

## The Future of the Commons

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I have lost count of the number of times I have seen Garrett Hardin's classic article, "The Tragedy of the Commons,"<sup>1</sup> cited as an irrefutable argument for the superior efficiency of private property rights with respect to land and resource uses and, therefore, as an irrefutable justification for privatization. This mistaken reading in part derives from Hardin's appeal to the metaphor of cattle, under the private ownership of several individuals concerned with maximizing their individual utility, pastured on a piece of common land. If the cattle were held in common, of course, the metaphor would not work. It would then be clear that it was private property in cattle and individual utility-maximizing behavior that lay at the heart of the problem. But none of this was Hardin's fundamental concern. His preoccupation was population growth. The personal decision to have children would, he feared, lead eventually to the destruction of the global commons (a point that Thomas Malthus also argued). The private, familial nature of the decision was the crucial problem. The only solution, in his view, was authoritarian regulatory population control.

I cite Hardin's logic here to highlight the way that thinking about the commons itself has been enclosed all too often in a far too narrow set of presumptions, largely driven by the example of the land enclosures that occurred in Britain from the sixteenth century onward. As a result, thinking has often polarized between private-property solutions or authoritarian state intervention. From a political perspective, the whole issue has been clouded over by a gut reaction either for or against enclosure, typically laced with hefty doses of nostalgia for a once-upon-a-time, supposedly moral economy of common action.

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Elinor Ostrom seeks to disrupt some of the presumptions in her book, *Governing the Commons*,<sup>2</sup> in which she systematizes the anthropological, sociological, and historical evidence. Ostrom shows that individuals can and often do devise ingenious and eminently sensible ways to manage common property resources (CPR) for individual and collective benefit. These 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” and, as Ostrom argues, demonstrate “rich mixtures of public and private instrumentalities.”<sup>3</sup>

Most of her examples, however, involve as few as a hundred or so appropriators. Anything much larger (her largest case involved fifteen thousand users) required a “nested hierarchical” structure of decision making, rather than direct negotiations between individuals. There is, clearly, an unanalyzed “scale problem” at work here. The possibilities for sensible management of common-property resources that exist on 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), the whole nature of the common-property problem and the prospects of finding a solution change dramatically. What looks like a good way to resolve problems at one scale does not hold at another scale. Even worse, good solutions at one scale (say, the local) do not necessarily aggregate up, or cascade down, to make for good solutions at another scale (say, the global). This is why Hardin’s metaphor is so misleading: he uses a small-scale example to explicate a global problem. This, incidentally, is also why the lessons gained from the collective organization of small-scale solidarity economies along common-property lines cannot translate into global solutions without resort to nested hierarchical forms of decision making. Unfortunately, hierarchy is anathema to many segments of the oppositional left these days.

In the grander scheme of things, and particularly at the global level, some sort of enclosure is often the best way to preserve valued commons. 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 do so against the philistine democracy of short-term moneyed interests ravaging the land with soybean plantings and cattle ranching. But in this instance there may be another problem: expelling indigenous populations from their forestlands may be deemed necessary to preserve biodiversity. One commons, in other words, may need to be protected at the expense of another.

Questions of the commons are contradictory and therefore always contested. Behind these contestations lie conflicting social interests. Indeed, “politics,” as Jacques Rancière has remarked, “is the sphere of activity of a common that can only

ever be contentious.”<sup>4</sup> At the end of it all, the analyst is often left with a simple decision: whose side are you on, and which and whose interests do you seek to protect? The rich these days have the habit of sealing themselves off in gated communities within which an exclusionary commons gets defined. Radical groups can also procure spaces, sometimes through the exercise of private property rights (such as when activists buy a community-action center for some progressive purpose), from which they can reach out to further a politics of common interests. Or they can establish a commune or a soviet within some protected space.

Not all forms of the commons are open access. Some, like the air we breathe, are open, while others, like the streets of our cities, are open in principle but regulated, policed, and even privately managed in the form of business-improvement districts. And some, 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 are of the last variety. Furthermore, she limits her inquiry to so-called natural resources such as land, forests, water, fisheries, and the like. (I say “so-called natural” because all resources are technological, economic, and cultural appraisals and therefore socially defined.) Ostrom expresses no interest in other forms of common property, such as genetic materials, knowledge, and cultural assets, which are very much under assault these days through commodification and enclosure. Note, for example, how cultural commons get commodified (and often bowdlerized) by the heritage industries. 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 readers for access to articles in the scientific and technical journals they publish, the problem of access to what should be common knowledge and open to all is plain to see.

Cultural and intellectual commons are often not subject to the logic of scarcity and exclusionary uses of the sort that apply to most natural resources, a point emphasized by Michael Hardt and Antonio Negri in *Commonwealth*. We can all listen to the same radio broadcast or television program at the same time. The cultural common, 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.” It is built up over time and, in principle, open to all. In this way it is possible even to view “the metropolis as a factory for the production of the common.”<sup>5</sup> The human qualities of the city emerge from our practices in the diverse spaces of the city, even as those spaces are subject to enclosure both by private and public state ownership, as well as by social control, appropriation, and countermoves to assert what Henri Lefebvre called “the right to the city” on the part of the inhabitants.<sup>6</sup> Through their daily activities and struggles, individuals and social groups create the social world of the city and, in doing so, cre-

ate something common as a framework within which we all can dwell. While this culturally creative common cannot be destroyed through use, it can be degraded and banalized through excessive abuse.

