troubled by this strong emphasis on economic growth: 'You begin to suspect that this is yet another vehicle of neoliberalism. 'Flexibility' and 'entrepreneurship' serve as crude discursive veils for a further dismantling of the arts.'

Cultural actors are willing participants in the gentrification industry. This reveals itself in the vanguardist language in which developments in New West are framed. The tenor is that the city is being slowly rolled out over the no man's land outside it. They speak of 'pioneering', even of a 'voyage of discovery.' You can taste it in newspaper articles that write how 'New West is on the rise', and that 'students, artists and young entrepreneurs no longer allow themselves to be constrained by the A10 highway.' An exposition with paintings in Sloterveer is named 'Go West.' Organized cycling tours past the breeding grounds are called 'expeditions.' In roaring PR texts, they speak of 'opening' the neighborhood to the public, about the journey to 'the other side' or about 'extracting.'

Of course, New West is not a vacant lot nor no man's land. People live there. About 144,200 of them. This kind of discourse is designed to face outward. It points at people outside New West, and is meant to lure them in.

One complicated case is the celebrated location theater project Neighborhood Safari Sloterveer. In May 2012, visitors were driven through the neighborhood between performance locations on the backs of mopeds by Moroccan boys. Creator Adelheid Roossen wanted the project to bring different worlds into contact with each other, and judging by reactions from visitors and people involved, it succeeded in that.

None of the countless articles in the papers asked how residents had experienced being swarmed with around seventy 'visitors' for a month, four performance days a week. Since public space was the decor, they were relegated to the role of extras.

Whether you're smoking a cigarette at the tram stop or pinching an avocado at a fruit stall, as soon as the caravan passes by, you are an unwilling actor in Adelheid Roossen's multicultural shiny happy show. You are not one of the viewers, but one of the viewed. This way, your 'otherness' is only further accentuated. As a resident, this struck me as a social democratic version of watching the monkeys. Slumming made cozy.

Many art projects in New West similarly suffer from what research bureau BAVO has termed 'cultural therapy': well-intentioned cultural initiatives divert our attention away from disastrous, bureaucratic developments because they are too focused on softening the side effects. Art becomes a palliative instead of casting light on deep, structural problems – such as the connection between urban renewal and population policy, or the loss of public space and the rise of gated communities in 'New New West'.

What happens to the subversive potential of art when artists accommodate the status quo? Doesn't this only further legitimize the urban renewal operation? Take the temporary parks that have been erected across New West, on vacant lots that have been waiting for investors for years. The furniture has been designed in such a way that it can be folded up

and carried off in one day. When a developer is found, it takes one snap of the municipal finger and all interventions are gone.

Moving poverty with artists

In the Kolenkitbuurt, near the inner city ring, the renewal machine is gathering steam again. In the next few years, all apartment complexes, save two, will be demolished. The percentage of social housing is plummeting, from over 90 percent to around 50 percent – or far less in some areas. The 'original' residents get served first before the market, but it doesn't take a mathematical genius to understand that not everyone can go back. And what do the artists do? They start a moving service, because they heard that the residents who are forced to leave are not looking forward to the costly and time-consuming move.

This example demonstrates that 'soft' urban renewal does not take the place of 'hard' urban renewal, but that both are part of the same operation. The creative sector serves as a lubricant to sweeten the time in between, using 'social' art projects and breeding grounds, but also using a homesteading policy that allows artists to settle for next to nothing. Once the tenants with legal protection have been pushed out, the gate is left wide open for temporary renters with minimal rights.

It's clear that the focus in the Kolenkitbuurt was also on initiatives carried by artists. Within a 500 meter radius, I can count at least five such projects. Almost without exception, they are assigned a social task, in exchange for direct subsidy or an indirect 'real estate deal'. The latter can entail, for example, an arrangement where artists can rent a living space for a pittance (less than 100 euro), on the condition that they work three hours a week in one of the neighborhood's social projects.

Is this 'social work plus'? While community centers are being closed all around Amsterdam and budgets for social functions are being cut hard, artists function as a kind of underpaid community workers.

Cleaning up after the demolition state

This is how many artists, designers, researchers and critics in the 'creative hot spots' in New West try to carve out a space for themselves in an overcrowded sector, where there is less and less to go around. They leap from chore to chore and try to find the time and space to not just produce, but reflect as well.

They are the *nouveaux poor* – or 'lumpenfreelancers,' as Hito Steyerl describes this class. The word 'freelance' derives from mercenary: a 'free lance', whose sword does not serve just one master. A marvelous metaphor for this generation: relieved of the yoke of forced servitude to one all-powerful master, but also devoid of privileges. Free, but also trapped in favors for favors, unpaid bills, fake successes, temporary living contracts, social media exposure, brandless coffee and approaching deadlines.

Can we expect substantial engagement from this 'deterritorialized' foreign legion? It turns out that loyalty, engagement and solidarity don't settle easily on the unstable foundation of process- and project-oriented work and low, irregular income.

Some of the creative nomads realize that they are being employed as economic instruments, but have come to take it for granted, jaded as they have become from the endless search for space and money. This creates a chain of complicity with no escape. 'Practically all forms of subsidy have been abolished. What else can we do? We're all driven by the need to find cheap housing,' says one artist who lives in a breeding ground. A participant in a social housing project adds: 'No one will say 'I'd rather live on the street!'

out of principle when you can live in a house here for next to nothing.'

New West itself is one big breeding ground. That nest is where Big Society is being hatched. Community artists, advisors, politicians and bureaucrats keep the nest warm together. The Dutch term for Big Society, 'participation society' – coined by the king in his first king's speech and immediately crowned as 'word of the year 2013' – is obvious newspeak for a government with minimal responsibilities and expenditures. Philosopher Jacques Rancière's observation that participation means nothing more today than filling the gaps that power leaves, is confirmed in New West by the common labor of the creative class. Without fully realizing it, we – I am part of this group, and have even been involved in several of the projects described above – are adopting the role of 'the friendly folks whose help can always be recruited to clean up when the government wishes to excuse itself from its responsibilities,' to paraphrase Claire Bishop.

In practice, participation means uncritical collaboration with the dismantling of a welfare state that was based on equality and solidarity. The creative class, itself half sleepwalking, is guiding society towards a spooky night watch state where the government has truncated its list of tasks down to lighting the street lanterns. Unless artists can do that more cheaply...

This text was translated from Dutch, original article on <https://decorrespondent.nl/1713/Hoe-de-broedplaats-een-surrogaat-voor-echte-stedelijke-ontwikkeling-werd/113821612575-1f95be21>

CHAPTER THREE

The Creation of the Urban Commons

The city is the site where people of all sorts and classes mingle, however reluctantly and agonistically, to produce a common if perpetually changing and transitory life. The commonality of that life has long been a matter of commentary by urbanists of all stripes, and the compelling subject of a wide range of evocative writings and representations (in novels, films, painting, videos, and the like) that attempt to pin down the character of that life (or the particular character of life in a particular city in a given place and time) and its deeper meanings. And in the long history of urban utopianism, we have a record of all manner of human aspirations to make the city in a different image, more “after our heart’s desire” as Park would put it. The recent revival of emphasis upon the supposed loss of urban commonalities reflects the seemingly profound impacts of the recent wave of privatizations, enclosures, spatial controls, policing, and surveillance upon the qualities of urban life in general, and in particular upon the potentiality to build or inhibit new forms of social relations (a new commons) within an urban process influenced if not dominated by capitalist class interests. When Hardt and Negri, for example, argue that we should view “the metropolis as a factory for the production of the common,” they suggest this as an entry point for anti-capitalist critique and political activism. Like the right to the city, the idea sounds catchy and intriguing, but what could it possibly mean? And how does this relate to the long history of

arguments and debates concerning the creation and utilization of common property resources?

I have lost count of the number of times I have seen Garrett Hardin's classic article on "The Tragedy of the Commons" cited as an irrefutable argument for the superior efficiency of private property rights with respect to land and resource uses, and therefore an irrefutable justification for privatization.¹ This mistaken reading in part derives from Hardin's appeal to the metaphor of cattle, under the private ownership of several individuals concerned to maximize their individual utility, pastured on a piece of common land. The owners individually gain from adding cattle, while any losses in fertility from so doing are spread across all users. So all the herders continue to add cattle until the common land loses all productivity. If the cattle were held in common, of course, the metaphor would not work. This shows that it is private property in cattle and individual utility-maximizing behavior that lie at the heart of the problem, rather than the common-property character of the resource. But none of this was Hardin's fundamental concern. His preoccupation was population growth. The personal decision to have children would, he feared, eventually lead to the destruction of the global commons and the exhaustion of all resources (as Malthus also argued). The only solution, in his view, is authoritarian regulatory population control.²

I cite this example to highlight the way thinking about the commons has all too often itself become enclosed within far too narrow a set of presumptions, largely driven by the example of the land enclosures that occurred in Britain from the late medieval period onwards. As a result, thinking has often polarized between private property solutions and authoritarian state intervention. From a political perspective, the whole issue has been clouded over by a gut-reaction (laced with hefty doses of nostalgia for a once-upon-a-time supposedly moral economy of common action) either for or—more commonly on the left—against enclosure.

Elinor Ostrom seeks to disrupt some of the presumptions in her book, *Governing the Commons*.³ She systematizes the anthropological, sociological, and historical evidence that had long shown that if the herders talked with each other (or had cultural rules of sharing) then they might easily solve any commons issue. Ostrom shows from innumerable examples that individuals can and often do devise ingenious and eminently

sensible collective ways to manage common property resources for individual and collective benefit. Her concern was to establish why in some instances they succeed in so doing, and under what circumstances they might not. Her case studies “shatter the convictions of many policy analysts that the only way to solve CPR problems is for external authorities to impose full private property rights or centralized regulation.” Instead, they demonstrate “rich mixtures of public and private instrumentalities.” Armed with that conclusion, she could do battle with that economic orthodoxy that simply views policy in terms of a dichotomous choice between state and market.

But most of her examples involved as few as a hundred or so appropriators. Anything much larger (her largest example was 15,000 people), she found, required a “nested” structure of decision-making, because direct negotiation between all individuals was impossible. This implies that nested, and therefore in some sense “hierarchical” forms of organization are needed to address large-scale problems such as global warming. Unfortunately the term “hierarchy” is anathema in conventional thinking (Ostrom avoids it), and virulently unpopular with much of the left these days. The only politically correct form of organization in many radical circles is non-state, non-hierarchical, and horizontal. To avoid the implication that some sorts of nested hierarchical arrangements might be necessary, the question of how to manage the commons at large as opposed to small and local scales (for example, the global population problem that was Hardin’s concern) tends to be evaded.

