

# Features

## A new politics of the commons

**David Bollier**

One of the most stubborn problems in confronting the pathologies of the neo-liberal political order is the limitations of our language. We do not have an adequate public vocabulary to describe the plunder of globalised markets. We have trouble highlighting the social inequities that are built into conventional economics and political discourse. We do not have a grand narrative with compelling sub-plots to set forth an alternative vision, one that can both stir the blood and show intellectual sophistication.

That's the bad news. The good news is that there is a brave, decentralised movement on the march that is addressing these problems with ingenuity and patience. The focus of this movement is *the commons*. The commons is still an embryonic vision. It will require time to evolve. But it is a vision with great potential, perhaps because it is not being advanced by an intellectual elite or a political party, but by a hardy band of resourceful irregulars on the periphery of conventional politics. (That's always where the most interesting new things originate.) These commoners are now starting to find each other, a convergence that augurs great things.

To be a bit more concrete: This proto-commons movement consists of environmentalists trying to protect wilderness areas and win fair compensation for the corporate use of public lands. It includes local communities trying to prevent multinational water companies from privatising public water works and converting groundwater into overpriced, branded bottles of water. The commoners are the hackers and corporate programmers who are building GNU Linux and thousands of other free software and open source computer programs. They don't want proprietary vendors to be able to charge them monopoly prices for inferior products, unnecessary upgrades and technical incompatibilities. The commoners are artists, musicians, bloggers and scientists who use Creative Commons licenses to enable the legal sharing and re-use of their works on the internet. These 'free culture' advocates have adapted the CC licenses to the legal systems of nearly forty nations, with another thirty in the works. This network, in turn has given rise to a new international organisation, iCommons, to promote the sharing economy of digital works. The commoners are scientists building shared databases of research, and researchers trying to prevent corporations from patenting basic biomedical knowledge. There are thousands of academics who are bypassing commercial journal

publishers and starting their own 'open access' journals so that articles can be free in perpetuity via the internet. The commoners are farmers, especially in developing nations, who are trying to prevent biotech companies from replacing common crops with genetically modified, proprietary crops whose seed cannot be shared and whose ecological effects are troubling. Ordinary citizens are rallying to defend the commons of public space by fighting intrusive commercialism in civic spaces, sports, public schools and personal spaces. Local communities are fighting 'big box' retailers like Wal-Mart that are threatening independent businesses and Main Street culture.

What unites these various groups of people is their sense of *the commons* as a way to describe shared resources that are now being stolen by large corporations or imperilled by unchecked market activity. Put another way, the commons is a generic term for describing all those things that we inherit from nature and civil society, which we are duty-bound to pass along, undiminished, to future generations.

Don't go looking for a definitive inventory of the commons. A commons arises whenever a given community decides that it wishes to manage a resource in a collective manner, with a special regard for equitable access, use and sustainability. It is a *social form* that has long lived in the shadows of our market culture, but which is now on the rise.

### The enclosure of the commons

'The commons' is a useful term because it helps begin to describe a nearly ubiquitous pathology of modern life, the enclosure of the commons. Governments throughout the world are conspiring with, or acquiescing in, the market plunder of our common wealth. This is the net effect of globalisation and the neo-liberal agenda. Companies are taking valuable resources from the commons – spectrum, natural resources, deep-sea minerals, genetic code, public lands, and much more – and privatising them. Once the cash value has been harvested from the commons, corporations tend to dump their wastes and social disruptions (primarily known as 'market externalities') back into the commons, whereupon they declare to government and the commoners: 'It's your problem'.

The dynamics of enclosure are well known to British history. The landed gentry of the eighteenth and nineteenth centuries decided they could profit quite handsomely by seizing huge tracts of meadows, orchards, forests and other land that by custom were freely accessible to the commoners. With enclosure, resources that had historically been managed socially, through both formal and informal rules, were privatised and turned into commodities to be sold in the marketplace. There were gains in efficiency and innovation, to be sure – as well as the amassing of great private fortunes – but there was also massive disenfranchisement, ecological harm, poverty and suffering.

