

Privatisation digs deeper into our lives, and at the same time everything these days seems to be proclaimed a 'commons' (that is, something to which everyone, or everyone in a certain context, has right of access): water, air, seeds, even food, health and education. It's a very popular notion, at least in the anglophone part of the world. Part of the trend towards 'reclaiming the commons' is an effort to fight against privatisation. And that is good. But if the movement to recognise and build old or new commons does not handle the concept carefully, it could actually facilitate privatisation. It is especially crucial to distinguish 'commons' from 'public' and to remember that 'commons' are supposed to be about communities.

The clamour for 'commons'

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The notion of 'commons' is both familiar and puzzling. Even though collective and communal systems of land use have been practised since long ago, the term often evokes a picture of rural England or Wales some time in the Middle Ages, when certain tracts of land were known as 'commons'. These commons were unfenced areas that were open to community use for grazing, fishing, firewood gathering, foraging, and so on. The people who relied on them were called 'commoners'. The commons were not necessarily public lands. Many were privately owned by the gentry who had replaced the feudal lords. Others were simply unowned. Who could use these commons, and how, was highly regulated and based on customary law. Fundamentally, these commons were:

- identified with and accessible to communities (usually linked to a parish or village), and not outsiders
- collectively managed, which didn't necessarily mean equally or non-hierarchically
- associated with natural 'resources', providing a set of rights and responsibilities for their access and use.

The old English commons were destroyed through a long process of 'enclosure', whereby the gentry took over land that had long been commons, enclosed it by hedge or fence, and turned it over to private commercial use. This brought on farm specialisation (for example in sheep rearing), an increase and concentration of landholdings





The Creative Commons logo – ... rather than do away with the exclusionary relationships of copyright, the Creative Commons initiative brings those relationships to a new level of social acceptance, supposedly more in tune with the technology (the internet) and alternative temperament (pro-sharing and collaboration) of the times. While from a legal point of view these licences do promote sharing in an age of increased copying restrictions, they also reinforce the whole proprietary basis of the copyright system.

and, eventually, the whole train of the industrial revolution. But it robbed the commoners of their livelihood, their very means of subsistence. The 'tragedy of the commons', a phrase made infamous by Garret Hardin (a US professor who in 1968 wrote *The Tragedy of the Commons*, a highly controversial book on the subject), was not that the resources of the commons were depleted, but that the destruction of the commons generated poverty and insecurity, creating a new class of disenfranchised rural families forced to become cheap waged labour in the newly emerging cities and factories. (This tragedy has been repeated in many forms across many lands, and continues brutally today.)

What is understood by the word 'commons' has evolved quite a lot since the 18th and 19th centuries. It is sometimes regarded as an Anglo-Saxon concept, and in many other languages and cultures there is no easy translation or conceptual equivalent. (The term 'commons' makes no sense in Latin America, for example, although the indigenous peoples of the region have a tremendous history of many different kinds of collective systems.) But over time, it has been reinterpreted in so many ways that, today, it is fair to say that there is no clear single definition of it.

Commons today

There are many people promoting the idea of commons today. We hear about the 'digital commons', a conviction that information on the internet should be kept free of cumbersome barriers to its circulation and use. Indeed, some people see the internet itself as a commons. Water is frequently described as a commons when a new water utility privatisation project is proposed. Similarly, a treaty initiative to define the gene pool, the world's DNA, as a 'global commons' was launched a few years ago. All sorts of written works are published today using a 'Creative Commons' license, taunting the restrictions of copyright law. It seems that every frontier susceptible to 'new

enclosures' by advances in technology or changes in legislation – the oceans, outer space, the human genome, public or state school systems, even indigenous people's traditional knowledge – gets hurriedly baptised a commons.

What does this mean? While it may sound like a coherent movement to resist privatisation or neoliberal capitalism, it most certainly is not. The World Bank, George Soros and other 'open access' advocates, the Ford Foundation, the World Conservation Union (IUCN) and many others are involved in studying, encouraging and supporting initiatives related to different kinds of so-called 'commons'. The ideological confusion of it all may actually subvert the work of social movements working to strengthen communities' control over biodiversity and entrench the opposite of what commons means to them. That is why sharper, more critical thinking is needed.

Privatisation through the backdoor?

