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Commons as Counterhegemonic Projects*

James McCarthy

Neoliberalism, the Privatization of Nature, and the Commons

At first glance, neoliberalism has meant enclosure and destruction of commons and public goods. From the privatization of state assets and collective property to attempts to create new markets for environmental goods, and from the international expansion of the concept of 'regulatory takings' to the increased use of user fees to ration access to public goods and spaces, more and more of nature is being subsumed by markets.¹ In the process, many of the institutional arrangements for the protection of nature won in earlier struggles have been challenged or diluted.² The negative consequences are familiar and grim: increases in socially produced scarcity, growing inequality, and often accelerated depletion or degradation of the very resources market mechanisms were supposed to protect. Biophysical nature turns out to function as a 'commons' whether we like it or not, in the sense that it is impossible to keep private natures truly cordoned off from the rest of the world – a principle well illustrated by the widely-discussed case of Canadian farmer, Percy Schmeiser, who was taken to court by Monsanto for patent infringement after its genetically modified seeds blew into his field and took root.

There is another side to this profoundly disheartening story, though. Recent years have also brought proliferating calls to reverse privatization and create, extend, or return to commons of many kinds. Such calls are evident at nearly every scale, and with respect to a tremendous array of resources and existing property relations: from the atmosphere to local woodlots, and from wild genetic resources to the most highly processed pharmaceuticals. In response to the extraordinary profiteering, callousness, and racism of major pharmaceutical corporations and their governments, we hear calls for life-saving drugs to be the common property of humanity.³ In response to the growing privatization of water and expanding emissions trading schemes that create private rights to pollute, we hear calls for treating water and the atmosphere as commons.⁴ In response to the continuing expansion of suburban sprawl in the United States,

*My thanks to Nik Heynen and Paul Robbins for organizing this issue, and to reviewers, including Victor Wallis and Karen Charman, for very helpful criticisms and suggestions.

¹James McCarthy, "Privatizing Conditions of Production: Trade Agreements as Environmental Governance," *Geoforum*, 35, 3, 2004.

²James McCarthy and Scott Prudham, "Neoliberal Nature and the Nature of Neoliberalism," *Geoforum*, 35, 3, 2004.

³Adam Sitze, "Denialism," *South Atlantic Quarterly*, 103, 4, 2004.

⁴Maude Barlow and Tony Clarke, *Blue Gold: The Fight to Stop the Corporate Theft of the World's Water* (New York: New Press, 2002); Susan Buck, *The Global Commons: An Introduction* (Washington, DC: Island Press, 1998).

in which strong private property rights are producing a collective tragedy, we hear calls for renewals of town-scale commons.⁵ In response to the extension and vigorous prosecution of copyrights, we hear calls for culture to be understood as a commons. This list goes on: others call for seeds, crops, biodiversity, community gardens, public spaces, natural resources, the broadcast spectrum, and other resources to be re-imagined as ‘commons.’ The same is said of the production of software, the internet, cultural commodities, and publicly funded university research.

Neither concerns over the potentially dire consequences of privatizing nature nor defenses of common property are novel, of course. The current calls for commons differ in important ways from precedents in each of these areas, however. The first argument of this article is that the widespread, mainly non-academic discourses and policy proposals regarding commons discussed here have only the loosest connections to scholarly conceptions of common pool resources and common property regimes, understandings that have been refined and advocated in a large and robust line of research over the past few decades. This line of work, initially galvanized by Hardin’s 1968 article on the ‘tragedy of the commons’ and the more general neo-Malthusianism it represented, has since flourished in landmark work by Ostrom, McCay and Acheson, and far too many others to list here.⁶ Despite the intellectual and empirical strengths of this work, it remains a relatively minor strand among the many academic disciplines and other professions that concern themselves with questions of property and resource management. The invocations of new ‘commons’ examined here exceed the boundaries of such strict scholarly treatments of common pool resources and common property regimes. They embrace a far wider array of resources, domains, and scales than the fisheries, forests, and agrarian landscapes typically studied in that literature. And they come from many quarters beyond the relatively small communities of common property scholars and natural resource management professionals: new proponents of commons include activists, policy entrepreneurs, and others.

Why does the looseness of the connection between the proposed commons examined here and the academic common property literature matter, though? For two reasons. First, crafting workable, viable commons is tremendously difficult, as evidenced in the academic literature, which contains the cumulative results of decades of efforts to analyze, distill, and apply lessons about what conditions, rules, resources and so forth seem to characterize successful commons. Second, the fact that current calls for commons are coming from many sources other than academics steeped in this literature indicates the broad appeal of ‘the commons’ after decades of neoliberalism. Some of these proposals do not refer to scholarly work on commons, and those that do often do so more to simply legitimize ‘commons’ as feasible options than to apply definitions and principles from the literature in a systematic and rigorous way. In fact, it is unclear how much these many new ‘commons’ might have in common.

⁵Brian Donahue, *Reclaiming the Commons* (New Haven: Yale University Press, 1999).

