

Editorial

Common struggles, common interests?

Daniel Leighton

What do the following have in common?: the expense account and dining partners of the outgoing head of the National Audit Office; the government's pre-consultation support for a second runway for Heathrow; campaigns by the open software movement to reform supra-national rules on intellectual property rights; rulings of the National Institute for Clinical Excellence (NICE) over which drugs are provided by the NHS; the privatisation of QINETIQ; the recent wave of party funding scandals...

Quite reasonably, many would struggle to find a single common thread among this list. If stretched some might suggest they are linked by a vague if pervasive sense of distrust in politics and the competence of the state in particular. Yet according to an emerging body of thinkers and activists, associated with though by no means restricted to the 'anti-globalisation' or 'global justice' movement, these issues all relate to struggles over 'the commons' – an umbrella term linking a seemingly disparate range of material and immaterial resources that are said to morally, if not legally, belong to us all as 'gifts' of nature and culture.

As with all political narratives that aim to mobilise, be it the republicanism of seventeenth century England or the class struggle of the nineteenth century Europe, the rhetoric of the commons attempts to make visible a struggle between antagonistic social forces: 'one privileged, arrogant, rapacious or selfish; the other innocent, passive, good hearted, even pastoral' (Parker, 2001). The flourishing of the commons is said to be under threat by a globally enforced neo-liberal practice of 'enclosure', in which commons are variously plundered, privatised and/or impaired by financial and economic elites. Assisted by the 'market state' of the global era, this process unhinges the historical association of the state and the 'public good': both in terms of its diminishing role in the monopoly provision and management of services and resources and, due to its concomitant entanglement with the private sector, its capacity to act as the neutral arbiter in the 'public interest'.

On the one hand the dynamic between commons and enclosure is said to be animating the most vibrant forms of social and political activism. On the other it fails to gain recognition from mainstream parties struggling to escape the binary logic of 'statism' and 'privatism' that dominated the political imaginaries of the twentieth century.

This issue of *Renewal* explores the potential contribution of this emerging discourse for the development of an *offensive* political narrative that can articulate the grievances

and hopes of today's citizens concerning the distribution, management and access to 'common goods'. This was sorely lacking in the first ten years of New Labour, in which it absorbed the market populism of the 1980s and early 90s in order to mount a defence of the last vestiges of post-war social democratic legacy. This ongoing lack of a progressive and contemporary notion of the common good is something that Gordon Brown is struggling to articulate.

The theory of the commons

Contemporary commons rhetoric is a metaphorical appropriation of the criticisms of the original enclosure movement that accompanied the development of capitalism in England, whereby common land was fenced off and turned into private property. As James Boyle suggests in his article, this history offers 'irresistible ironies about the two-edged sword of "respect for property"', and lessons about the way in which the state defines and enforces property rights to promote controversial social goods'. Karl Polanyi famously condemned the enclosure movement as a 'revolution of the rich against the poor', converting crofters and freeholders into seasonal wage-labourers, or, often, 'beggars and thieves'. Yet as Boyle points out, from the perspective of economic histories, enclosure worked: an innovation in property systems that allowed an 'unparalleled expansion of productive possibilities'. Such has been the strongest justification of private property ever since – in the late 1960s Garrett Hardin encapsulated the underlying logic in his 'tragedy of the commons' thesis: the over-use and under-investment in common resources that results from no single user having the incentive to preserve or develop them (Hardin, 1968).

More recently, however, the notion of the commons has emerged as a moral and practical trope uniting the environmental and global justice movements, and the 'gift economy' ethic that propelled the development of free soft-ware and the internet. The argument of the 'new commoners' is that today, increasingly, we see a 'tragedy of the anti-commons', whereby private property entitlements and the competitive market forces they set in play are resulting in a despoilation and depletion of scarce and non-renewable resources, at the same time as restricting access to knowledge and culture and blocking or suppressing much of the innovative and creative potential that is latent in our society and our economy. This is what Michel Bauwens calls in this issue the wrongheaded political economy of 'pseudo-abundance' in the natural or material realm and 'pseudo-scarcity' in the cultural or virtual realm.