There is, clearly, an analytically difficult “scale problem” at work here that needs (but does not receive) careful evaluation. The possibilities for sensible management of common property resources that exist at one scale (such as shared water rights between one hundred farmers in a small river basin) do not and cannot carry over to problems such as global warming, or even to the regional diffusion of acid deposition from power stations. As we “jump scales” (as geographers like to put it), so the whole nature of the commons problem and the prospects of finding a solution change dramatically.⁴ What looks like a good way to resolve problems at one scale does not hold at another scale. Even worse, patently good solutions at one scale (the “local,” say) do not necessarily aggregate up (or cascade down) to make for good solutions at another scale

(the global, for example). This is why Hardin's metaphor is so misleading: he uses a small-scale example of private capital operating on a common pasture to explicate a global problem, as if there is no problem whatsoever in shifting scales.

This is also, incidentally, why the valuable lessons gained from the collective organization of small-scale solidarity economies along common-property lines cannot translate into global solutions without resort to "nested" and therefore hierarchical organizational forms. Unfortunately, as already noted, the idea of hierarchy is anathema to many segments of the oppositional left these days. A fetishism of organizational preference (pure horizontality, for example) all too often stands in the way of exploring appropriate and effective solutions.⁵ Just to be clear, I am not saying horizontality is bad—indeed, I think it an excellent objective—but that we should acknowledge its limits as a hegemonic organizational principle, and be prepared to go far beyond it when necessary.

There is much confusion also over the relationship between the commons and the supposed evils of enclosure. In the grander scheme of things (and particularly at the global level), some sort of enclosure is often the best way to preserve certain kinds of valued commons. That sounds like, and is, a contradictory statement, but it reflects a truly contradictory situation. It will take a draconian act of enclosure in Amazonia, for example, to protect both biodiversity *and* the cultures of indigenous populations as part of our global natural and cultural commons. It will almost certainly require state authority to protect those commons against the philistine democracy of short-term moneyed interests ravaging the land with soy bean plantations and cattle ranching. So not all forms of enclosure can be dismissed as bad by definition. The production and enclosure of non-commodified spaces in a ruthlessly commodifying world is surely a good thing. But in this instance there may be another problem: expelling indigenous populations from their forest lands (as the World Wide Fund for Nature often advocates) may be deemed necessary to preserve biodiversity. One common may be protected at the expense of another. When a nature reserve is fenced off, public access is denied. It is dangerous, however, to presume that the best way to preserve one sort of common is to deny another. There is plenty of evidence from joint forest management schemes, for example, that the dual objective of improving

habitats and forest growth while maintaining access for traditional users to forest resources often ends up benefiting both. The idea of protecting the commons through enclosures is not always easily broached, however, when it needs to be actively explored as an anti-capitalist strategy. In fact a common demand on the left for “local autonomy” is actually a demand for some kind of enclosure.

Questions of the commons, we must conclude, are contradictory and therefore always contested. Behind these contestations lie conflicting social and political interests. Indeed, “politics,” Jacques Rancière has remarked, “is the sphere of activity of a common that can only ever be contentious.”⁶ At the end of it all, the analyst is often left with a simple decision: Whose side are you on, whose common interests do you seek to protect, and by what means?

The rich these days have the habit, for example, of sealing themselves off in gated communities within which an exclusionary commons becomes defined. This is in principle no different than fifty users divvying up common water resources among themselves without regard for anyone else. The rich even have the gall to market their exclusionary urban spaces as a traditional village commons, as in the case of the Kierland Commons in Phoenix, Arizona, which is described as an “urban village with space for retail, restaurants, offices,” and so on.⁷ Radical groups can also procure spaces (sometimes through the exercise of private property rights, as when they collectively buy a building to be used for some progressive purpose) from which they can reach out to further a politics of common action. Or they can establish a commune or a soviet within some protected space. The politically active “houses of the people” that Margaret Kohn describes as central to political action in early twentieth century Italy were exactly of this sort.⁸

Not all forms of the common entail open access. Some (like the air we breathe) are, while others (like the streets of our cities) are in principle open, but regulated, policed, and even privately managed in the form of business improvement districts. Still others (like a common water resource controlled by fifty farmers) are from the very start exclusive to a particular social group. Most of Ostrom’s examples in her first book were of the last sort. Furthermore, in her initial studies she limited her inquiry to so-called “natural” resources such as land, forests, water, fisheries, and

the like. (I say “so-called” because all resources are technological, economic, and cultural appraisals, and therefore socially defined.)

Ostrom, along with many colleagues and collaborators, later went on to examine other forms of the commons, such as genetic materials, knowledge, cultural assets, and the like. These commons are also very much under assault these days through commodification and enclosure. Cultural commons become commodified (and often bowdlerized) by a heritage industry bent on Disneyfication, for example. Intellectual property and patenting rights over genetic materials and scientific knowledge more generally constitute one of the hottest topics of our times. When publishing companies charge for access to articles in the scientific and technical journals they publish, the problem of access to what should be common knowledge open to all is plain to see. Over the last twenty years or so there has been an explosion of studies and practical proposals, as well as fierce legal struggles over creating an open-access knowledge commons.⁹

Cultural and intellectual commons of this last sort are often not subject to the logic of scarcity, or to exclusionary uses of the sort that apply to most natural resources. We can all listen to the same radio broadcast or TV show at the same time without diminishing it. The cultural commons, Hardt and Negri write, “is dynamic, involving both the product of labor and the means of future production. This common is not only the earth we share but also the languages we create, the social practices we establish, the modes of sociality that define our relationships, and so forth.” These commons are built up over time, and are in principle open to all.¹⁰

The human qualities of the city emerge out of our practices in the diverse spaces of the city even as those spaces are subject to enclosure, social control, and appropriation by both private and public/state interests. There is an important distinction here between public spaces and public goods, on the one hand, and the commons on the other. Public spaces and public goods in the city have always been a matter of state power and public administration, and such spaces and goods do not necessarily a commons make. Throughout the history of urbanization, the provision of public spaces and public goods (such as sanitation, public health, education, and the like) by either public or private means has been crucial for capitalist development.¹¹ To the degree that cities have

been sites of vigorous class conflicts and struggles, so urban administrations have often been forced to supply public goods (such as affordable public housing, health care, education, paved streets, sanitation, and water) to an urbanized working class. While these public spaces and public goods contribute mightily to the qualities of the commons, it takes political action on the part of citizens and the people to appropriate them or to make them so. Public education becomes a common when social forces appropriate, protect, and enhance it for mutual benefit (three cheers for the PTA). Syntagma Square in Athens, Tahrir Square in Cairo, and the Plaza de Catalunya in Barcelona were public spaces that became an urban commons as people assembled there to express their political views and make demands. The street is a public space that has historically often been transformed by social action into the common of revolutionary movement, as well as into a site of bloody suppression.¹² There is always a struggle over how the production of and access to public space and public goods is to be regulated, by whom, and in whose interests. The struggle to appropriate the public spaces and public goods in the city for a common purpose is ongoing. But in order to protect the common it is often vital to protect the flow of public goods that underpin the qualities of the common. As neoliberal politics diminishes the financing of public goods, so it diminishes the available common, forcing social groups to find other ways to support that common (education, for example).

The common is not to be construed, therefore, as a particular kind of thing, asset or even social process, but as an unstable and malleable social relation between a particular self-defined social group and those aspects of its actually existing or yet-to-be-created social and/or physical environment deemed crucial to its life and livelihood. There is, in effect, a social practice of *commoning*. This practice produces or establishes a social relation with a common whose uses are either exclusive to a social group or partially or fully open to all and sundry. At the heart of the practice of commoning lies the principle that the relation between the social group and that aspect of the environment being treated as a common shall be both collective and non-commodified—off-limits to the logic of market exchange and market valuations. This last point is crucial because it helps distinguish between public goods construed as productive state expenditures and a common which is established or used in a completely

different way and for a completely different purpose, even when it ends up indirectly enhancing the wealth and income of the social group that claims it. A community garden can thus be viewed as a good thing in itself, no matter what food may be produced there. This does not prevent some of the food being sold.

Plainly, many different social groups can engage in the practice of commoning for many different reasons. This takes us back to the foundational question of which social groups should be supported and which should not in the course of commoning struggles. The ultra-rich, after all, are just as fiercely protective of their residential commons as anyone, and have far more fire-power and influence in creating and protecting them.

The common, even—and particularly—when it cannot be enclosed, can always be traded upon even though it is not in itself a commodity. The ambience and attractiveness of a city, for example, is a collective product of its citizens, but it is the tourist trade that commercially capitalizes upon that common to extract monopoly rents (see Chapter 4). Through their daily activities and struggles, individuals and social groups create the social world of the city, and thereby create something common as a framework within which all can dwell. While this culturally creative common cannot be destroyed through use, it can be degraded and banalized through excessive abuse. Streets that get clogged with traffic make that particular public space almost unusable even for drivers (let alone pedestrians and protestors), leading at some point to the levying of congestion and access charges in an attempt to restrict use so that it can function more efficiently. This kind of street is not a common. Before the car came along, however, streets were often a common—a place of popular sociality, a play space for kids (I am old enough to remember that was where we played all the time). But that kind of common was destroyed and turned into a public space dominated by the advent of the automobile (prompting attempts by city administrations to recover some aspects of a “more civilized” common past by organizing pedestrian precincts, sidewalk cafés, bike paths, pocket parks as play spaces, and the like). But such attempts to create new kinds of urban commons can all too easily be capitalized upon. In fact they may be designed precisely with that in mind. Urban parks almost always increase nearby residential property prices in surrounding areas (provided, of course, that the public

space of the park is regulated and patrolled to keep the riff-raff and the drug dealers out). The newly created High Line in New York City has had a tremendous impact on nearby residential property values, thus denying access to affordable housing in the area for most of the citizens of New York City by virtue of rapidly rising rents. The creation of this kind of public space radically diminishes rather than enhances the potentiality of commoning for all but the very rich.