⁶For reviews, see Elinor Ostrom, Joanna Burger, Christopher B. Field, Richard B. Norgaard, and David Policansky, “Revisiting the Commons: Local Lessons, Global Challenges,” *Science*, 284, 9, 1999 and Thomas Dietz, Elinor Ostrom, and Paul C. Stern, “The Struggle to Govern the Commons,” *Science*, 302, 12, 2003.

The calls for commons have been worked out to greatly varying degrees of specificity. Many concern material resources, with at least strong logical analogies to models derived from small-scale pools of finite natural resources. Others are more in the vein of, ‘inverse commons,’ in which material scarcity is not a concern and each additional user increases, rather than subtracts from, the total available value (e.g., users of the Linux operating system). They therefore vary greatly with respect to attributes commonly used to categorize resources, such as subtractability and scarcity.⁷ Others seek more to defend or expand the public domain and public goods than to actually create a commons in the strict sense, which requires the exclusion of many or most potential users.⁸ Few grapple seriously with issues that are central to analytical examinations of commons, such as defining the membership of the rights-holding community, laying out its rules of access to and control over the common pool resource and mechanisms for monitoring and enforcement, and seeking to match property regimes to highly varied biophysical resources (e.g., fugitive versus stationary). What unites most of these calls for new commons is not so much a coherent vision of common property regimes, as their assertion of collective ownership and rights against relentless privatization and commodification. Thus, the looseness of their connection to the academic literature ought to be interpreted not as indicative of analytical ‘mistakes’ or incoherence, but as a welcome opening of myriad fronts in struggles over the neoliberalization of nature.

The second argument here, then, is that the many calls for ‘commons’ referenced above are best understood as defensive reactions to the rampant neoliberalism of the past 25 years. Aggressive privatization of newly controllable aspects of nature, the enclosure of former commons, and a general shrinking of the public sphere appear to have produced precisely the sort of protective reaction to re-embed the market in society and nature predicted by Polanyi.⁹

What is new and significant in contemporary politics in this vein is the turn to the commons as the preferred remedy. This is the third argument in this article. Previous reactions to the failures of self-regulating markets turned primarily to the state and expansions of public property and regulation, as in the Progressive movement of the late 19th and early 20th centuries¹⁰ and the modern environmental movement of the 1960s and 1970s.¹¹ Federal ownership of substantial areas of the country was made permanent during the shift from disposal to retention of the public domain,

⁷Buck, *op. cit.*

⁸The academic literature has evolved to define a resource open to all, from which no one is or can be excluded, as an ‘open access’ resource. By contrast, ‘common property’ is generally used to refer to a resource controlled by a finite group of users who can and do exclude others. However communal or egalitarian property rights within the group are (and they may be neither), the ability to exclude other potential users is a critical component of common property regimes.

⁹Karl Polanyi, *The Great Transformation* (New York: Rinehart & Company, Inc., 1944).

¹⁰Stephanie Pincetl, *Transforming California: A Political History of Land Use and Development* (Baltimore: Johns Hopkins University Press, 1999).

¹¹Norman Vig and Michael Kraft (eds.), *Environmental Policy in the 1980s: Reagan's New Agenda* (Washington, DC: Congressional Quarterly Press, 1984).

and then substantially expanded during the 20th century as the government bought back ‘marginal’ agricultural and timber lands and purchased other lands for the express purpose of adding to the national parks and forests. New federal bureaucracies were created to oversee these lands, while the modern environmental movement counted among its major successes the creation of the Environmental Protection Agency and the passage of a series of major federal environmental laws. Even social movements critical of the state seemingly took for granted that the remedies to failures of self-regulating markets lay primarily in expanding the role of the state – in other words, they criticized the state for doing too little, not too much. It is striking, then, that so many current reactions to the failures of ostensibly self-regulating neo-liberal markets are dismissive of the state, and turn instead to communities and common property as potential remedies to market failures. This article briefly explores possible reasons for this shift. It also notes, however, that such proposed reconfigurations of property relations still rely upon the unique role of the state even as they attempt to repudiate it, a phenomenon that echoes O’Connor’s arguments regarding new social movements.¹² Finally, it examines how questions of scale, membership, and radical politics play out in representative calls for new commons.

The following section summarizes several examples of recent calls and proposals for commons as a way to ground and explore these questions. I use examples imagined at three different scales – global, national, and local – and in several different domains: the discourse of progressive activists contesting the terms of ‘globalization,’ proposals to create a new discourse of the commons and a public trust to commodify atmospheric pollutants in the United States, and proposals to make New England suburbs more sustainable by renewing the tradition of local commons. The third and final section of this article provides a sympathetic critique of these and other examples as a way of drawing out broader analytical considerations widely applicable to contemporary calls for commons. This is not to suggest that the examples chosen here are representative in any strict sense, or that any analysis of them is necessarily generalizable. Nonetheless, each raises issues present in many similar calls. Therefore, close readings of them, paying particular attention to some of the same variables in each, are useful entry points into understanding broader contemporary struggles over the governance of nature under neoliberal capitalism.