Against it is advanced a new radical agenda geared to preserving common assets, insisting on universal access to the benefits that arise from them, and harnessing the energy and creativity that can arise from free collaboration in their production. The values of the commons are thus values of sustainability, equality, liberty, and fraternity. They are recognisably the values of the left, yet at a time when sites of struggle that the left has traditionally focused upon seem subdued or suppressed, they are today animating a plethora of lively contestations and fiercely fought conflicts in which all the hopes and fears of the twenty-first century are at stake – the advancement of science, the risk of ecological catastrophe, the uses and abuses of biotechnology, new epidemics and public

health crises, the accelerating social transformations wrought by information and communications technology.

These are issues which social democrats have struggled to catch up with, and yet the notion of the commons offers a connecting thread that, as Hilary Wainwright suggests in this issue, leads back to the very origins of socialist thought. Moreover, it offers the tantalising thought that the crass commercialism and anomic atomisation of advanced capitalist societies may not be so all-pervasive as it sometimes appears to depressed leftists, if they know where, and how, to look; and furnishes rich resources for rethinking and refreshing the left's political project as statist models struggle to regain legitimacy and appeal.

For once the commons is recognised as a domain of social value and social value creation, the question becomes how best to preserve, manage, and enhance it. And while this poses a challenge to market models of incentive and interaction, in the twentieth century the state too has shown itself to be a poor steward of the commons entrusted to it. In part this is because, as Wainwright suggests, the state itself has been too fenced off from the common life and common interests of its citizens, too often protecting only its own corporate interest or captured by the private interests it claims to regulate. The 'market state' of the neo-liberal era takes this even further – in the words of Ulrich Beck,

The politics of the third way sees itself as the key 'modern definition' of a new 'common good' for the era of globalisation and thus becomes a politics of preventive dominance on the part of global business actors. Ultimately the criteria of rationality associated with transnational business – and with financial markets in particular – becomes a point of orientation: much more indeed they become the key criteria of rationality for a politics that seeks its salvation in integration into the global economy. (Beck, 2005)

This 'privatisation of public rationality' (Laidi, 2007) can itself be fruitfully analysed as a form of 'enclosure'. And it sharpens the need to develop new arguments, new policies, and new institutional forms that might challenge this market logic in the name of defending and developing what is common.

This is the search that drives much of the new literature on the commons. Its vital premise is the recognition that forms of property are social conventions, enforced by the state, to allocate our common resources and regulate our common life. It follows that they should be designed so as to preserve our common inheritance, meet our common needs and advance our common goals. In such schemes the role of the state remains pivotal, then, but not as an agent for running the economy or managing the commons directly but as an authority assigning property rights in such a way as to fix the pathologies of profit-driven capitalism. Peter Barnes, for example, has argued for the use of legal Trusts to ensure that our ethical obligations to future generations are fulfilled (Barnes, 2006). Other proposals aim to reform systems of intellectual property rights to secure equitable access to knowledge and its benefits. Michel Bauwens invokes a variety of experiments with the institutional settings that can facilitate the kind of spontaneous sharing and cooperation demonstrated by the peer-to-peer movement.

A practical agenda

Inevitably, much of this discussion is abstract, speculative, even visionary and utopian. In this lies its value for a left mired in short-sighted pragmatism or backward-looking nostalgia. But are there any lessons to be drawn for the here and now?