The real problem here, as in Hardin's original morality tale, is not the commons *per se*, but the failure of individualized private property rights to fulfill common interests in the way they are supposed to do. Why do we not, therefore, focus on the individual ownership of the cattle and individual utility-maximizing behavior, rather than the common pasture, as the basic problem to be addressed? The justification for private property rights in liberal theory, after all, is that they should serve to maximize the common good when socially integrated through the institutions of fair and free market exchange. A commonwealth (said Hobbes) is produced through privatizing competitive interests within a framework of strong state power. This opinion, articulated by liberal theorists such as John Locke and Adam Smith, continues to be preached. These days, the trick, of course, is to downplay the need for strong state power while in fact deploying it—sometimes brutally. The solution to the problems of global poverty, the World Bank continues to assure us (leaning heavily on the theories of de Soto), is private property rights for all slum-dwellers and access to micro-finance (which just happens to yield the world's financiers hefty rates of return while driving not a few participants to commit suicide in the face of debt peonage).¹³ Yet the myth prevails: once the inherent entrepreneurial instincts of the poor are liberated as a force of nature, it is said, then all will be well and the problem of chronic poverty will be broken and the common wealth enhanced. This was indeed the argument made in support of the original enclosure movement in Britain from the late medieval period on. And it was not entirely wrong.

For Locke, individual property is a natural right that arises when individuals create value by mixing their labor with the land. The fruits of their labor belong to them and to them alone. This was the essence of Locke's version of the labor theory of value.¹⁴ Market exchange socializes that right when each individual gets back the value they have created by

exchanging it against an equivalent value created by another. In effect, individuals maintain, extend, and socialize their private property right through value-creation and supposedly free and fair market exchange. This is how, says Adam Smith, the wealth of nations is most easily created and the common good best served. He was not entirely wrong.

The presumption is, however, that markets can be fair and free, and in classical political economy it was assumed that the state would intervene to make them so (at least that is what Adam Smith advises statesmen to do). But there is an ugly corollary to Locke's theory. Individuals who fail to produce value have no claim to property. The dispossession of indigenous populations in North America by "productive" colonists was justified because indigenous populations did not produce value.¹⁵

So how does Marx deal with all of this? Marx accepts the Lockean fiction in the opening chapters of *Capital* (though the argument is certainly larded with irony when, for example, he takes up the strange role of the Robinson Crusoe myth in political-economic thinking, in which someone thrown into a state of nature acts like a true-born entrepreneurial Briton).¹⁶ But when Marx takes up how labor-power becomes an individualized commodity that is bought and sold in fair and free markets, we see the Lockean fiction unmasked for what it really is: a system founded on equality in value-exchange produces surplus value for the capitalist owner of the means of production through the exploitation of living labor in production (not in the market, where bourgeois rights and constitutionalities can prevail).

The Lockean formulation is even more dramatically undermined when Marx takes up the question of collective labor. In a world where individual artisan producers controlling their own means of production could engage in free exchange in relatively free markets, the Lockean fiction might have some purchase. But the rise of the factory system from the late eighteenth century onwards, Marx argued, rendered Locke's theoretical formulations redundant (even if they had not been redundant in the first place). In the factory, labor is collectively organized. If there is any property right to be derived from this form of laboring, it would surely have to be a collective or associated rather than individual property right. The definition of value-producing labor, which grounds Locke's theory of private property, no longer holds for the individual,

but is shifted to the collective laborer. Communism should then arise on the basis of “an association of free men, working with the means of production held in common, and expending their many different forms of labour-power in full self-awareness as one single labour force.”¹⁷ Marx does not advocate state ownership, but some form of ownership vested in the collective laborer producing for the common good.

How that form of ownership might come into being is established by turning Locke’s argument on the production of value against itself. Suppose, says Marx, that a capitalist begins production with a capital of \$1,000 and in the first year manages to gain \$200 surplus value from laborers mixing their labor with the land, and then uses that surplus in personal consumption. Then, after five years, the \$1,000 should belong to the collective laborers, since they are the ones who have mixed their labor with the land. The capitalist has consumed away all his or her original wealth.¹⁸ Like the indigenous populations of North America, capitalists deserve to lose their rights, according to this logic, since they themselves have produced no value.

While this idea sounds outrageous, it lay behind the Swedish Meidner plan proposed in the late 1960s.¹⁹ The receipts from a tax placed on corporate profits, in return for wage restraint on the part of unions, were to be placed in a worker-controlled fund that would invest in and eventually buy out the corporation, thus bringing it under the common control of the associated laborers. Capital resisted this idea with all its might, and it was never implemented. But the idea ought to be reconsidered. The central conclusion is that the collective laboring that is now productive of value must ground collective not individual property rights. Value—socially necessary labor time—is the capitalist common, and it is represented by money, the universal equivalent in which common wealth is measured. The common is not, therefore, something that existed once upon a time that has since been lost, but something that is, like the urban commons, continuously being produced. The problem is that it is just as continuously being enclosed and appropriated by capital in its commodified and monetized form, even as it is being continuously produced by collective labor.

The primary means by which it is appropriated in urban contexts is, of course, through the extraction of land and property rents.²⁰ A community

group that struggles to maintain ethnic diversity in its neighborhood and protect against gentrification may suddenly find its property prices (and taxes) rising as real estate agents market the “character” of their neighborhood to the wealthy as multicultural, street-lively, and diverse. By the time the market has done its destructive work, not only have the original residents been dispossessed of that common which they had created (often being forced out by rising rents and property taxes), but the common itself becomes so debased as to be unrecognizable. Neighborhood revitalization through gentrification in South Baltimore displaced a lively street life, where people sat on their stoops on warm summer nights and conversed with neighbors, with air-conditioned and burglar-proofed houses with a BMW parked out front and a rooftop deck, but with no one to be seen on the street. Revitalization meant devitalization, according to local opinion. This is the fate that again and again threatens places like Christiania in Copenhagen, the St. Pauli districts of Hamburg, or Williamsburg and DUMBO in New York City, and it was also what destroyed that city’s SoHo district.

This is, surely, a far better tale by which to explicate the true tragedy of the urban commons for our times. Those who create an interesting and stimulating everyday neighborhood life lose it to the predatory practices of the real estate entrepreneurs, the financiers and upper class consumers bereft of any urban social imagination. The better the common qualities a social group creates, the more likely it is to be raided and appropriated by private profit-maximizing interests.

But there is a further analytic point here that must be remarked. The collective labor that Marx envisaged was for the most part confined to the factory. What if we broaden that conception to think, as Hardt and Negri suggest, that it is the metropolis that now constitutes a vast common produced by the collective labor expended on and in the city? The right to use that common must surely then be accorded to all those who have had a part in producing it. This is, of course, the basis for the claim to the right to the city on the part of the collective laborers who have made it. The struggle for the right to the city is against the powers of capital that ruthlessly feed upon and extract rents from the common life that others have produced. This reminds us that the real problem lies with the private character of property rights and the power these rights confer to

appropriate not only the labor but also the collective products of others. Put another way, the problem is not the common per se, but the relations between those who produce or capture it at a variety of scales and those who appropriate it for private gain. Much of the corruption that attaches to urban politics relates to how public investments are allocated to produce something that looks like a common but which promotes gains in private asset values for privileged property owners. The distinction between urban public goods and urban commons is both fluid and dangerously porous. How often are developmental projects subsidized by the state in the name of the common interest when the true beneficiaries are a few landholders, financiers, and developers?

How, then, are urban commons produced, organized, used, and appropriated across a whole metropolitan area? How commoning might work at the local neighborhood level is relatively clear. It involves some mix of individual and private initiative to organize and capture externality effects while putting some aspect of the environment outside of the market. The local state is involved through regulations, codes, standards, and public investments, along with informal and formal neighborhood organization (for example, a community association which may or may not be politically active and militant, depending on the circumstances). There are many cases in which territorial strategies and enclosures within the urban milieu can become a vehicle for the political left to advance its cause. The organizers of low-income and precarious labor in Baltimore declared the whole Inner Harbor area a “human rights zone”—a sort of common—where every worker should receive a living wage. The place-bound Federation of Neighborhood Associations in El Alto became one of the key bases of the El Alto rebellions of 2003 and 2005, in which the whole city became collectively mobilized against the dominant forms of political power.²¹ Enclosure is a temporary political means to pursue a common political end.

The general outcome that Marx describes still holds, however: capital, impelled onwards by the coercive laws of competition to maximize utility (profitability)—as do the cattle owners in Hardin’s tale—produces

progress in the art, not only of robbing the worker, but of robbing the soil; all progress in increasing the fertility of the soil for a given time is a

progress towards ruining the more long-lasting sources of that fertility. The more a country proceeds from large-scale industry as the background of its development, as in the case of the United States, the more rapid is this process of destruction. Capitalist production, therefore, only develops the techniques and the degree of combination of the social process of production by simultaneously undermining the original sources of all wealth—the soil and the worker.²²

Capitalist urbanization perpetually tends to destroy the city as a social, political and livable commons.

This “tragedy” is similar to that which Hardin depicts, but the logic from which it arises is entirely different. Left unregulated, individualized capital accumulation perpetually threatens to destroy the two basic common property resources that undergird all forms of production: the laborer and the land. But the land we now inhabit is a product of collective human labor. Urbanization is about the perpetual production of an urban commons (or its shadow-form of public spaces and public goods) and its perpetual appropriation and destruction by private interests. And with capital accumulation occurring at a compound rate of growth (usually at the minimum satisfactory level of 3 percent), so these dual threats to the environment (both “natural” and built) and to labor escalate in scale and intensity over time.²³ Look at the urban wreckage in Detroit to get a sense of how devastating this process can be.

But what is so interesting about the concept of the urban commons is that it poses all of the political contradictions of the commons in highly concentrated form. Consider, for example, the question of scale within which we move from the question of local neighborhoods and political organization to the metropolitan region as a whole. Traditionally, questions of the commons at the metropolitan level have been handled through mechanisms of state regional and urban planning, in recognition of the fact that the common resources required for urban populations to function effectively, such as water provision, transportation, sewage disposal, and open space for recreation, have to be provided at a metropolitan, regional scale. But when it comes to bundling together issues of this kind, left-analysis typically becomes vague, gesturing hopefully towards some magical concordance of local actions that will be effective at a regional or global level, or simply noting this as an important

problem before moving back to that scale—usually the micro and the local—at which they feel most comfortable.