Calls for Commons

Global Commons

Canadian journalist Naomi Klein is a prominent voice among progressive activists contesting the terms of ‘globalization’ and has made ‘the commons’ a central theme in her writings. Her 2002 collection of essays, *Fences and Windows: Dispatches from the Front Lines of the Globalization Debate*, turns repeatedly to images of enclosures

¹²James O’Connor, *Natural Causes: Essays in Ecological Marxism* (New York: Guilford Press, 1998).

and commons, while in a 2001 article in the *New Left Review* she calls explicitly for, “Reclaiming the Commons.”¹³ The fact that she sees proliferating calls for commons as salutary reactions to neoliberal privatizations of formerly public domains is quite explicit. A section of her book is titled, “The Market Swallows the Commons,” and a number of her essays report and celebrate efforts to liberate people and resources from such enclosures. Her examples range widely both topically and geographically: water in South Africa and Bolivia, Napster and public sector workers in the United States, community forests and fisheries in Canada, and drugs to treat AIDS in developing countries around the world, among others. What is important here is that Klein repeatedly *links* these many examples, casting them as part of a global movement of resistance against neoliberal capitalism:

At the same time there are oppositional threads, taking form in many different campaigns and movements. The spirit they share is a radical reclaiming of the commons. As our communal spaces – town squares, streets, schools, farms, plants – are displaced by the ballooning marketplace, a spirit of resistance is taking hold around the world. People are reclaiming bits of nature and of culture, and saying ‘this is going to be public space.’¹⁴

Her usage of ‘the commons’ is thus expansive and overtly radical – perhaps the most explicitly so of the authors considered here—but analytically diffuse, encompassing public goods, civic space, and collective enterprises along with common pool resources or property regimes as usually defined. She sees a global movement animated and united precisely by a desire to reclaim what she sees as, “‘the commons’ – the public sphere, the public good, the noncorporate.”¹⁵ Yet she depicts this coalescing movement as organized loosely, if at all, using the familiar language of leaderless networks, and she consistently emphasizes that self-determination means a diversity of local solutions and experiments – the Zapatistas’ “one world with many worlds in it.”¹⁶ In other words, the last thing she is calling for is a global common property regime run by some multilateral organization with aspirations of global technocratic management. Her vision of global commons is thus very different from those that claim biodiversity, the oceans, or the atmosphere as, ‘the common heritage of humankind.’¹⁷

National Commons

Other calls for new commons are imagined very much at the national scale, and specifically at the scale of the United States, which shapes them in deleterious ways.

¹³Naomi Klein, *Fences and Windows: Dispatches from the Front Lines of the Globalization Debate* (New York: Picador, 2002); Naomi Klein, “Reclaiming the Commons,” *New Left Review*, 9, 2001.

¹⁴Klein, 2001, *op. cit.*, p. 82.

¹⁵Klein, 2002, *op. cit.*, p. 242.

¹⁶Klein, 2001, *op. cit.*, p. 89; see also Klein, 2002, *op. cit.*, p. 68.

¹⁷See Buck, *op. cit.*

“Developing a discourse of the commons,” as a first step towards, “invent[ing] the commons we need for the 21st century,” is the explicit goal of David Bollier’s *Silent Theft: The Private Plunder of Our Common Wealth*.¹⁸ Bollier sets about his ambitious project via accretion: the book is a blizzard of accumulating examples of enclosures in many domains that had been ‘commons.’ It includes definitions and principles from common property theory, policy proposals ranging from commons, in the strict sense, and new public trust arrangements to stronger state regulation and normative support for disciplinary ‘gift economies.’ It is telling that Bollier seeks to recast all of the latter policy proposals as fundamentally ‘commons’ inasmuch as they all provide alternatives to privatization. Like Klein, he asserts both that a shared ethos of the commons spans and unites myriad social movements and issues, and that this ethos is born precisely of resistance to neoliberal enclosures:

To talk about the commons, finally, helps us see how all sorts of important social movements – for the environment and conservation, for human values in commerce and trade, for limits on commercialization in public spaces, and so on – are thematically related. They are all about defending the integrity of the commons and its various gift economies against the forces of market enclosure.¹⁹

Unlike Klein, however, Bollier imagines ‘commons’ and solutions primarily at the scale of the United States. His chapter on federal lands as commons, for example, states that, “Public lands represent an unparalleled commons for the American people, held in trust by the U.S. government.”²⁰ His discussion takes for granted a unitary national interest shared equally by all citizens, which the government has failed to protect in the face of corporate pressure. While he mentions some global issues and examples, he repeatedly and explicitly makes clear that he is writing as, about, and to United States citizens as the ‘commoners’ of the commons he envisions: “A reckoning of what belongs to the American people is a first step to recovering control of common assets. . . We, as citizens, own these commons.”²¹

Peter Barnes also calls for a new commons at the scale of the United States, but one that differs from the previous two in important respects. Klein and Bollier use expansive notions of ‘the commons’ to stitch together a wide variety of existing conflicts and movements, often not specifying the memberships or organizational rules of these putative commons. By contrast, Barnes’ 2001 book, *Who Owns the Sky? Our Common Assets and the Future of Capitalism*,²² advances one very specific policy proposal and spells out its rules and relations in painstaking detail. Barnes’ proposal is this: the United States should set up what he calls a “U.S. Skytrust” – a nongovernmental public trust that would charge ‘market prices’ for rights to emit

¹⁸David Bollier, *Silent Theft: The Private Plunder of Our Common Wealth* (New York: Routledge, 2002), pp. 8, 10.