The idea of the commons clearly means different things to different people. To some it is mainly about 'common property' – how property can be managed collectively. To others, especially activists and campaigners, commons seems to make up for a weakened 'public' realm. Either way, both of these approaches, which are quite contradictory, can actually support privatisation.

In the old English system, common property was just one form of commons. For a big chunk of the academic community involved in promoting commons today, it appears that common property is what it should all be about. In their commons crusade, property is the very foundation of whatever enterprise or relationship – say, a sustainable fisheries programme – they are supporting, and their goal is to achieve efficiencies through collective management. Perfect for the development banks! In fact, while hardcore neoliberal development planners prefer, and do push, individual property rights over collective property, it is logical that they



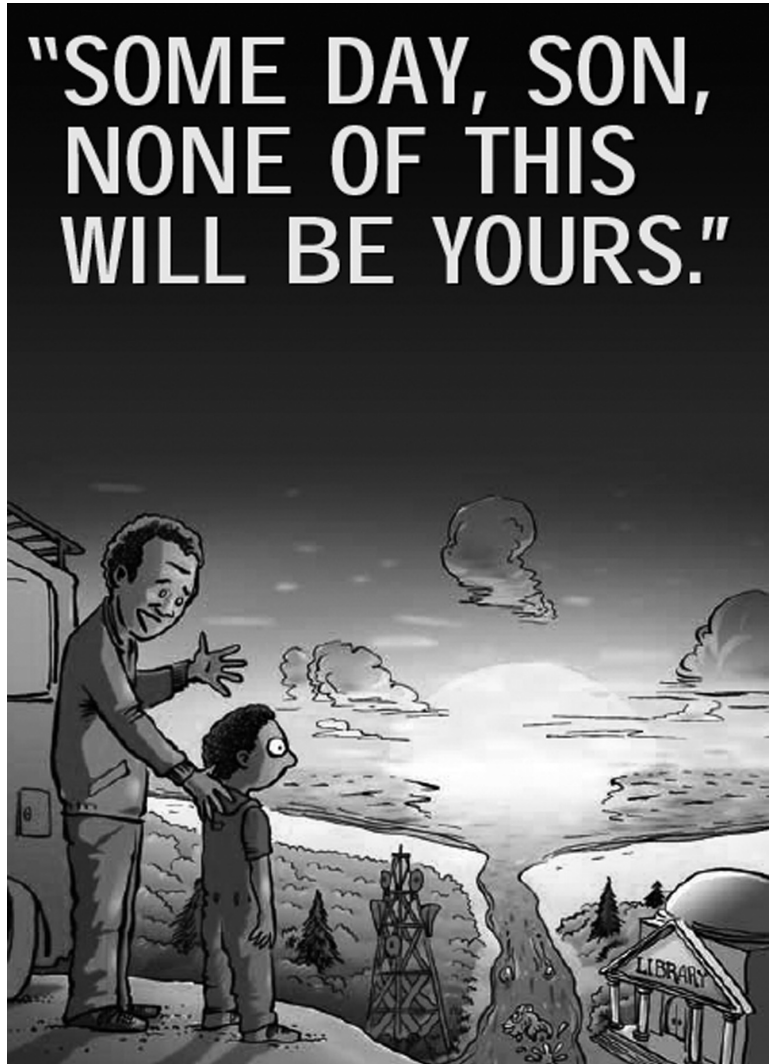


can live with common property systems that are essentially about collective private property. All the investment in environmental services – where market mechanisms are merged with participatory administration schemes – promoted by the World Bank and others follows this logic.

Similarly, many in the scientific community are proposing different kinds of commons today because of increased intellectual property restrictions making research more difficult. A good example of this is the ‘protected commons’ that CAMBIA, a biotech research organization in Australia, promotes through its campaign for open-source science. Under CAMBIA’s protected commons, scientists get “a secure [electronic] platform where discussion concerning an invention or improvement can take place without the invalidation of future patent applications”. In other words, a space is created to work collaboratively without affecting anyone’s private property rights. This does nothing to challenge the privatisation of research, it merely allows a little more collaboration.