Enclosure means that people have to start paying for resources they previously got for free, or cheaply. It means that people need to ask for permission to use something that was previously theirs by right. Imagine a world of franchise bookstores, but no local libraries; of mega-shopping malls but no town squares; of private toll roads but no open highways. Enclosure shifts ownership and control of a resource from a given community or

the public at large, to private companies. This, in turn, changes the management and character of the resource, because a market has very different standards of accountability and transparency than a commons. It dictates a different set of social relationships in our dealings with each other and a given resource. Enclosure turns us into a mass of pay-per-use consumers in search of bargains and amusements; it make it harder for us to become a citizenry with passionate commitments to something larger than our individual satisfactions, or even something collectively necessary (like dealing with global warming).

### **The commons as a sector of value-creation**

Economists and politicians have long assumed that there are really only two sectors for governing things and 'adding value' – the state and the market. Markets are seen as the vehicle for economic progress while government is supposed to take care of everything else. It is becoming increasingly clear, however, that there is another sector – the commons – that is at least as important to our lives and well-being. A great many commons contribute value to our lives every bit as much as the market. The gifts of nature – 'ecosystem services', in the eyes of some economists – are fantastically productive. Civic institutions like libraries, roadways and the BBC produce value in ways that the market cannot.

The commons is not, however, simply another term for socialism or communism. Both of those systems of governance rely upon state ownership and centralised bureaucracies to manage the people's resources, a scheme that may or may not work out so well. The commons has no quarrel with government *per se*. Indeed, the commons would be in much better shape if it enjoyed half the government support that the 'free market' enjoys, in the form of subsidies, protective regulations, government services and the legal system. But the commons is not the same as government because, in its ideal form, it is about the commoners owning and managing resources as directly and locally as possible. It usually entails a significant measure of participation, transparency, decentralised control and accountability – factors that are not always present when the state is managing a resource.

It is also important to note that while the commons shares many values with traditional liberalism or social democracy, particularly on matters of democratic process and social concerns, the commons has a different moral footing. Liberalism is often accused of 'intervening' in the marketplace to re-distribute wealth, a role that conservatives regard as a 'confiscatory' taking of their private property. This has been a heavy political burden for progressives to displace, especially as the neo-liberal political order has become more entrenched. The commons reverses this moral narrative about 'redistribution-as-theft' by pointing out that markets routinely take from, and frequently despoil, the commons. The investor class enjoys many direct and indirect subsidies – cheap use of public lands, airwaves and civic infrastructure; copyright and patent monopolies; research and services to support commerce; public education; etc. In addition, companies are accustomed to making the government and commoners pay for their costly externalities – pollution, safety and health risks, illegal behaviours, community disruptions. Commoners are merely seeking to own and control something that belongs to them in the first place. They are

seeking a *pre-distribution* of benefits from their own equity assets and socially created value, rather than a *re-distribution* of wealth generated by markets.

This is a new grand narrative upon which we can build a politics of access, sharing, equality and social well-being. The internet offers many rich examples of collaborating and sharing, from open source software to Wikipedia to digital archives. The commons narrative can also begin to assert – with greater systematic rigor than social democracy can manage – the need for proper limits on market activity. It can also propose new institutional forms, such as the stakeholder trust, to generate new streams of non-wage income for citizens by monetising common assets, where appropriate.

Let's consider a timely example – Who owns the sky? My colleague Peter Barnes, in a book whose title asks that question, points out that industrial polluters presume that they own the sky, and that their rights to pollute ought to be 'grandfathered' into any future schemes to limit carbon emissions, a key source of global warming (Barnes, 2001). From the perspective of the commons, this is absurd. Morally, *we all* 'own' the sky and ought to have roughly equal benefit from it. Why should any corporation or industry have a pre-emptive right to use the limited capacity of the atmosphere as a waste dump? Peter Barnes' Sky Trust proposal offers an equitable commons solution: Auction the right to emit carbon into the sky, and place the funds into a trust owned by every citizen. That trust fund can then be managed by publicly appointed trustees, with the utmost transparency and fiduciary responsibility, to yield dividends for every citizen. The dividends will help offset the higher prices that citizens will inevitably have to pay for carbon-based products and services (a result of the pollution-rights auction). But the monies deposited into the Sky Trust will generate a much-needed stream of non-wage income for all citizens, helping to reduce inequality.