We can here learn something of the recent history of commons thinking in more conventional circles. Ostrom, for example, while dwelling in her Nobel Prize lecture on small-scale cases, takes refuge in her subtitle of “Polycentric Governance of Complex Economic Systems” to suggest she has some solution to commons issues across a variety of scales. In fact, all she does is gesture hopefully to the idea that “when a common-pool resource is closely connected to a larger social-ecological system, governance activities are organized in multiple nested layers,” but without resort, she insists, to any monocentric hierarchical structure.²⁴

The crucial problem here is to figure out how a polycentric governance system (or something analogous, such as Murray Bookchin’s confederation of libertarian municipalities) might actually work, and to make sure that it does not mask something very different. This question is one that bedevils not only Ostrom’s arguments, but a very wide range of radical left communalist proposals to address the problem of the commons. For this reason, it is very important to get the critique right.

In a paper prepared for a conference on Global Climate Change, Ostrom elaborated further on the nature of the argument which rests, conveniently for us, on results from a long-term study of the delivery of public goods in municipal regions.²⁵ The assumption had long been that the consolidation of public service provision into large-scale metropolitan forms of government, as opposed to their organization into numerous seemingly chaotic local administrations, would improve efficiency and effectiveness. But the studies convincingly showed this not to be so. The reasons all boiled down to how much easier it was to organize and enforce collective and cooperative action with strong participation of local inhabitants in smaller jurisdictions, and to the fact that the capacity for participation diminished rapidly with larger sizes of administrative unit. Ostrom ends by citing Andrew Sancton to the effect that

municipalities are more than just providers of services. They are democratic mechanisms through which territorially based communities of people govern themselves at a local level ... those who would force municipalities to amalgamate with each other invariably claim that their motive is to make municipalities stronger. Such an approach—however well-

intentioned—erodes the foundations of our liberal democracies because it undermines the notion that there can be forms of self-government that exist outside the institutions of the central government.²⁶

Beyond market efficiency and effectiveness, there is a non-commodifiable reason to go to a smaller scale.

“While large-scale units were part of effective governance of metropolitan regions,” Ostrom concludes, “small and medium-scale units were also necessary components.” The constructive role of these smaller units, she argued, “needs to be seriously rethought.” The question then arises of how relations between the smaller units might be structured. The answer, says Vincent Ostrom, is as a “polycentric order” in which “many elements are capable of making mutual adjustments ordering their relationships with one another within a general system of rules where each element acts with independence of other elements.”²⁷

So what is wrong with this picture? This whole argument has its roots in the so-called “Tiebout hypothesis.” What Tiebout proposed was a fragmented metropolis in which many jurisdictions would each offer a particular local tax regime and a particular bundle of public goods to prospective residents, who would “vote with their feet” and chose that particular mix of taxes and services that suited their own needs and preferences.²⁸ At first glance the proposal seems very attractive. The problem is that the richer you are the more easily you can vote with your feet and pay the entry price of property and land costs. Superior public education may be provided at the cost of high property prices and taxes, but the poor are deprived of access to the superior public education and are condemned to live in a poor jurisdiction with poor public education. The resultant reproduction of class privilege and power through polycentric governance fits neatly into neoliberal class strategies of social reproduction.

Along with many more radical proposals for decentralized autonomy, Ostrom’s is in danger of falling into exactly this trap. Neoliberal politics actually favors both administrative decentralization and the maximization of local autonomy. While on the one hand this opens a space within which radical forces can more easily plant the seeds of a more revolutionary agenda, the counter-revolutionary takeover of Cochabamba in

the name of autonomy by the forces of reaction in 2007 (until they were forced out by popular rebellion) suggests that the embrace of localism and autonomy by much of the left as a pure strategy is problematic. In the United States, the leadership of the Cleveland initiative celebrated as an example of autonomous communitarianism in action supported the election of a radically right-wing and anti-union republican for governor.

Decentralization and autonomy are primary vehicles for producing greater inequality through neoliberalization. Thus, in New York State, the unequal provision of public education services across jurisdictions with radically different financial resources has been deemed by the courts as unconstitutional, and the state is under court order to move towards greater equalization of educational provision. It has failed to do so, and now uses the fiscal emergency as a further excuse to delay action. But note well, it is the higher-order and hierarchically determined mandate of the state courts that is crucial in mandating greater equality of treatment as a constitutional right. Ostrom does not rule out such higher-order rule-making. Relations between independent and autonomously functioning communities have to be established and regulated somehow (hence Vincent Ostrom's reference to "established rules"). But we are left in the dark as to how such higher-order rules might be constituted, by whom, and how they might be open to democratic control. For the whole metropolitan region some such rules (or customary practices) are both necessary and crucial. Furthermore, such rules must not only be established and asserted. They must also be enforced and actively policed (as is the case with any common). We need look no further than the "polycentric" Eurozone for a catastrophic example of what can go wrong: all members were supposed to abide by rules restricting their budgetary deficits, and when most of them broke the rules there was no way to force compliance or deal with the fiscal imbalances that then emerged between states. Getting states to comply with carbon emissions targets appears an equally hopeless task. While the historical answer to the question "Who puts the 'common' into the Common Market?" may correctly be depicted as embodying everything that is wrong about hierarchical forms of governance, the alternative imaginary of thousands upon thousands of autonomous municipalities fiercely defending their autonomy and their

turf while endlessly (and undoubtedly acrimoniously) negotiating their position within Europe-wide divisions of labor is hardly alluring.

How can radical decentralization—surely a worthwhile objective—work without constituting some higher-order hierarchical authority? It is simply naïve to believe that polycentrism or any other form of decentralization can work without strong hierarchical constraints and active enforcement. Much of the radical left—particularly of an anarchist and autonomist persuasion—has no answer to this problem. State interventions (to say nothing of state enforcement and policing) are unacceptable, and the legitimacy of bourgeois constitutionality is generally denied. Instead there is the vague and naïve hope that social groups who have organized their relations to their local commons satisfactorily will do the right thing or converge upon some satisfactory inter-group practices through negotiation and interaction. For this to occur, local groups would have to be untroubled by any externality effects that their actions might have on the rest of the world, and to give up accrued advantages, democratically distributed within the social group, in order to rescue or supplement the well-being of near (let alone distant) others, who as a result of either bad decisions or misfortune have fallen into a state of starvation and misery. History provides us with very little evidence that such redistributions can work on anything other than an occasional or one-off basis. There is, therefore, nothing whatsoever to prevent escalating social inequalities between communities. This accords all too well with the neoliberal project of not only protecting but further privileging structures of class power (of the sort so clearly evident in the New York State school financing debacle).

Murray Bookchin is acutely aware of such dangers—the “agenda of a libertarian municipalism can easily become vacuous at best or be used for highly parochial ends at worst,” he writes. His answer is “confederalism.” While municipal assemblies working through direct democracy form the policy-making base, the state is replaced “by a confederal network of municipal assemblies; the corporate economy reduced to a truly political economy in which municipalities, interacting with each other economically as well as politically, will resolve their material problems as citizen bodies in open assemblies.” These confederal assemblies will be given over to administration and governance of policies determined in the

municipal assemblies, and the delegates will be recallable and answerable at all times to the will of the municipal assemblies. The confederal councils

become the means for interlinking villages, towns, neighborhoods, and cities into confederal networks. Power thus flows from the bottom up instead of from the top down, and in confederations, the flow of power from the bottom up diminishes with the scope of the federal council ranging territorially from localities and regions and from regions to ever-broader territorial areas.²⁹

Bookchin's proposal is by far the most sophisticated radical proposal to deal with the creation and collective use of the commons across a variety of scales, and is well worth elaborating as part of the radical anti-capitalist agenda.

This issue is all the more pressing because of the violent neoliberal attack upon the public provision of social public goods over the last thirty years or more. This corresponded to the root-and-branch attack upon the rights and power of organized labor that began in the 1970s (from Chile to Britain), but it focused on the costs of social reproduction of labor directly. Capital has long preferred to treat the costs of social reproduction as an externality—a cost for which it bears no market responsibility—but the social-democratic movement and the active threat of a communist alternative forced capital to internalize some of those costs, along with some of the externality costs attributable to environmental degradation, up until the 1970s in the advanced capitalist world. The aim of neoliberal policies since 1980 or so has been to dump these costs into the global commons of social reproduction and the environment, creating, as it were, a negative commons in which whole populations are forced now to dwell. Questions of social reproduction, gender, and the commons are interlinked.³⁰

The response on the part of capital to the global crisis conditions after 2007 has been to implement a draconian global austerity plan that diminishes the supply of public goods to support both social reproduction and environmental amelioration, thereby diminishing the qualities of the commons in both instances. It has also used the crisis to facilitate even more predatory activity in the private appropriation of the

commons as a necessary precondition for the revival of growth. The uses of eminent domain, for example, to appropriate spaces for private purposes (as opposed to the “public utility” for which such laws were originally intended) is a classic case of the redefinition of public purpose as state-led sponsorship of private development.

From California to Greece, the crisis produced losses in urban asset values, rights, and entitlements for the mass of the population, coupled with the extension of predatory capitalist power over low-income and hitherto marginalized populations. It was, in short, a wholesale attack upon the reproductive and environmental commons. Living on less than \$2 a day, a global population of more than 2 billion or so is now being taken in by microfinance as the “subprime of all subprime forms of lending,” so as to extract wealth from them (as happened in US housing markets through sub-prime predatory lending followed by foreclosures) to gild the MacMansions of the rich. The environmental commons are no less threatened, while the proposed answers (such as carbon trading and new environmental technologies) merely propose that we seek to exit the impasse using the same tools of capital accumulation and speculative market exchange that got us into the difficulties in the first place. It is unsurprising, therefore, not only that the poor are still with us, but that their numbers grow rather than diminish over time. While India has been racking up a respectable record of growth throughout this crisis, for example, the number of billionaires has leapt from 26 to 69 in the last three years, while the number of slum-dwellers has nearly doubled over the last decade. The urban impacts are quite stunning, as luxurious air-conditioned condominiums arise in the midst of uncared-for urban squalor, out of which impoverished people struggle mightily to make some sort of acceptable existence for themselves.

The dismantling of the regulatory frameworks and controls that sought, however inadequately, to curb the penchant for predatory practices of accumulation has unleashed the *après moi le déluge* logic of unbridled accumulation and financial speculation that has now turned into a veritable flood of creative destruction, including that wrought through capitalist urbanization. This damage can only be contained and reversed by the socialization of surplus production and distribution, and the establishment of a new common of wealth open to all.