¹⁹*Ibid.*, p. 188.

²⁰*Ibid.*, p. 85.

²¹*Ibid.*, pp., 8, 3.

²²Peter Barnes, *Who Owns the Sky? Our Common Assets and the Future of Capitalism* (Washington, DC: Island Press, 2001).

atmospheric pollutants in the United States, and then distribute the proceeds to all citizens equally. Each citizen would own one share in the trust, and shares would be non-transferable and extinguished upon the owner's death. In essence, Barnes proposes to do at a national scale with emissions what the state of Alaska has done for the past 22 years with its oil: the state manages the asset in competitive markets, with each citizen getting an equal check for their share of the proceeds at the end of the year. The main differences are that instead of oil or another raw material *source*, the valuable asset here is the atmosphere as a finite pollution *sink*, and that instead of the trust selling into an existing market for the asset, the government has to create a market through regulation, by severely restricting and commodifying the total allowable emissions in the country. Nonetheless, Barnes clearly sees this as a commons and as a broadly Polanyian project: his last two chapters, "The New Commons" and "Capitalism 2.0," propose extending the model of stakeholder trusts to other collective assets as a way to "save capitalism from itself."²³ His book is exceptionally lucid, concise, and intellectually sound without being unnecessarily citational – a model of how to present bold policy proposals to wide audiences. Yet, his faith in market mechanisms and decision to focus exclusively on the national scale are both problematic.

Local Commons

Brian Donahue's 1999 book, *Reclaiming the Commons: Community Farms & Forests in a New England Town*,²⁴ is the most academic and deeply grounded of the works examined here. The book is both a detailed environmental history of the Boston suburb of Weston, Massachusetts, and a highly personal account of some 25 years of working common land in one place and finding ways to integrate education, sustainable agriculture, woodlot management, and seasonal harvesting of non-timber forest products into the year-round management of town-owned conservation lands. Donahue's proposals are the most direct heir to the English village commons invoked somewhat totemically at the beginning of nearly every call for new commons. Village commons are metaphors and symbols for the other authors here; they are literal goals for Donahue. This is not mere nostalgia, though: Donahue is explicit about the fact that, like the authors above, his goal is to, "...adapt the principle of the commons to the modern world," and that this is necessary precisely because excessive privatization is more likely to cause a tragedy of the commons than to solve one.²⁵

His vision of the commons flows very much from the 'new agrarianism' of figures such as Wes Jackson and Wendell Berry, who advocate that people should have some direct, productive relationship with their landscape, and obtain their food, fuel, furniture, and other necessary items as locally as possible. Thus, following the growing turn away from 'wilderness' in American environmentalism, Donahue advocates local

²³*Ibid*, p. 106.

²⁴Donahue, *op. cit.*

²⁵*Ibid*, pp. 295, 297.

commons as ‘working landscapes,’ not parks. In his ideal, suburbanites would tax themselves to buy up at least half the land in their towns and set it aside as common forest and conservation lands to be used for the purposes above, reducing residents’ ecological footprints while fostering environmental awareness.²⁶ These many local commons would add up to larger, contiguous areas that would provide wildlife corridors and other purposes that require larger scales of conservation, but each commons would be governed at the scale of the town. Donahue trusts neither higher levels of government nor private landowners to manage such lands; he believes strongly that community ownership at the scale of New England towns is optimal because it protects land from private property markets while keeping management at a scale where land managers live with the social and ecological consequences of their decisions.²⁷ Unlike the other proposals discussed here, Donahue is describing something that he *knows* is possible, because he has been instrumental in bringing it about in Weston over the past few decades. Donahue is thoughtful about the implications of his vision for environmental and economic relationships at other scales, but it is questionable whether his vision is as generalizable as he believes, as is explained below.

Whose Commons?

Just as ‘commodifying’ nature can actually mean a great many different things,²⁸ so too can treating it as a ‘commons.’ That much, at least, is evident from the range of examples above. Indeed, these examples were selected, in part, because their authors are intentionally modifying and expanding the notion of the commons to make interventions in their areas of concern. Each makes valuable, highly detailed contributions to evolving debates about the potential role of commons in our future.

The dynamic of the many and varied calls for commons in recent years denotes a widespread reaction against the ongoing neoliberalization of nature. Such a dynamic is consistent with Polanyi’s theory of the ‘double movement’ characteristic of liberal capitalism²⁹ and O’Connor’s theory of the second contradiction.³⁰ Politically and ideologically, it is vital to counterpoise such resistance against what often seems to be the genuine hegemony of neoliberal ideas. One of the themes that emerges from this literature is that many of the resources, domains, and alternative property regimes discussed are being enclosed not only to appropriate value within them, but to eliminate ethical and practical alternatives to neoliberal orthodoxy that have proven themselves to be perfectly viable. Defenses of ‘commons’ or calls for new ones are, then, truly counterhegemonic projects, reminders that property relations are social, not natural, and that profoundly alternative social relations and values are entirely thinkable.

²⁶ *Ibid.*, p. 275.

²⁷ *Ibid.*, pp. 291, 274, 297.