The means for securing and managing the commons will naturally vary with the resource and commons. But the point in all cases is to enable the commoners to reap value from their commons, whether it is in the form of cash revenues or inalienable usage rights. Investors demand no less from their equity assets. Surely this principle ought to hold for the commoners and their assets.

### Reinventing the commons

The commons is something very new and quite ancient. Its newness can be seen in the huge variety of commons proliferating on the internet: free software and open source software, Wikipedia, remix music, mash-up videos, peer-to-peer file sharing, open science initiatives, the open access movement in scholarly publishing, social networking software, and on and on. The internet that hosts this explosion of digital commons is itself a commons of open, shared technical protocols.

Yet as novel as these developments are, the commons is as old as the human species. The citizens of Great Britain know this history. The commons has always been rooted in communities of social trust and co-operation. It is a place that honours custom, history and the local. Evolutionary biologists, neurologists and geneticists are now confirming just how deep the commons is inscribed in our being. The impulse to co-

operate and share; to manage resources as a community and punish free-riders; and to assert a community ethic as a gyroscope of social stability – these propensities are arguably hard-wired into the human species as the basis for our evolutionary success.

The real aberration in human history is the vision of humanity set forth by neo-classical economics. *Homo economicus* defines human beings as rational, ahistorical individuals who invariably seek to maximise their material utility through market exchange. It also asserts, astonishingly, that all of society should be organised around this vision. This fragile, unsustainable fiction is now being unmasked – by free software, by online communities, by the people of developing countries, by the workings of nature itself. Competitive market individualism has many virtues, and can be a potent ethic for innovation and enterprise. But only economists and ideologues dare to presume that market individualism has no limits or that ‘there is no such thing as society’, as Margaret Thatcher brazenly asserted. The commons exists. Its sovereign needs cannot be simply dismissed by the market or the state.

There is a more affirmative way of stating this truth: the commons is hugely *generative* in its own right. It is a value-creating sector that rivals the marketplace, and therefore deserves protection. ‘Co-operative individualism’ of the sort seen on the internet can be far more innovative, productive and socially satisfying than the market. Harvard Law School professor Yochai Benkler has famously called this sector ‘commons-based peer-production’ (Benkler, 2002). By this, he means a system of production that is ‘radically decentralised, collaborative and non-proprietary; based on sharing resources and outputs among widely distributed, loosely connected individuals who co-operate with each other without relying on either market signals or managerial commands.’

Even business is coming to realise the ‘power of us’, according to a *Business Week* cover story on corporate uses of mass collaboration for research, technology development and marketing (Business Week, 2005). *Forbes* has profiled the ‘sharing economy’ now arising on the internet, and tech companies talk about the efficiencies of ‘decentralised co-creation of value’ – i.e., the commons. The US government’s many intelligence agencies have even created their own wiki – ‘Intellipedia’ – to help its dispersed minions efficiently share and sort their many fragments of distributed knowledge.

In the networked environment – which is increasingly the matrix for organising modern life – the commons is becoming an important new paradigm of production. In 2004, when I did a Google search on the word ‘commons’, it returned about eight million web links. In October 2007, when I did the same search, 190 million links popped up. This is an admittedly crude bit of evidence for the growing appeal of the commons, but I believe it points to a profound transformation that is at once political, cultural and economic.