It is in this context that the revival of a rhetoric and theory of the commons takes on an added significance. If state-supplied public goods either decline or become a mere vehicle for private accumulation (as is happening to education), and if the state withdraws from their provision, then there is only one possible response, which is for populations to self-organize to provide their own commons (as happened in Bolivia, as we shall see in Chapter 5). The political recognition that the commons can be produced, protected, and used for social benefit becomes a framework for resisting capitalist power and rethinking the politics of an anti-capitalist transition.

But what matters here is not the particular mix of institutional arrangements—the enclosures here, the extensions of a variety of collective and common-property arrangements there—but that the unified effect of political action address the spiraling degradation of labor and land resources (including the resources embedded in the “second nature” of the built environment) at the hands of capital. In this effort, the “rich mix of instrumentalities” that Elinor Ostrom begins to identify—not only public and private, but collective and associational, nested, hierarchical and horizontal, exclusionary and open—will all have a key role to play in finding ways to organize production, distribution, exchange, and consumption in order to meet human wants and needs on an anti-capitalist basis. This rich mix is not given, but has to be constructed.

The point is not to fulfill the requirements of accumulation for accumulation’s sake on the part of the class that appropriates the common wealth from the class that produces it. The return of the commons as a political question has to be integrated wholly into anti-capitalist struggle in a very specific way. Unfortunately the idea of the commons (like the right to the city) is just as easily appropriated by existing political power as is the value to be extracted from an actual urban common by real estate interests. The point, therefore, is to change all that and to find creative ways to use the powers of collective labor for the common good, and to keep the value produced under the control of the laborers who produced it.

This requires a double-pronged political attack, through which the state is forced to supply more and more in the way of public goods for public purposes, along with the self-organization of whole populations

to appropriate, use, and supplement those goods in ways that extend and enhance the qualities of the non-commodified reproductive and environmental commons. The production, protection, and use of public goods and the urban commons in cities like Mumbai, São Paulo, Johannesburg, Los Angeles, Shanghai, and Tokyo becomes a central issue for democratic social movements to address. And that will take much more imagination and sophistication than is currently brought to bear in the hegemonic radical theories of the commons currently circulating, particularly as these commons are being continuously created and appropriated through the capitalist form of urbanization. The role of the commons in city formation and in urban politics is only now being clearly acknowledged and worked upon, both theoretically and in the world of radical practice. There is much work to do, but there are abundant signs in the urban social movements occurring around the world that there are plenty of people and a critical mass of political energy available to do it.

**DE GROENE
AMSTERDAMMER**

woensdag 24 september 2014

De leegstandsindustrie

Helaas. U heeft getekend



Er is in Nederland een schimmige leegstandsindustrie ontstaan. Tienduizenden mensen wonen op ‘antikraak’-contracten met veel plichten en weinig rechten. ‘Echt iets voor mensen die avontuurlijk willen wonen.’

door Guido van Eijck & Saskia Naafs

ALS MARK DRIEHUIJS in maart van dit jaar langs de Bloemstraat in Zaandam loopt, stuit hij op hekken, gebarricadeerde deuren en waarschuwinglinten. Hij ziet gele driehoeken met doodshoofden, een rode cirkel met een waarschuwende, uitgestoken hand: niet betreden! En overal hetzelfde woord: asbest. Een paar weken daarvoor waren hij en ruim zeventig mede-antikraakbewoners hier nog bezig geweest met het verwijderen van vloeren. Handmatig en onbeschermd.

In de Rosmolenwijk, waar de Bloemstraat ligt, voert woningcorporatie Parteon een grootschalig bouwproject uit. Een blok van tientallen sociale huurwoningen uit de jaren zestig en zeventig gaat tegen de vlakte om plaats te maken voor zestien koopwoningen. Daar gaat een jarenlange planning aan vooraf. Een voor een moeten zittende huurders hun woningen verlaten. Zodra ze vertrekken, nemen antikrakers hun plaats in.

Antikrakers zoals Driehuijs zien zichzelf als tijdelijke huurders. Maar voor corporaties, gemeenten en andere eigenaren van leegstaand vastgoed zijn zij tijdelijke beheerders, bewakers die panden beschermen tegen krakers, vandalen en verval. Inmiddels zijn er zo'n zeventig leegstandsbeheerders of antikraakbureaus in Nederland actief, die bemiddelen in 'de goedkoopste vorm van beveiliging'. De antikrakers worden niet betaald, maar betalen tussen de 80 en 235 euro per maand. In ruil daarvoor wonen ze op soms bijzondere locaties en zien ze af van elke vorm van huurbescherming. Omdat zij officieel geen huurders maar gebruikers zijn, kunnen zij binnen een paar weken op straat komen te staan. Hun woning moeten zij dan leeg en schoon achterlaten.

'Alle losliggende vloeren dienen te worden verwijderd, mits je een mail hebt ontvangen n.a.v. de vooroplevering', stond in een mail die de bewoners van de 42 antikraakpanden aan de Bloemstraat eind 2013 ontvingen van hun bureau Camelot, de grootste

‘leegstandsbeheerder’ van Europa. De veelal jonge bewoners kwamen overal vandaan. Toch wisten zij elkaar te vinden. Via de Facebook-groep ‘Bloemstraat’ nodigden zij elkaar uit voor een drankje, excuseerden zij zich voor mogelijke geluidsoverlast en boden zij overtallig meubilair aan. Eind maart veranderde de toon. De eerste asbestwaarschuwingen waren gesignaleerd. Onder de bewoners circuleerden foto’s van afgezette woningen. ‘Idioot dat ze je de vloeren eruit laten slopen in aanwezigheid van asbest!’ schreef iemand.

Ook Jennifer Stam, de vriendin van Driehuijs die samen met hem aan de Bloemstraat woonde, maakte zich zorgen. ‘Onze burendachten asbest te herkennen’, zegt Stam, een pas afgestudeerde biologe. Uit een onafhankelijk onderzoek in opdracht van Parteon bleek dat in 21 woningen asbest zat. Haar oude huis zat daar niet bij, maar toch blijft zij met vragen zitten: ‘Ik heb nooit een aanbod gekregen om het asbestrapport in te zien.’ Parteon zegt op haar beurt dat alle bewoners een uitnodiging hebben gekregen om het asbestrapport op kantoor in te komen zien. De gemeente Zaandam houdt zich in deze netelige kwestie afzijdig. Op vragen van de lokale PVDA-fractie schrijft het college dat ‘de geëigende communicatiestructuren voldoen’. En Camelot, die de antikraakbewoners verplichtte vloeren te verwijderen, zegt dat zowel leegstandsbeheerders als woningcorporaties zich aan alle wet- en regelgeving houden. Toch loopt er nog een rechtszaak tegen het bedrijf. Een van de bewoners die een vloer verwijderde uit een asbestwoning vindt dat Camelot zijn gezondheid in gevaar heeft gebracht.

Antikraak is niet meer weg te denken uit de Nederlandse woningmarkt. Een aantal van de zeventig leegstandsbeheerders exporteerde deze Nederlandse uitvinding zelfs naar België, Engeland, Ierland, Frankrijk en Duitsland.

Het is lastig om inzicht te krijgen in de omvang van antikraak. Op de vraag hoeveel panden ze in beheer hebben en hoeveel antikrakers ze huisvesten, antwoorden de bedrijven steevast: dat is bedrijfsgeheim. De sector is zeer competitief en houdt dit soort informatie liever voor zich. Zelfs het ministerie van Binnenlandse Zaken slaagde er begin dit jaar maar ten dele in de sector in kaart te brengen. Slechts dertien bedrijven bleken bereid informatie te leveren. Op basis daarvan schat het ministerie dat 6500 panden in beheer zijn via bruikleenconstructies, met daarin ongeveer twaalfduizend mensen. Waarschijnlijk een conservatieve schatting, gezien de beperkte medewerking aan het onderzoek.

DE CONSTRUCTIE voor antikraakbewoning ontstond in het Amsterdam van de jaren tachtig. Het was de tijd van de grote woningnood. De kraakbeweging was op haar hoogtepunt. Alleen al in Amsterdam waren er tussen de tien- en vijftienduizend krakers. Niet vreemd dus dat vastgoedeigenaren zich zorgen maakten.

De Amsterdamse makelaar Eyk Backer kwam met een revolutionair idee. In zijn eigen netwerk kende hij veel mensen die dringend op zoek waren naar een woning. Tegelijkertijd kende hij makelaars die uit angst voor krakers best bereid waren om mensen te betalen om op hun huizen te passen door er tijdelijk in te gaan wonen. Backer bracht die twee samen. Pandeigenaren betaalden hem, waarna hij mensen zocht die tijdelijk en gratis de leegstaande gebouwen bewoonden.

Goedkope beveiliging in de vorm van tijdelijke bewoning, Backer ontdekte dat traditionele bewakingsbedrijven er niet aan wilden omdat huurders in Nederland wettelijk goed beschermd zijn. Daarom kregen bewoners bij zijn bedrijf Zwerfkei Bewaring geen huurcontract, maar een bruikleencontract. Die contractvorm was ooit bedacht als juridische onderbouwing voor de uitleen van spullen, en dus is de huurbescherming er niet op van toepassing.

Backer selecteerde potentiële ‘gebruikers’ van een leegstaande woning via een intakegesprek op betrouwbaarheid, en liet hen ervoor tekenen dat zij het pand verlaten en leeg opleveren zodra de eigenaar daarom vroeg. Een werkwijze die in dertig jaar niet veranderd is.

Nadat Jennifer Stam en haar antikraakburen in maart met tientallen tegelijk hun sloopwoningen in de Bloemstraat hadden verlaten, kreeg zij via leegstandsbeheerder Camelot een nieuwe woning in Zaandam. Toen zij ook daar binnen acht weken weer uit moest, verhuisde zij met haar broer Bas naar een grote sloopflat in Amsterdam Nieuw-West, eigendom van woningcorporatie Eigen Haard. Ze herinnert zich de eufemistische manier waarop Camelot de woning in de mail omschreef. ‘Er zit geen vloer in en de muren kunnen waarschijnlijk een likje verf gebruiken. Echt iets voor mensen die avontuurlijk willen wonen’, schreven ze. De woning vooraf bezichtigen kon niet. De vraag was enorm, dus moesten ze snel reageren. Zij en haar broer besloten de woning te nemen.

Vooraf in de grote steden is het moeilijk om aan een woning te komen. Broer en zus Stam staan allebei al jaren ingeschreven voor een sociale huurwoning. De gemiddelde wachttijd voor een huurwoning in Amsterdam is echter opgelopen tot elf jaar.