²⁸ Noel Castree, “Commodifying What Nature?” *Progress in Human Geography*, 27, 3, 2003.

²⁹ Polanyi, *op. cit.*

³⁰ O’Connor, *op. cit.*

Yet unlike previous reactions to periods of rampant privatization and immersion of nature into the market, those examined here turn mainly to commons and communities, rather than to the state and increases in public ownership and regulation. They thus differ sharply from the major political responses to *laissez-faire* in the late 19th century (Progressivism) or in the interwar period (Keynesianism, fascism, and state-centered communism). When it comes to the state, the authors above range from mistrustful, but willing to use state power in limited ways so long as it is overseen by NGOs and markets, to unremittingly hostile, seeing states as oppositional to any sort of genuine commons. Barnes, for example, could simply advocate very strict government regulations on emissions, without issuing shares for new property rights within a commons of a sort. Klein could mount an equally scathing critique of globalized neoliberal capitalism via an argument for a return to a Keynesian state with strong support for public goods, deep social safety nets, and strict controls on multinational capital, without invoking global commons at all. Donahue could plausibly work towards his ideal landscape by seeking much stronger regional and national planning and zoning – a model that has been followed for decades in the U.K., for example – and substantial new government land acquisition through a reinvigorated and funded Land and Water Conservation Fund. Bollier could defend disciplinary norms that encourage sharing among academics without characterizing them as a commons.

I am not arguing that these authors ought to have pursued the lines of argument above; far from it. I am suggesting, however, that in previous periods of reaction against liberalization, these are precisely the sorts of remedies that were proposed by critics. And this is far from mere semantics, a question of multiple and catholic understandings of the term, ‘commons.’ There are major differences in proposed property arrangements and policy solutions, including whether the state owns resources directly or not, whether it administers environmental protections directly or not (versus indirectly, as through a semi-autonomous emissions market), whether the state is seen as a viable trustee or guardian of public goods or not, and perhaps most fundamentally, whether the state is seen as equivalent to the public. What emerges from many contemporary calls for the commons is a shared sense that they answer each of these questions in the negative, a position that distinguishes them from the earlier reactions discussed above.

Two major possible explanations for this turn come to mind, and they have sharply divergent political implications. One is that current calls for the commons follow from the many contemporary analyses that see the 20th century as a prolonged, multifaceted experiment in centralized state control, with an unambiguous verdict at the end: it was a failure. From the Keynesian welfare state through planned socialist economies to a variety of totalitarian or postcolonial regimes, centralized state control failed to live up to its high modernist aspirations and utopian promises. Its particular failures in the realm of environmental management include the overriding of legitimate local claims and knowledges, the miscalculations of sustained yield, industry captures of regulatory agencies, and the continuation of colonial and imperial oppressions and extractions under the guises of nationalism or development. This case is made

most forcefully and comprehensively in Jim Scott's 1998 work, *Seeing Like a State*.³¹ Conclusions along these lines were important in the development of common property theory and community-based resource management,³² which proceed from the premise that the claims of sovereign states often trampled existing, entirely viable property regimes. This line of analysis seems to underpin Klein's work, for example, when she states that,

...the left needs to come to grips with how Canadians see government. ...the common ground is rage at government – federal and provincial – for culpably mismanaging the land and the oceans from urban offices. Government programs designed to 'develop' the regions are utterly discredited ... Federal initiatives ... are regarded as make-work projects, unresponsive and, at times, destructive to the real needs of communities.³³

Efforts to craft new commons, then, are struggling steps towards a more democratic and sustainable future, evidence that communities have learned better than to leave their social or ecological destinies in the hands of overweening and self-interested states.

A rather different and more pessimistic explanation, though, is that current calls for new commons have been deeply structured by the neoliberal consensus that they claim to reject, to the point where even their radical, oppositional alternatives take major elements of neoliberal 'common sense' for granted. It is striking how often the texts above invoke as self-evident major planks of the neoliberal consensus, such as that states are inefficient and untrustworthy, markets have near-magical powers to which we must defer, and communities are the most reliable sources of social innovation and protection against market failures.³⁴ Barnes, for instance, performs the standard neoliberal maneuver of elevating markets to a status somewhere between that of gods and forces of nature: "We need to communicate with markets because markets determine how resources are used."³⁵ Reading Bollier characterize federal resource management agencies as, "stultifying, ingrown bureaucracies,"³⁶ or Barnes arguing that property ownership in the sky should be given directly to citizens rather than the state because, "...families and children are the bedrock of our society, we should design our institutions and allocate resources accordingly,"³⁷ is eerily reminiscent of listening to a speech by Ronald Reagan or Margaret Thatcher. Even Klein, a leading and explicit critic of neoliberalism, echoes some of these themes when she

³¹James Scott, *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

³²See James McCarthy, "Devolution in the Woods: Community Forestry as Hybrid Neoliberalism," *Environment and Planning A*, (forthcoming, 2005).

³³Klein, 2002, *op. cit.*, p. 230.

³⁴See McCarthy forthcoming, *op. cit.* and Miranda Joseph, *Against the Romance of Community* (Minneapolis: University of Minnesota Press, 2002).