The real problem here, it seems to me, is not the commons per se. It is the failure of individualized private property rights to fulfill our common interests in the way they are supposed to do. Why, for instance, do we not focus in Hardin's metaphor on the individual ownership of the cattle rather than on the pasture as a common? The justification for private property rights in liberal theory, after all, is that rights should serve to maximize the common good when socially integrated through the institutions of fair and free market exchange. As Hobbes argued, a commonwealth gets 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, though usually while downplaying the need for strong state power. The solution to the problems of global poverty, the World Bank continues to assure us while heavily leaning on the theories of Hernando de Soto, is private property rights for all slum dwellers and access to micro-finance (especially ones that just happen to yield the world's financiers hefty rates of return). Once the inherent entrepreneurial instincts of the poor are liberated in this way, it is said, then all will be well, and the problem of chronic poverty will be broken.

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. Market exchange socializes that right when each individual gets back the value he or she has 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 the wealth of nations is most easily created and the common good best served.

The presumption is, of course, 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 Smith advised state leaders 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, for instance, was justified because indigenous populations did not produce value.

So how does Karl Marx deal with all of this? Marx accepts the Lockean fiction in the opening chapters of *Capital*—though the argument is certainly larded with plenty of 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 Briton. But when Marx takes up how labor power becomes an individualized commodity that is bought and sold in fair and free mar-

kets, 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.

The Lockean formulation is even more dramatically undermined when Marx takes up the question of collective labor. In a world in which 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 onward, Marx argues, rendered Locke's theoretical formulations redundant. In the factory, labor is collectively organized. If there were any property right to be derived from this form of laboring, then surely it would have to be a collective or associated rather than individual one. 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 labor-power in full self-awareness as one single labor force."<sup>7</sup> 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, a capitalist begins production with \$1,000 in capital and in the first year manages to gain \$200 surplus value from laborers mixing their labor with the land, and the capitalist 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 of his or her original capital. Like the indigenous populations of North America, the capitalists deserve to lose their rights, since they themselves have produced no value.

While this logic might sound outrageous, it lay behind the Swedish Meidner plan proposed in the late 1960s. A tax on corporate profits, in return for wage restraint on the part of unions, was 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 equivalency by which common wealth is measured. The common is not, therefore, something extant once upon a time that has since been lost, but something that, like the urban commons, is continuously being produced. The problem is that it is just as continuously being enclosed and appropriated by capital in its commodified and monetary form. A community group that struggles to maintain ethnic diversity in its

neighborhood and to protect against gentrification, for example, may suddenly find its property prices rising as real estate agents market the “character” of the neighborhood as multicultural and diverse as an attraction for gentrifiers. The outcome, writes Marx, is that capital, impelled onward by the coercive laws of competition to maximize (as do the cattle owners in Hardin’s tale) utility (profitability), 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.<sup>8</sup>

This “tragedy” is similar to that which Hardin depicts, but the logic from which it arises is entirely different. The problem of the commons is redefined here along with a range of possible solutions. 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. And with capital accumulation occurring at a compound rate of growth (usually at the minimum satisfactory level of 3 percent), these dual threats to land and labor escalate in scale and intensity over time.

The violent neoliberal attacks on the rights and power of organized labor that, from Chile to Britain, began in the 1970s are now being augmented by a draconian global austerity plan that, from California to Greece, entails losses in asset values, rights, and entitlements for the mass of the population, coupled with the predatory absorption of hitherto marginalized populations into capitalism’s dynamics. Living on less than \$2 a day, this 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 U.S. housing markets through subprime predatory lending, which was then followed by foreclosures—to gild the McMansions 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. Unfortunately, this is an old, old story: every major initiative to solve the problem of global poverty since 1945 has insisted on exclusive use of the means—capital accumulation and market exchange—that produce relative and sometimes absolute poverty. It is unsurprising that the poor are still with us and that their numbers are growing rather than diminishing over time.

The dismantling of the regulatory frameworks and controls that sought to curb, however inadequately, 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. The consequent damage can only be contained by the socialization of surplus production and distribution and the establishment of a new common of wealth open to all.

What matters here is not the particular mix of institutional arrangements—enclosures here, extensions of a variety of collective and common-property arrangements there—but that the unified effect address the spiraling degradation of common labor and common 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 Ostrom begins to identify—not only public and private but also 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 to meet human needs. 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 point, rather, is to change all that and to find creative ways to use the powers of collective labor for the common good.

## Notes

1. Garrett Hardin, “The Tragedy of the Commons,” *Science* 162 (1968), 1243–8.
2. Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press, 1990).
3. *Ibid.*, 182.
4. Jacques Rancière, cited in Michael Hardt and Antonio Negri, *Commonwealth* (Cambridge, MA: Harvard University Press, 2009), 350.
5. Michael Hardt and Antonio Negri, *Commonwealth*, 350.
6. Henri Lefebvre, *The Urban Revolution* (Minneapolis: Minnesota University Press, 2005), 150.
7. Karl Marx, *Capital*, Volume One (New York: Vintage, 1977), 169–71.
8. *Ibid.*, 638.