Studenten, starters, arbeidsmigranten en mensen die net zijn gescheiden: voor veel mensen met een laag inkomen zijn tijdelijke, onzekere en ongereguleerde woningen in de steden de enige optie, want het aantal betaalbare reguliere huurwoningen neemt in rap tempo af. In het goedkoopste huursegment zijn nu nog 550.000 huurwoningen beschikbaar. Daarvan verdwijnt de komende jaren de helft: grotendeels door prijsverhogingen, deels door sloop of verkoop. Ook de betaalbaarheid staat onder druk: de huren zijn de afgelopen twee jaar met negen procent gestegen, terwijl op de huurtoeslag is beknipt.

In hun sloopflat in Amsterdam Nieuw-West blijken Jennifer en Bas inderdaad avontuurlijk te wonen. ‘Toen ik de woning binnenkwam, voelde ik me echt afgezet’, zegt Jennifer. Ze zit op een stoel in de nagenoeg lege woonkamer, één been op de stoel opgetrokken. Haar broer rookt een sigaret en tikt de as in de asbak naast zijn voeten. Een tafel staat er niet. ‘Er waren smerige beestjes, het was goor en er zat alleen een kale betonnen vloer in’, zegt Jennifer. ‘Ik schrok me dood. Ik heb meteen met Camelot gebeld, maar ze zeiden: “Je hebt al getekend”.’ Bas vult aan: ‘Er kwam bruin water uit de kraan, de douche is kapot en er zit schimmel op de muren. Het behang op de muren was heel vies en dat hebben we er snel afgetrokken. Er was in geen tijden schoongemaakt. Het hele balkon zat onder de duivenschijt.’

Voor deze woning leggen broer en zus maandelijks ieder 183 euro op tafel. Tegenwoordig is bewaking door tijdelijke bewoning een gratis dienst aan de pandeigenaar waarvoor de bewakers zelf betalen. Het antikraakbureau Ad Hoc was het eerste bedrijf dat met dit nieuwe verdienmodel ging werken. Toen dit bedrijf in 1990 van start ging, presenteerde het zich als een prijsvechter.

Woningzoekenden wilden best betalen voor een tijdelijk onderkomen, ontdekte Ad Hoc, zolang het maar goedkoper was dan reguliere huur. Het verdienmodel van Ad Hoc zette de sector op zijn kop. Concurrenten moesten er wel in meegaan, wilden zij hun opdrachtgevers behouden.

Maar antikrakers die betalen lijken natuurlijk op huurders. Om verwarring te voorkomen, vragen leegstandsbeheerders alleen een vergoeding voor de geleverde diensten, zoals intake-gesprekken, administratie en contractafhandeling, doorverhuizing, onderhoud, sleutelbeheer en periodieke controles.

Toch gaat het zo nu en dan mis en beschouwt de rechter de bruikleenvergoeding als huur, vooral wanneer het bedrag hoog en onduidelijk is. Dit gebeurde bijvoorbeeld vorig jaar in Amsterdam bij woningen van corporatie Stadgenoot. De antikrakers van

leegstandsbeheerder AK Holding betaalden 160 euro ‘bemiddelingskosten’ in de maand voor een woning die ze voorheen tijdelijk huurden van Stadgenoot. Volgens de rechter hadden zij, ook met bruikleencontract, recht op huurbescherming.

IN DE VIJVER VOOR het dertiende-eeuwse, roze geverfde Kasteel d’Oultremont staat een regiment soldaten tot aan de enkels in het water. Volgens de legende nam keizer Napoleon op zijn veldtocht door Europa één beslissing die zijn manschappen fataal zou worden. Hij koos een route dwars door het Land van Ooit; door het land van Sap de Aardwortel, Kloontje het Reuzenkind en Ridder Graniet Sterker-Dan-Ik-Kan-Niet. Door een toverspreuk veranderden de voorbij marcherende soldaten in standbeelden.

De Nederlandse uitvinding van het antikraken is zelfs naar België, Engeland, Ierland en Frankrijk geëxporteerd

In 2007 ging attractiepark het Land van Ooit bij het Brabantse Drunen op de fles. De fontein in de vijver van Kasteel d’Oultremont stopten met spuiten. Om te voorkomen dat het kasteel gekraakt zou worden, namen zeven antikrakers van Camelot er in de zomer van 2008 hun intrek. Ze waren geselecteerd uit duizenden kandidaten die hadden gereageerd na een actie van Radio 538. Ook de NOS en SBS6 namen items op.

In het voorjaar van 2010 organiseerde marktleider Camelot een grote bijeenkomst om belanghebbenden bij te praten op Kasteel d’Oultremont. Onder de sprekers waren de directeur van de Vereniging van Institutionele Beleggers in Vastgoed en een topambtenaar van de Rijksgebouwendienst (tegenwoordig het Rijksvastgoedbedrijf). De rijksoverheid is een goede klant, zij heeft tweehonderd overheidsgebouwen – van kantoorpanden en ministeries tot militaire kazernes – tijdelijk in beheer gegeven bij verschillende antikraakbedrijven, blijkt uit cijfers in bezit van De Onderzoeksredactie.

Tijdens de feestelijke bijeenkomst was er bijzondere aandacht voor VVD-Kamerlid Brigitte van der Burg. Trots vertelde zij het toegestroomde publiek over ‘haar’ Wet kraken en leegstand die kraken strafbaar ging stellen, ondanks felle tegenstand van linkse politieke partijen en de grote gemeenten. Decennialang woog het wettelijke recht op wonen zwaarder dan het eigendomsrecht van de eigenaar van een leegstaand pand. Daar zou nu verandering in komen, beloofde Van der Burg haar toehoorders. ‘Kraken wordt een misdrijf.’

Vastgoedeigenaren drongen bij de politiek al jaren aan op een kraakverbod, vertelt mede-initiatiefnemer van de wet Jan ten Hoopen, jarenlang CDA-Kamerlid en actief in diverse ondernemersverenigingen. Een man van onberispelijke manieren, met goed geknoopte das en zorgvuldig gewogen woorden. ‘Ondernemers klaagden bij mij over krakers die hun de toegang tot hun eigen panden ontzegden’, herinnert hij zich. Volgens Ten Hoopen is het doel van de wet ook anno 2014 nog kraakhelder: ‘Het eigendomsrecht herstellen.’ Na een paar gestrande pogingen was het hem duidelijk geworden dat voor alleen een kraakverbod geen draagvlak was.

Linkse partijen eisten een oplossing voor het probleem van leegstand. Om die reden maakten Ten Hoopen en zijn medestanders van de VVD en de ChristenUnie de wet tweeledig: het ene deel zou kraken verbieden, het andere moest de enorme leegstaand aanpakken.

De grote leegstandsbeheerders kregen vanuit de Tweede Kamer een uitnodiging om mee te denken over de wet. Sommigen vreesden dat het kraakverbod antikraak overbodig zou maken, anderen roken kansen. En terecht. ‘Na het kraakverbod zijn we in omzet binnen een paar jaar gestegen van vijf naar dertig miljoen euro’, zegt Bob de Vilder. Deze imposante maar amicale verschijning, rap van tong en goedlachs, is medeoprichter en *chief marketing officer* bij Camelot. De ‘ambitieuze, snelgroeiende multinational met achttien

kantoren in zes Europese landen’, zoals het bedrijf zichzelf omschrijft, begon als klassiek antikraakbedrijf, maar heeft zijn werkterrein flink verbreed: van tijdelijke huurwoningen in alle prijsklassen tot begeleiding bij transformatieprojecten, beveiligingsdiensten en het opkopen van leegstaande kantoorpanden. De Vilder kan wel verklaren waarom zijn omzet zo steeg: ‘Gemeenten en pandeigenaren zijn door de antikraakwet een veel actievere rol gaan spelen om tijdelijke invulling te geven aan hun leegstaand vastgoed. Het kwam toen echt los.’

Bijna alle gemeenten hebben met leegstand te maken. Zo staat op dit moment 27 procent (13,4 miljoen vierkante meter) van alle kantoorruimte leeg, net als vierhonderdduizend woningen, waarvan 190.000 langer dan anderhalf jaar. Naar verwachting komt daar de komende jaren nog twintig miljoen vierkante meter aan scholen, zorggebouwen en ander maatschappelijk vastgoed bij. De Wet kraken en leegstand schrijft gemeenten voor daar iets aan te doen. Hun belangrijkste instrument: een boete tot 7500 euro voor pandeigenaren die gebouwen meer dan een half jaar leeg laten staan. Daarvoor moeten zij wel minutieus bijhouden wie wat waar leeg heeft staan. Een behoorlijke administratieve last.

Het beheer van hun eigen lege panden besteden gemeenten graag uit. Zo deed de gemeente Rotterdam in 2011 als eerste een openbare aanbesteding voor het tijdelijk beheer van 150 gemeentepanden. De Onderzoeksredactie vroeg de 38 grootste gemeenten deze zomer naar de mate waarin ze de hulp van leegstandsbeheerders inschakelen. Gezamenlijk hadden zij op dat moment 833 panden (van kantoren tot woningen en schoolgebouwen) in beheer. (Utrecht, de vierde gemeente van het land, is niet meegenomen in dit overzicht. De gemeentelijke vastgoedorganisatie wilde niet meewerken aan het onderzoek.)

NERGENS IS DE OMVANG van antikraak wonen zo tastbaar als in Nieuw-Crooswijk in Rotterdam. In de smalle straten van de voormalige volkswijk hangen talloze vergeelde velletjes met blauw-oranje logo's achter de ramen: 'Dit object wordt beheerd door Ad Hoc.' In de huizen waar vroeger sociale huurders woonden, zitten nu antikrakers, sommigen meer dan zes jaar.

Nieuw-Crooswijk bestond voor 97 procent uit sociale huurwoningen. Daar moest verandering in komen, vonden de gemeente, woningcorporatie Woonstad Rotterdam en twee projectontwikkelaars in 2004. De negentiende-eeuwse volkswijk moest aansluiting vinden bij de omringende wijken: het hippe Oude Noorden en het chique Kralingen. Daartoe zouden 1800 van de 2100 woningen worden gesloopt. Uit de as zou een nieuwe buurt vol moderne appartementen voor tweeverdieners verrijzen.