One is that we should be alive to contemporary contestations of enclosure and exclusion in the name of common values as strategically important struggles of our time. This is already well recognised (if still yet to be fully learned from), in the rise of the environmental movement over the past three decades. We can also see it in the rising challenge from the South to intellectual property regimes which frustrate legitimate claims to social welfare and economic development – the disputes over access to HIV treatments in South Africa provide one of the better known examples. Could we imagine a similar politicisation of the issue of access to medicines here in the UK? Popular campaigns around the availability of expensive treatments on the NHS have been regarded by the government with some embarrassment, but could this energy be turned back against the pharmaceutical companies whose pricing policies create the dilemmas which NICE was set up to deal with? Even more speculatively, can we imagine a left that aligns itself with the struggles fought by musicians and their fans against restrictions that the recording industry has sought to place upon the free creation and sharing of their works? This is certainly harder to picture, perhaps because social democrats have always been better at mobilising around the securing of fundamental welfare rights (to health, education, etc) and less adept at linking with causes that have a more hedonistic impetus.

Another way in which we might seek to advance the values of the commons is through initiatives that can enable and empower common activity and collective agency. Arguably this has been a subordinate strand of New Labour's agenda, with its declared interest in community management of public assets, co-production in public services, the importance of social as well as economic entrepreneurship and innovation. In recent months these narratives have been rising to a more prominent position, particularly in the Cabinet Office and Department for Communities and Local Government (DCLG), and in Gordon Brown's celebrations of voluntary action and rhetorical appeals to an ethic of 'public service' (Brown, 2007). Again, these examples remind us how social democrats are better at pronouncing the worthiness of collective action, than evoking, much less tapping into, forms of sociality that are flourishing because they are fun. And as Jeremy Gilbert and Hilary Wainwright both point out in this issue, such initiatives to strengthen our sense of what we hold and do in common have been overshadowed, and often directly blocked or frustrated, by a dominant governing agenda of marketisation and competitiveness.

Finally, we need to think through the implications of these arguments for how any government carries out its most fundamental role – as a definer and enforcer of property rights. The new commons literature serves as a powerful reminder of just how much of the wealth we see around us is the result of social processes of production, applied to resources that are our common heritage – and that private property entitlements are always a matter of social convention that should be tested against social values and goals.

This entails, for example, an approach to intellectual property that places the burden of justification on those who would seek to exclude through the enforcement of patents, rather than assuming that the allocation of private property entitlements must be the *sine qua non* of production and innovation (Davies and Withers, 2006). But in addition to upholding and institutionalising domains of common ownership, the notion of the common is also a powerful reference point for justifying not only the restriction but also the redistribution of private property rights in the name of a common good. As David Bollier argues, social democrats accused of ‘meddling’ with the market or ‘confiscating’ personal property have a strong argument that private property entitlements always draw on ‘common’ resources and processes that all have a legitimate claim to. Thus it is no accident that a number of contributors to this issue make a link between the politics of the commons and some form of universal Basic Income, which since Thomas Paine has been argued for on the grounds that all are due compensation for the share of resources that have become enclosed. (A Basic Income that, moreover, would probably do more than any other single initiative to facilitate an expansion of volunteering, community activism, and collective creativity than anything else the DCLG might dream up.)

The relevance of this to immediate political concerns is confirmed in this issue by Martin O’Neill’s commentary on the debate over Inheritance Tax – the point at which Labour began to lose its summer momentum and its domination of the political agenda. As he quotes Liam Murphy and Thomas Nagel, a strong case for redistributive taxation needs to be made on the grounds that legitimate property entitlements can only be the result of democratic decisions about what is fair or in the public interest. And he cites Bill Gates Senior’s *Wealth and Our Commonwealth*, which argues that concentrations of private wealth result from complex social and historical processes and interactions and so always owe a significant debt to the society from which they spring. In recent years a number of credible proposals have been tabled for rendering the taxation of unearned wealth more progressive – and, crucially, using the proceeds to fund a universal platform of security and opportunity that could unlock the potential of every member of our society to contribute to the good of all. Until the left finds a way of mobilising arguments such as these in a confident and compelling way, it will remain on the back foot.

Daniel Leighton is Reviews Editor of *Renewal* and edited the section on the new commons in this issue.

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