³⁵Barnes, *op. cit.*, p. 34.

³⁶Bollier, *op. cit.*, p. 92.

³⁷Barnes, *op. cit.*, p. 54.

invokes a widespread “rage” against government and advocates “chucking out some of the traditional left’s most basic ideas about how to organize a country” on the grounds that the last thing people want is, “a stronger central state.”³⁸

All of this raises the question of how to interpret the turn away from the state as a potential solution evident in calls for new commons. Is it a result of a long collective learning process that has led to truly radical and counterhegemonic imaginaries that can think beyond the state? Or, is it due to the subtle but largely successful elevation of neoliberal ideas into ideological hegemony, resulting in oppositional movements that participate in actively undermining their most promising avenue of resistance? I suspect the answer is, some of both. Making some global, universal evaluation of contemporary calls for commons as counterhegemonic strategies is impossible; the only way to proceed analytically is to raise some questions that might be asked of such projects.

Klein is but one of many authors currently advocating new commons at the global scale. Visions of global-scale commons can be radical, direct challenges to the reproduction of capitalism at a global scale, providing a language in which to refuse the spatial, political, and environmental separations so necessary to the maintenance of extraordinary inequalities around the world. For example, to truly treat the atmosphere’s ability to absorb waste as a global commons, in which every individual had equal rights and shares and those who used more than their share and degraded the resource would face community sanctions, would be to instantly challenge many of the historical and contemporary inequalities between the global North and South. A somewhat different version of global commons informs contemporary calls to treat essential drugs as global public goods. Sitze brilliantly theorizes the latter as potentially a direct challenge to global capitalism, making explicit the links among capital accumulation, surplus labor, AIDS medications, pharmaceutical profits, and racist institutions.³⁹ Global commons in these senses focus unrelentingly on how places are connected to each other through flows of commodities, labor, and capital, in what are truly life and death relationships. From such a perspective, it is no wonder that Klein sees many erroneously labeled, ‘anti-globalization activists’ as united by a desire for a “radical reclaiming of the commons.”⁴⁰

Global commons can also be profoundly undemocratic and reinforce existing inequalities, however. To assert a commons at one scale is almost necessarily to deny claims at another. For example, to claim as the ‘common heritage of mankind’ something as aggregated and reified as ‘biodiversity’⁴¹ is to stake a claim to resources in other sovereign territories and to override many national or indigenous claims, usually without consultation with or benefit to those most affected. Global ‘commons’ of this sort, even if redistributive in initial intent (as efforts to claim deep seabed mineral resources as the ‘common heritage of mankind’ were), have the potential to

³⁸Klein, *op. cit.*, p. 233.

³⁹Sitze, *op. cit.*

⁴⁰Klein, 2001, *op. cit.*, p. 82.

⁴¹E.g., Bollier, *op. cit.*

reinforce and perpetuate existing global inequalities, in part because they lack defining attributes of commons, such as genuine participation in decision-making by all or most members of the community in question and relative equity among the ‘commoners.’ So, new commons do not always mean greater democracy or sensitivity towards alternative property regimes. Such considerations highlight the importance of Klein’s insistence on local diversity and autonomy: while she advocates a global reclaiming *of* commons, it is not at all clear that she advocates *global* commons in the end; rather, she seems convinced that the many local calls for commons she catalogues share a common political impulse and point the way towards a new kind of left politics. Finally, while she is explicitly anti-capitalist and certainly accords no deference to the market, her conviction that the local is necessarily more democratic and sustainable than the national seems to me based more on ideology than on evidence. I would argue that her vision of commons might benefit from a direct, robust engagement with arguments that the state, for all its flaws, remains the most democratic and democratizable of modern institutions.

The national-scale commons in the United States advocated by both Bollier and Barnes have important similarities. For them, the scale of the ‘commons’ they imagine is the territorial and juridical United States, while the ‘commoners’ are United States citizens (not residents). Both texts are quite explicitly by, to, and for ‘Americans.’ The national scale is preeminent in each case. Bollier repeatedly defends the national scale as the one most closely associated with the public good, while Barnes’ plan is premised on the juridical identity of U.S. citizens.

Problems with such visions of commons appear if we look to other scales, either international or sub-national. The chief problem with Barnes’ scheme is that its treatment of the most truly global, mobile resource one can imagine, the atmosphere as pollution sink, remains entirely at a national scale. He quickly and cavalierly dismisses questions about international equity in total or per capita emissions, and historical and future impacts on global climate change, by positing that, “the United States will have *some* chunk of the global atmosphere, and that we’ll decide amongst ourselves how that chunk will be allocated domestically.”⁴² He claims that increased distributive equity within the United States would be a benefit of his plan,⁴³ a laudable goal. His distributive concern seems to stop at the border, though. The airborne pollutants around which he proposes to structure a market will not. In short, he allocates to U.S. citizens the rights to continue to pollute the atmosphere on a large scale and to profit from it, ignores the rest of the world, and then claims that he has described, “equal and universal ownership of a commons.”⁴⁴ What Barnes outlines is indeed very much a commons in the strict sense, in that it has a clear inside and outside, a small group of entitled users and a much larger number of outsiders without rights in that common. Unfortunately, he fails to discuss the obvious and profound mismatch between his proposed property regime and the biophysical systems in question. This is not to

⁴²Barnes, *op. cit.*, p. 46.