Het masterplan voor Nieuw-Crooswijk sloeg bij de bewoners in als een bom. Ze vonden hun woningen helemaal niet rijp voor de sloop. Leider van het verzet was Menno Janssen, 'de burgemeester van Crooswijk'. Hij woont al 28 jaar in de wijk. 'Nieuw-Crooswijk is een wijk met een heel sterke sociale binding, veel mensen zijn hier opgegroeid', vertelt hij in zijn woning aan de Kerkhoflaan.

De eerste huizen gingen in januari 2007 tegen de vlakte. Overal in de wijk maakten bewoners plaats voor huurders met tijdelijke huurcontracten en later voor de antikrakers van Ad Hoc. De sloop- en bouwplannen stokten echter door het verzet van de federatie van bewoners en door de stagnatie op de woningmarkt. Nadat 839 woningen waren gesloopt, viel eind 2012 het besluit dat het 'masterplan niet haalbaar is'. De westelijke helft van de wijk blijft grotendeels gespaard en wordt nu toch opgeknapt. Alleen de 170 sociale huurwoningen in het complex Paradijshof zullen eind 2014 nog tegen de vlakte gaan. Daarvoor komen 48 koop-eengezinswoningen terug.

Corporatie Woonstad Rotterdam erkent dat de wijk ‘uit elkaar geslagen’ is, zegt programmamanager Edwin Dortland. ‘Door het masterplan en daarna door de crisis waardoor alle plannen vertraagd, aangepast of afgeschaft zijn, is het al sinds 2004 onrustig in de wijk.’ Woonstad werkt in Nieuw-Crooswijk samen met leegstandsbeheerder Ad Hoc, voor woningen die door hun slechte staat of korte woonduur niet meer in aanmerking komen voor reguliere of tijdelijke huur. *Dortland*: ‘Ad Hoc zorgt ervoor dat de wijk leefbaar blijft.’ Om hoeveel woningen het gaat, kan de corporatie niet zeggen, ‘dat varieert’. De antikrakers beheren de huizen en voorkomen dat ze verder verpauperen of, erger nog, gekraakt worden. Met gedeeltelijk succes, want in het ‘kraakwalhalla’ Nieuw-Crooswijk wonen, ondanks het kraakverbod, naar schatting meer dan dertig krakers.

Een van de antikraakbewoners in het nog te slopen Paradijshof is de 39-jarige Jochem van de Berg. Deze pas gescheiden vader moest zijn koopwoning verlaten en komt vanwege de wachtlijsten niet in aanmerking voor een sociale huurwoning. Vrijemarkthuurling kan hij niet betalen. ‘Ik wilde vooral weg uit de situatie waarin ik mij bevond’, vertelt hij in de woonkamer van zijn krap bemeten antikraakwoning. ‘Ik heb toen alles voor lief genomen. Het interesseerde me niet zoveel wat er in het contract stond. Ik wist toen ik hiermee begon dat het onzeker was, maar zekerheid in wonen kan ik nauwelijks betalen.’

Vanaf het moment dat Van de Berg in Nieuw-Crooswijk kwam wonen, verdiepte hij zich met andere tijdelijke bewoners in de plannen rond de wijk. De antikraakbewoners leven in continue onzekerheid omdat de sloopdatum steeds verschuift en ze pas twee weken van tevoren horen wanneer ze moeten verhuizen. Ze moeten dan met tientallen tegelijk vertrekken en de huizen leeg achterlaten. Dat betekent ook de vloeren verwijderen, waarna Woonstad Rotterdam de panden dichttimmert voor

asbestonderzoek. Van asbestgevaar voor antikraakbewoners die voorbereidende sloopwerkzaamheden treffen als vloeren en kachels verwijderen, is volgens zowel de corporatie als Ad Hoc geen sprake.

Van de Berg moest op 18 september zijn huis uit. Vervangende woonruimte heeft hij vooralsnog niet. Bij Ad Hoc kreeg hij nul op het rekest. ‘Ze zeiden: “Jammer, maar omdat er ineens heel veel mensen moeten verhuizen, hebben we nu niks voor je”.’ Ad Hoc zegt mensen geen garanties te kunnen geven op een nieuwe woning omdat zij het aanbod niet kan plannen. Woonstad Rotterdam laat weten ‘geen mening te hebben over de individuele verhalen van Ad Hoc-bewoners’.

UIT ONZE RONDGANG langs de 22 grootste corporaties van Nederland (goed voor bijna een miljoen sociale huurwoningen) blijkt dat ze op één na allemaal gebruik maken van de diensten van leegstandsbeheerders. De vijf grootste corporaties van het land hadden deze zomer gezamenlijk 1090 huurwoningen ondergebracht bij leegstandsbeheerders. Zodra ergens gerenoveerd of gesloopt wordt en normale huurders er niet meer kunnen wonen, komen de antikrakers. De enige eis is dat de woningen wind- en waterdicht zijn. Volgens de corporaties blijven de huizen zo beschermd en blijft de wijk leefbaar. Antikraak kost de corporatie niets, maar ze krijgen wel bewakers die bovendien streng geselecteerd en gecontroleerd worden.

De gemiddelde wachttijd voor een betaalbare huurwoning is in Amsterdam opgelopen tot elf jaar

Moeten sociale verhuurders eigenlijk wel in zee gaan met bedrijven die bewoners niet als huurders zien? Nee, zei de Tweede Kamer toen zij in maart 2013 de motie van toenmalig sp-Kamerlid Paulus Jansen aannam. Jansen noemde antikraakcontracten ‘een erosie van het huurrecht’ en stelde voor dat corporaties er niet langer gebruik van zouden maken. Maar volgens Bob de Vilder van

Camelot kunnen we niet meer zonder. ‘Ik ben ervan overtuigd dat er voor bruikleen een markt blijft bestaan: het is snel, kortlopend en flexibel. Eigenaren en gebruikers hebben er behoefte aan.’

Ook minister Stef Blok van Wonen wil antikraak niet uitsluiten. Hij vindt dat woningcorporaties hier zelf over moeten gaan.

Branchevereniging Aedes stelde namens de corporaties dat antikraak in sommige gevallen niet te vermijden is. Aedes volgt de rijksoverheid in haar advies: ga alleen in zee met bureaus die het Keurmerk Leegstandsbeheer dragen.

Het keurmerk, eind 2010 opgericht vanuit de branche, kapte een poging tot wettelijke regulering af. In plaats van minimumeisen aan antikraakcontracten, wederom een voorstel van Paulus Jansen, kwamen de leegstandsbeheerders met anderhalve A4 aan eigen regels.

De huidige voorzitter van het Keurmerk Leegstandsbeheer is Jan ten Hoopen, het voormalige CDA-Kamerlid dat de Wet kraken en leegstand mede indiende. Hij ziet het keurmerk als stap in de ‘verdere professionalisering van de branche’ en als een middel om de bonafide bedrijven van ‘de cowboys’ te onderscheiden. Achttien van de omstreeks zeventig leegstandsbeheerders zijn bij het keurmerk aangesloten. De inspectielijst is inmiddels drie A4’tjes. Sindsdien is de opzegtermijn niet twee maar vier weken en moet een pandinspecteur drie keer bellen, kloppen en roepen voor hij naar binnen gaat.

De 26-jarige Tirza Kempen uit Nieuw-Crooswijk heeft jarenlange ervaring met de pandinspecties van leegstandsbeheerder Ad Hoc. Kritisch was ze niet toen ze zes jaar geleden haar eerste antikraakcontract doorlas. Goed, het balkon brokkelde af en kon ze beter niet gebruiken en de deuren hingen scheef, maar ze was blij dat ze eindelijk een woning voor zichzelf had.

Nu denkt ze daar anders over. ‘Ad Hoc gaat over een heleboel privacy-grenzen heen.’ Zo maakte ze regelmatig onaangekondigde inspecties mee van Ad Hoc-medewerkers die zichzelf met de sleutel naar binnen laten, onder meer toen ze op een ochtend ziek in bed lag. Meerdere malen kreeg ze een standje dat ze beter moest opruimen. In het huis van de beeldend kunstenaar liggen vaak materialen op de grond. Ook werd ze gesommeerd een ontbrekende deur te vervangen en een rode muur wit te verven. Gebreken die de woning al had toen zij erin trok. ‘Die waarschuwingen hebben ze later wel teruggenomen. Gelukkig, want bij drie waarschuwingen verlies je je woning.’

Haar ergste ervaring was het bezoek van een Ad-Hoc-medewerker die kwam vragen of ze zwanger was. Het gerucht deed de rond dat een antikraker in de wijk in verwachting was, maar het bleek een ander te zijn. ‘Antikraak is ongeschikt vanwege de onzekerheid in het wonen’, zegt Ad Hoc in een reactie.

‘Leuk dat Ad Hoc iets aan de leegstand doet, maar ik heb het idee dat ze mensen uitbuiten. Jij betaalt, maar ze doen niet veel voor je’, zegt Kempen. Ze woont sinds vorige week in een kraakpand en is hard op zoek naar een huurwoning. ‘Ad Hoc, dat wil ik nooit meer.’

ABEL HEIJKAMP van de Bond Precaire Woonvormen weet alles van de nadelige kanten van antikraak wonen. De bond is een vrijwilligersorganisatie die antikrakers en tijdelijke huurders met raad en daad bijstaat en scherpe kritiek uit op de gebrekkige rechtspositie van de antikraker. Heijkamp stelde in zijn documentaire *Leegstand zonder zorgen* (2009) de misstanden van antikraak aan de kaak en is sindsdien luis in de pels van het leegstandsbeheer.

De sober geklede, op ironische toon sprekende Heijkamp heeft twee boodschappentassen bij zich vol leed van antikraakbewoners: privacyschending, huisvredebreuk, intimidatie en huisuitzettingen. In 2013 heeft hij zo’n zestig zaken van antikrakers in behandeling

genomen. Negentig procent gaat over leegstandsbeheerders die het Keurmerk Leegstandsbeheer dragen, zegt hij. Voor het keurmerk heeft hij geen goed woord over. ‘De branche stelt haar eigen normen op. De slager keurt zijn eigen vlees.’ Daar is keurmerk-voorzitter Jan ten Hoopen het niet mee eens. ‘Het keurmerk heeft de afgelopen twee jaar juist een forse versterking van de normen doorgemaakt’, zegt hij. ‘Ook is een onafhankelijke klachtencommissie ingesteld, zodat het keuren van eigen vlees is uitgesloten.’