Look closely, just below the radar of mainstream media, and you will see a messy, uncoordinated, bottom-up movement in the throes of inventing itself. A teeming constellation of internet users, environmentalists, librarians, academics, media reformers, software programmers, local currency fans, community gardeners, Slow Food aficionados, indigenous peoples, and others, are beginning to see the practical political value of the

commons paradigm. The commons helps them express their personal and moral connections to an endangered resource. It offers a positive vision and not just a reactive critique. It captures the moral high ground. Disparate battles against enclosure can be seen as related commons struggles. The commons invites people to participate, and to develop a sense of personal responsibility and initiative associated with ownership.

### **The commons as a new narrative and worldview**

For all of these reasons, I believe the commons can play a profound role of re-ordering cultural and political issues, much as the meta-language of ‘the environment’ did in the 1960s. It is helpful to recall that ‘the environment’ is a cultural invention. The air, water, soil and wildlife had always been there, of course. But they were not conceptualised in a coherent, unified way until Rachel Carson and others began to popularise the idea of ‘the environment’.

Duke Law School professor James Boyle has pointed out that bird watchers didn’t realise they might have something in common with bird hunters until ‘the environment’ helped clarify their shared interests in protecting it (Boyle, 2003; see also this issue). Once the idea of the environment took root, people could begin to make mental connections among diverse phenomena that had previously seemed unconnected. It turned out that dying birds were linked to household chemicals, and genetic mutations in humans were linked to industrial pollution. The language of the environment not only gave us an overarching narrative, it helped galvanise a political movement by providing a new, accessible story. The vision, the constituencies, the science, the politics and the cultural worldview were not born whole. They all evolved together, interactively, over time. No one knew all the answers in advance. The way forward was an improvisational act of faith. Environmentalism enacted a politics of yearning and hope.

Our times do not require another bold policy crusade or ‘messaging strategy’. We need to expand our very sense of ‘politics’. We need to cultivate a profoundly different *orientation* toward our challenges – a worldview that can integrate the personal, the social and the political in new ways. For starters, we must learn how to talk about market failure and excesses more systematically without lapsing into a facile anti-corporatism. We must offer some positive alternatives, including ones that harness the market in constructive ways, while protecting the value-creating capacities of the commons. The internet is demonstrating the limits of centralised expertise and control, and the under-leveraged power of distributed intelligence. One lesson: people must have the room to participate and develop their own innovative, decentralised grassroots solutions.

Reinventing the commons is still a fledgling vision, but its spontaneous embrace by so many different constituencies suggests a deep human yearning to explore new modes of social connection and collaboration. It suggests a desire to assert a human solidarity and authenticity in the face of an intrusive, gaudy commercial culture. It suggests a desire to reaffirm the local and defend natural ecosystems in the face of a market juggernaut intent on monetising everything in its path.

The denizens of mainstream politics may be forgiven for not recognising the

commons. It has been culturally invisible for a long time. Its wealth cannot be easily quantified. It has not been named, classified and extensively studied. Not surprisingly, the commons has not been taken seriously in public policy deliberations. Yet the crises of the commons are becoming more evident day by day as global warming, depleted fisheries, expansive copyright claims, social dysfunction and other symptoms of market excess continue unchecked.

It will not be easy to build a new political and policy tradition of the commons while we are deeply enmeshed in a neo-liberal political culture and a market-influenced consciousness. Many intellectual paradoxes and discontinuities are likely. Any quest for ideological purity will fail. Which is why I believe that any commons movement must exhibit a tolerant, ecumenical humanism. We are all irregular, self-contradictory creatures. Any political growth will require improvisation and learning. Fortunately, the commons is more of a template or scaffolding for building out a new politics, not a rigid ideology or fundamentalism.

In the end, any real movement will depend upon how badly people really want to reclaim our common wealth, re-connect with each other as human beings, and devise new political and legal structures for achieving this vision. My guess? The energy and desire are there, but diffuse. The vision is gaining currency. An inventory of commons-based solutions is growing. Diverse types of commoners are starting to discover each other. What's needed is a surge of new leadership and resources to take the commons to its next, more interesting stage of development.

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