⁴³Barnes, *op. cit.*, p. 44.

⁴⁴Barnes, *op. cit.*, p. 72.

suggest that he should have devised a scheme for treating the entire atmosphere as a commons, for the reasons outlined above. Rather, his discussion of the United States' continued emissions should have paid serious attention to the enormous and legitimate complaints of other countries regarding historical, contemporary, and projected international inequities in such emissions, instead of taking them off the table in the one sentence quoted above.

Bollier similarly focuses on the national scale. While he mentions some international issues and potential commons, most of his examples are within the borders of the United States, and his view of the commons rests upon and reinscribes a unitary national identity and scale. He asserts that, "We, as citizens, own these commons," seeks to, "...remin[d] Americans of the things we share," and calls for, "A reckoning of what belongs to the American people."⁴⁵ What Bollier misses or disregards here is that very often national states and sub-national communities are *competing* claimants on commons.⁴⁶ For instance, his discussion of the national forests ends with the implication that they probably ought to be set aside for nature preservation at this point. This highly simplified view of property rights and claims on those lands ignores both the many competing local claims on federal lands in the present⁴⁷ and the acts of physical and discursive appropriation that claimed them as part of 'the United States' or 'America' to begin with.⁴⁸

Whether we look above or below the national scale, then, the highly nationalist versions of commons sketched out by both Bollier and Barnes carry the danger of assuming and perpetuating U.S. hegemony. When Barnes says that, "Our task as stewards of creation (if not us, who?) is to preserve an irreplaceable yet ill-defined commons,"⁴⁹ the echoes of colonial discourses of conservation are uncomfortably close to the surface. Similarly, Bollier invokes the point from common property scholarship that in order for commons to function, "...no one can be too unequal or disenfranchised without destabilizing the regime" and goes on to suggest that "the American polity is predicated on a similar equality of all citizens before the law"⁵⁰ but does not pursue the argument and its implications beyond the borders of the United States.

Bollier and Barnes both see the commons they advocate as embedded within a larger capitalist economy that will remain fundamentally unchanged; in this sense, theirs are not radical critiques. In fact, both seem to incorporate a fair amount of neo-liberal common sense regarding markets and states. Bollier is relatively mild in this

⁴⁵Bollier, *op. cit.*, pp. 3, 8.

⁴⁶Sunita Reddy, "Communal Forests, Political Spaces: Territorial Competition Between Common Property Institutions and the State in Guatemala," *Space & Polity*, 6, 3, 2002.

⁴⁷James McCarthy, "First World Political Ecology: Lessons from the Wise Use Movement," *Environment and Planning A*, 34, 7, 2002 and Sally K. Fairfax, Louise P. Fortmann, Ann Hawkins, Lynn Huntsinger, Nancy Lee Peluso, and Steven A. Wolf, "The Federal Forests are Not What They Seem: Formal and Informal Claims to Federal Lands," *Ecology Law Quarterly*, 25, 4, 1999.

⁴⁸Joel Wainwright, "The Geographies of Political Ecology: After Edward Said," *Environment and Planning A*, (forthcoming, 2005).

⁴⁹Barnes, *op. cit.*, p. 131.

⁵⁰Barnes, *op. cit.*, p. 185.

regard, taking as a starting point only that, “It is self-evident that we need markets.”⁵¹ Barnes, a co-founder of Working Assets and a solar energy firm and an advocate of ‘socially responsible’ business, holds markets in much higher esteem. His entire plan turns on faith in market mechanisms.⁵² His naturalization of markets leads him to argue that property rights, prices, and capital accumulation will follow inevitably from the growing ‘scarcity’ of clean air and climate change⁵³ and that, “markets are faster and better than politicians at setting prices.”⁵⁴ The best we can do, apparently, is create some equality on the ground floor of that market. The many problems – practical, theoretical, and ethical – with assigning values and prices to fictitious commodities⁵⁵ receive very little attention.

Following from this, it is perhaps not surprising that neither Bollier nor Barnes places much faith in the state, although both recognize that it must have a major role in the creation and operation of any large-scale modern commons. Barnes recognizes that the state will have to create the market he envisions by limiting emissions and assigning associated property rights, but he does not trust it to administer that market or its revenues. Although what he proposes is essentially a public trust, he wants a new NGO to administer it, given the federal government’s dismal record as a trustee of national assets, such as the national forests and broadcast spectrum.⁵⁶

The federal government’s track record as a trustee *is* bad, but what such criticisms often miss is that the state has to accommodate many competing claims and uses in its management of large public assets. It does not have the luxury of managing assets only to maximize revenue, the usual standard critics use to argue for privatization. Profit maximization, in turn, generally comes at the expense of other public goals and values. Bollier also doubts the efficacy of the state, particularly when evaluated according to market metrics. Like Barnes, he questions whether, “. . . Americans are receiving good value” for their “investments” in government.⁵⁷ He notes that community gardeners in New York City were able to create community gardens at a cost of only \$5 per square foot, while it cost the city \$50 per square foot to construct new parks.⁵⁸ Such comparisons may contain some significance, but they are also misleading. This one, for example, ignores differences in land costs (most community gardens were located in neighborhoods where real estate values had fallen so far as to cause systematic disinvestment), the fact that city workers are unionized (is Bollier advocating union-busting?), and the additional costs of making parks useful, accessible, and safe for a broad public (or would he suggest ignoring disability access?). In short, the state is often held to more and higher standards than single-purpose private actors.