Volgens Heijkamp is met antikraak een woonvorm ontstaan die buiten de regels en wetten van de huurmarkt opereert. Het liefst zou hij zien dat niemand nog een bruikleencontract voor zijn woonruimte hoeft te ondertekenen. ‘Ik vind het cynisch dat tijdelijk wonen zonder huurrechten wordt gepresenteerd als een vrije keuze als je kijkt naar de positie van die mensen in de woningmarkt. Het is simpelweg schandalig dat bijna alle woningcorporaties en overheden hieraan meewerken. Het is de uitverkoop van de sociale volkshuisvesting.’

Ook Jennifer en Bas Stam deden een beroep op Heijkamp. Drie dagen nadat Bas zijn spullen naar de Jan Vethstraat in Amsterdam heeft verhuisd, kreeg hij te horen dat de flat wordt gesloopt. Binnen vier weken moeten hij en zijn zus eruit. Samen met de Bond Precaire Woonvormen halen Bas en Jennifer verhaal bij woningcorporatie Eigen Haard. Die zeggen dat de sloopdatum al vast stond en dat Camelot hiervan op de hoogte was. Zij kunnen er ook niks aan doen dat broer en zus alweer zo snel moeten verhuizen. ‘Wij houden woningen tot het laatste moment via antikraak bewoond om de leefbaarheid in stand te houden’, laat Eigen Haard in een reactie weten.

‘In drie maanden tijd ben ik drie keer verhuisd’, zegt Jennifer verbolgen. Samen overwegen ze niet akkoord te gaan met de contractbeëindiging. Camelot dreigt meteen een kort geding te beginnen, de kosten hiervoor (ongeveer drieduizend euro) op de

broer en zus te verhalen en hun borg (zevenhonderd euro) in te houden. Bovendien zullen ze aansprakelijk gesteld worden voor eventuele ontruimingskosten en vertraging van de sloop.

Dat is de broer en zus te veel. Ze besluiten, na de asbestervaring in Zaandam en vier weken in een vieze sloopflat in Amsterdam, toch maar weer bij hun ouders in te trekken. Een alternatief voor antikraak wonen hebben ze niet. Voor een sociale huurwoning hebben ze een te korte inschrijfduur, een vrijesectorhuurwoning is te duur. *Jennifer*: ‘Dat vind ik het nare ervan. Ze verdienen dik geld aan jongeren die een woning nodig hebben.’ *Bas*: ‘Als antikraker heb je nul rechten. Ze hebben zich juridisch helemaal ingedekt, je hebt geen poot om op te staan. Als bewoner ben je een pion.’ ‘Dat is het risico van antikraak’, is de reactie van een Camelot-medewerker als Bas opbelt.

Het onderzoek

In Nederland bieden tientallen antikraakbureaus of leegstandsbeheerders een breed pakket van diensten aan, van antikraakwoningen en tijdelijke werkplekken tot beveiligingsdiensten. We hebben onderzocht welke plek het antikraak wonen – het tijdelijk beheren van leegstaande panden door bewoning – in de woningmarkt inneemt. Hiervoor spraken we met leegstandsbeheerders, de branchevereniging, het Keurmerk Leegstandsbeheer, (oud-)politici, woningcorporaties, bewonersorganisaties, antikraakbewoners, huurders en krakers. Ook zetten we een enquête uit onder de grootste gemeenten en woningcorporaties met vragen over hun samenwerking met antikraakbureaus en analyseerden wij wetgeving, contracten en gegevens van de Kamer van Koophandel.

Kosten van antikraak

Antikraak wordt gepresenteerd als goedkoop wonen, maar ook daar komen de nodige onvoorziene kosten bij kijken. Een overzicht:

- + eenmalige administratiekosten: 99 euro;
- + plaatsingskosten voor nieuwe woning: 99 euro;

De 22 grootste corporaties van Nederland maken vrijwel allemaal gebruik van leegstandsbeheerders

- + bruikleenvergoeding per persoon: maximaal 153 euro (exclusief nutskosten en gemeentebelasting);
- + telefonische servicelijn: 30 euro per maand (reparaties: 30 euro per uur exclusief btw en materiaalkosten);
- + borg: 350 euro;
- + één verplicht brandpakket per persoon (ook voor wie met meerdere mensen in één huis woont of er nog een over heeft van zijn vorige woning): 62,50 euro;
- + vuilcontainer laten plaatsen: 13 euro per maand.

Flexwonen

Een huurwoning voor het leven behoort straks wellicht tot het verleden, net als de vaste baan. De laatste jaren zijn de wettelijke mogelijkheden voor 'flexibel wonen' namelijk verruimd. De huurmarkt zit op slot, en tijdelijke huurcontracten moeten daar verandering in gaan brengen. Tijdelijk wonen wordt de trend.

Dankzij de huurbescherming zijn Nederlandse huurders lastig uit hun huis te krijgen. Dat moet makkelijker kunnen, vindt minister van Wonen Stef Blok. 'Met tijdelijke huurovereenkomsten krijgen verhuurders de mogelijkheid hun bezit flexibeler te beheren en doelgerichter in te zetten, bijvoorbeeld wanneer zij bepaalde doelgroepen willen bedienen', schreef hij in april van dit jaar aan de

Tweede Kamer. Onder bepaalde doelgroepen verstaat hij onder meer studenten, starters en grote gezinnen. Zo komt Blok dit najaar met voorstellen voor nieuwe tweejarige contracten en gaan de al bestaande campuscontracten voor studenten (die aflopen zodra ze zijn afgestudeerd) ook gelden voor promovendi.

Daarnaast is de maximale termijn voor tijdelijke verhuur van sloop- en renovatiewoningen in 2013 opgerekt naar zeven jaar, en voor tijdelijk wonen in bijvoorbeeld kantoren of scholen naar tien jaar. Dankzij deze aanpassingen zijn verhuurders minder aan hun huurders gebonden. Ook antikraakbureaus – experts in flexibel wonen – varen hier wel bij. Steeds vaker bieden zij naast de klassieke bruikleencontracten ook tijdelijke huurcontracten aan.

Volgens de minister zijn het echter vooral de huurders die behoefte hebben aan flexwonen. Zo schreef hij: ‘Diverse groepen van huurders hebben geen behoefte aan een huurovereenkomst voor lange duur dan wel onbepaalde tijd.’ Waarom een vast contract voor huurders een last zou zijn, liet hij in het midden.

Contracten

Antikrakers hebben bruikleencontracten en vallen daardoor buiten de huurwetgeving. ‘Elk beroep van bruiklenner op huurbescherming is in strijd met de redelijkheid en billijkheid’, staat in het contract van Camelot. De bewoner krijgt zijn woning in bruikleen en moet er als ‘goed huisvader’ voor zorgen. De leegstandsbeheerder heeft de sleutels van het pand en kan op ieder moment op de stoep staan om te controleren of de bewoner goed met zijn tijdelijke woning omgaat. De woning dient te allen tijde ‘schoon en netjes’ te zijn en is er een ‘verplichting tot ingericht houden van het object’.

Belangrijk is ook dat de bewoner zijn of haar vaat doet en dat er geen troep in het huis rondslingert. Sommige leegstandsbeheerders gebruiken een waarschuwingssysteem volgens het principe *three strikes you’re out*. Aan Camelot betaal je per verzonden waarschuwingsbrief bovendien 25 euro. Zo zijn er nog veel meer huisregels: geen feestjes of barbecues, geen huisdieren, geen

kinderen, geen logés, geen geluidsoverlast, geen drugs (ook geen softdrugs) en de verplichting een afwezigheid van langer dan drie dagen te melden. De bewoner mag geen contact opnemen met de eigenaar van het pand en geen actie ondernemen tegen de leegstandsbeheerder, niet via een advocaat en ook niet via politiek of media. Bij vertrek dient het pand leeg en ‘bezemschoon’ opgeleverd te worden. Vloeren en kachels die er nog stonden, moeten weg. Blijf je langer dan de opzegdatum, dan volgt een boete van vijfhonderd euro per dag. De hoogste boete staat op binnen twee jaar zelf een leegstandsbeheerbureau beginnen: vijfduizend euro.

Antikraak in België

Het concept antikraak, dat in 1980 in Nederland werd uitgevonden, is de landsgrenzen al over. Een van de eerste buurlanden die kennismaakte met deze Nederlandse uitvinding was België, waar Camelot zich in 2002 onder de naam Lancelot vestigde. Ook het Nederlandse Ad Hoc en Interveste zijn op de Belgische markt actief.

In Vlaanderen bestaat sinds 1995 de leegstandtaks. Gemeenten registreren en belasten panden die meer dan twaalf maanden leegstaan. Hoe langer het pand leeg blijft staan, hoe hoger de belasting wordt. Voor pandeigenaren een goede reden om antikraakbewoners in te zetten.

In Vlaanderen staat meer dan zes procent van de sociale huurwoningen minstens een jaar leeg. In de centrumsteden is er vaak zelfs nog meer leegstand. Antwerpen en Gent zitten rond de tien procent, Mechelen spant de kroon met meer dan veertien procent.

De gemeente Gent is actief de strijd aangegaan tegen leegstand. Die zette drie jaar geleden 531 leegstaande gemeentelijke panden op de nominatie om door leegstandsbeheerders beheerd te worden.

Volgens het Gentse beleid worden gemeentelijke panden die te lang leegstaan automatisch uitbested aan acuut woningzoekenden: in de praktijk gaat dat via leegstandsbeheerders.

Antikraak is een succesvol Nederlands exportproduct. De twee grootste bedrijven, Camelot en Ad Hoc, zijn inmiddels in zes West-Europese landen actief.

Voor dit onderzoek doken we ook in de Belgische wereld van antikraak. Lees hier meer over in ons volgende verhaal.

De namen van de bewoners zijn gefingeerd. Dit uit vrees voor claims, verlies van borg of een slechte naam bij het zoeken naar een nieuwe antikraakwoning.

Dit verhaal kwam tot stand met behulp van de Vlaams-Nederlandse journalistenbeurs.

Beeld: (1) Twee anti-kraak bewoners in een sloopflat in Arnhem. Deze mensen en plaats komen niet in het stuk voor (Flip Franssen / HH). (2) Poster van Camelot een tijdelijk verhuurorganisatie in een voormalige kantoorpand, Amsterdam (Marijn Alders / HH). (3) De Bloemstraat in Zaandam waar asbest in de woningen zit, anti-krakers waren verplicht de vloeren uit de woningen te verwijderen door Camelot, de leegstandbeheerder (Skip van Wijngaarden).