Among social organisations and activists, on the other hand, commons are more typically viewed as something that should rise from the ashes of fast-withering public institutions. The main issue in this battle is securing rights of access and rights to share – often under the banner of some kind ‘public interest’, which goes undefined – in a world where everything seems to be being turned into private property. But this approach can actually contribute to privatisation as well. For example, rather than do away with the exclusionary relationships of copyright, the Creative Commons initiative brings those relationships to a new level of social acceptance, supposedly more in tune with the technology (the internet) and alternative temperament (pro-sharing and collaboration) of the times. While from a legal point of view these licences do promote sharing in an age of increased copying restrictions, they also reinforce the whole proprietary basis of the copyright system.

Others seek commons with no boundaries, no rules, no definition of who is to participate and how, as happened with the treaty initiative to share the genetic commons. A poorly defined commons risks creating a free-for-all for privateers, thus facilitating what it aims to prevent. If the Brazilian Amazon were to be declared a global commons, on the valid grounds that the entire world benefits from it serving as a planetary lung (as long as we don’t denude it), does it follow that patent-hungry Monsanto should have the same rights to its treasures as the Kayapó people? Of course it should



not, but that’s what vague calls for commons, much like unclear definitions of public interest, can lead to. In the struggle to prevent appropriation, we have to be mindful of all the routes that lead to it.

The confusion between commons and public, and around what ‘public’ itself means, is critical. Historically, ‘public’ – as in public education or public park – has meant that which, after long social struggle, has been kept out of or taken away from private control and put under the jurisdiction of the state, to be enjoyed by or to serve all. This was done under the assumption that states had the duty and ability to protect and provide for the welfare of the population as a whole. Neoliberalism destroys this. We currently see states serving as the most active agents of privatisation, be it through open bids, leasing, outsourcing or legislation. If ‘public’ means ‘under state control’, the present practise of the neoliberal states, in its most extreme form, shows that there is no guarantee that it will benefit people. Quite the opposite: state control may be a key factor in maintaining or aggravating


inequity and injustice. We must not forget that much of what a state, and indeed many citizens, considers 'public resources' were violently taken from, or built upon that which was taken from, indigenous peoples.

So 'public' is by no means the same as 'commons', even if 'public' is still part of our social landscape today. 'Public' has a universal reach: all citizens are supposed to have the right to benefit from what is public. Commons, by distinction, have historically been built by and for specific communities. If we are to learn anything from history, we should recognise that, today, 'public' is a word increasingly used by states to serve market agendas.

A need for more clarity

There is a need to scrutinise more closely the idea of the commons today, and to be more mindful of what social movements are trying to achieve through various campaigns and initiatives to

(re)build people's control over seeds, forests, coastal areas, the media and many vital public services. If you look back historically (which is not to suggest that the English had it completely right), two things seem to be lost from view in today's embrace of commons as defence against privatisation: the link to the very notion of community and the possibility of non-proprietary relationships. If we don't anchor the defence of social control over seeds, water and other basics in well-understood communities, we risk promoting the kind of free-for-all that leads to their exploitation and privatisation anyway. And if we don't look outside the exclusionary private property box, we risk furthering the agenda of today's dominant push toward neoliberalism.

The fight for commons as a movement to resist and overcome privatisation deserves critical support. As part of that struggle, however, we need to be clearer in what we're fighting for and mindful of the hidden traps. 

Going further

Websites

(there are so many commons-related initiatives today – the following give just a general glimpse of what is in the air)

Asia Commons - <http://asia-commons.net/>

The Commoner - <http://www.commoner.org.uk/>

On the Commons - <http://onthecommons.org/>

The Forum on Privatization and the Public Domain - <http://www.forumonpublicdomain.ca>

Articles

George Caffentzis, "A tale of two conferences: globalization, the crisis of neoliberalism and question of the commons", August 2004.

<http://www.globaljusticecenter.org/papers/caffentzis.htm>

John Hepburn, "Reclaiming commons – old and new", 15 September 2005.

<http://www.zmag.org/content/showarticle.cfm?ItemID=8739>

"Unearth the knowledge commons", Mute, Vol 2, No 1, 2005.

<http://www.metamute.org/en/Underneath-the-Knowledge-Commons>

Olivier de Marcellus, "Who made this movement? Commons, communities and movements: Inside, outside and against capital", *The Commoner*, 2003.

<http://www.commoner.org.uk/demarcellus06.pdf>