⁵¹Bollier, *op. cit.*, p. 3.

⁵²Barnes, *op. cit.*, p. 6.

⁵³Barnes, *op. cit.*, p. 30.

⁵⁴Barnes, *op. cit.*, p. 92.

⁵⁵See David Harvey, *Justice, Nature and the Geography of Difference* (Oxford: Blackwell, 1996).

⁵⁶Barnes, *op. cit.*, p. 54.

⁵⁷Bollier, *op. cit.*, p. 169.

⁵⁸Bollier, *op. cit.*, p. 17.

Evaluating it only by narrow market metrics all but guarantees that it will appear to be a failure, but such metrics ignore a range of important public goals.

Donahue's local commons are the most clear-cut in terms of both scale and membership. He advocates commons at the scale of towns, with town residents as the commoners. He considers at length, however, how his commons might intersect with other scales. As noted above, he favors coordinating contiguous commons so that they can provide regional-scale environmental goods. He is attentive to the global-scale flows of commodities, capital, and labor that connect the residents of Weston to the rest of the world, greatly expanding their ecological footprint, and sees local commons as one way to reduce these larger-scale impacts. While Donahue's work is very much in the vein of agrarian writers such as Wendell Berry, he avoids many of the pitfalls of that tradition, recognizing that not everyone is going to become a family farmer, that the modern division of labor is not going to fade away, and that ways must be found to support 9 billion or 10 billion people in more just and sustainable ways.

While his efforts are entirely commendable, their generalizability is questionable. His vision is subtly radical inasmuch as it challenges late capitalism not through direct, structural critique, but through encouraging people to overcome their alienation from nature, decommodify their consumption where possible, and not allow themselves the luxury of commodity fetishism. Yet he never deals head-on with the way Weston's commons are funded by surplus from precisely the economic relations he criticizes. Weston is an extremely wealthy suburb of Boston, one of the wealthiest, most highly educated urban areas in the wealthiest country on earth. Donahue repeatedly acknowledges that the nonprofit that runs the town's conservation lands – its commons – generally breaks even or loses money, even though it is subsidized by residents through direct memberships, tax revenues, bond issues, and the sale of high-priced apple cider to the parents of the children who just helped to make it. In short, working landscapes or not, these commons absorb more economic surplus than they generate. The surplus that supports one-quarter of the town's land as commons comes, one way or another, from metropolitan Boston's position as a leading center in medical services and technology, the computer industry, higher education, and other highly globalized, capital- and technology-intensive industries. While Donahue returns again and again to the question of ecological accounting, rightly asking us to consider how much that California orange really costs when oil, subsidized irrigation, and synthetic agricultural inputs are taken into account, he does not add up the real cost of the produce grown by the children of suburban elites on land removed from the market by town residents eager to preserve a rural enclave a few minutes' drive from their Boston offices, with the help of a full-time nonprofit staff supported by donations and tax revenues.

Many of the issues above could be productively addressed through a careful engagement with the literature on common pool resources and common property regimes. Clearly this literature does not contain all of the necessary answers. Indeed, contributors to it are now struggling with some of the same issues, such as whether

and how models derived from traditional commons can be scaled up to address truly global environmental problems, or how to structure commons when sovereign states, not individuals, are the juridical ‘users’ of the common resource.⁵⁹ Nonetheless, it does contain extremely helpful approaches to thinking through central issues that are sometimes left unaddressed in the calls above. One is the need to define and justify the criteria for membership of a commons (because the other face of membership is exclusion). Another is the need to define the spatial scale of the commons, and to grapple with whether the operative social and biophysical scales are remotely in alignment. A third is the need to examine what other claims the new ‘commons’ excludes or overrides. A fourth is to spell out how the commons will intersect with whatever states also claim authority over the resource or territory in question. Perhaps most important is the need to spell out *why* a common property regime is expected to lead to better social and environmental outcomes than state or private ownership. The examples above all address some of these issues, some quite explicitly, but none address all of them. Thoroughly working through these and similar points from the common property literature would strengthen the potential of calls for new commons as counterhegemonic projects.

This article raises potential criticisms about visions of the commons framed at three of the most commonly invoked scales – local, national, and global – without providing an alternative. I certainly do not claim to have a resolution to these difficult questions regarding the relationships among scale, politics, and commons in a global capitalist economy. Moreover, I want to be very clear that, my criticisms notwithstanding, each of the authors above is doing extremely valuable work, putting forward specific policy proposals and building institutions with tremendous care, effort, and the best of intentions. At the same time, however, I think that addressing the issues raised here, and many others, is a necessary part of imagining and building common natures that are truly more just and sustainable.

⁵⁹See Dietz, et al., *op. cit.*