

**A Tale of Two Conferences:
Globalization,
the Crisis of Neoliberalism
and Question of the Commons**

by
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Abstract

In the last decade the concept of the commons has increasingly become the basis of anticapitalist thinking in the antiglobalization (or, as some now have it, "the global justice") movement. It has been politically useful both as an alternative model of social organization against the onslaught of "there is no alternative" neoliberal thinking and as a link between diverse struggles ranging from those of agricultural workers demanding land, to environmentalists calling for a reduction of the emission of "hot house gases" into the atmosphere, to writers, artists, musicians and software designers rejecting the totalitarian regime of intellectual property rights. But, like any concept in a class society, it can have many and often antagonistic uses. Our paper will show that there is a use of the concept of the commons that can be functional to capitalist accumulation and it offers an explanation as to why this capitalist use developed, especially since the early 1990s. The conclusion of this paper will assess the political problem that this capitalist use of "the commons" (both strategically and ideologically) poses for the anticapitalist movement.

Introduction: A tale of two Conferences

The immediate problem of this paper is simple. On the same day that this paper is to be presented at our gathering in San Miguel de Allende on "AlterGlobalisation, another conference will begin in Oaxaca. That conference is being organized by the International Association for the Study of Common Property (IASCP) and co-sponsored by the Ford Foundation and UNAM. The conference title is

"The Commons in an age of Global Transition: Challenges, Risks and Opportunities" and it will address the following issues:

...how communities and the resources they manage continue to adapt to, and are being changed by, the globalisation process. This includes the creation of new institutional and organizational relations that are strengthening the links between local and global institutions and networks. For developing countries, the often asymmetric power dimensions of these relations are of particular significance (IASCP 2004)

The language of this passage is a bureaucratically opaque (e.g., what global institutions are being referred to?) So to further clarify their intent, the organizers elaborated ten subthemes should be of particular relevance to the conference participants:

- Indigenous Peoples and Common Resources
- Environmental Services and Common Resources
- Governance, Conflict and Institutional Reform
- Conservation Policy and Common Management
- Contemporary Analytical Tools and Theoretical Questions
- The Impacts of Geographical Information Technologies and Environmental Information on the Commons
- Markets and Common Resources
- The New Global Commons
- Globalization, Culture, Identity and the Commons
- Demographic Change and Commons Management

Hundreds of papers will be presented by scholars, NGO activists and others on these themes which, aside from a somewhat stilted international agency vocabulary (cf. the telltale trace of "governance" and "environmental services"), would undoubtedly be of interest to the participants of our conference. When we perused the names of the announced participants we found people with a wide range of political histories, including a number who we would consider comrades. Indeed, there might be people in this gathering who will even be presenting papers or panels at the IASCP conference!

Given that our "AlterGlobalisation" conference is devoted to exploring how concepts like the commons, the cooperative and public goods are useful in defining a non-capitalist society, the problems this paper addresses is: What is the political relationship between this conference here in San Miguel de Allende and the one in Oaxaca? Is it conflictual? Is it cooperative? Is it ambivalent? Or, perhaps, more

accurately, what should the relationship be, given the fact that at the time of this writing neither conference has taken place. There is also a historical question that we wish (indeed, need) to address: Why should there be two conferences with such similar themes taking place in Mexico in August 2004?

Background: Globalization vs. the Commons?

In order to answer these questions it is essential to review the history of the basic concepts that concern the two conferences: globalization and the commons. Both took on many new meanings after the mighty shakeup of the world political terrain in 1989. According to the standard accounts, the fall of the Berlin Wall that year signaled the "collapse of communism" and the triumph of the economic and social policies associated with globalization: privatization of most state property; the elimination of legal barriers to the flow of capital in its productive, commodity or financial forms throughout the planet; deregulation of the activities of corporations; dramatic cuts in state employment and budgets. The long and often deadly debate about the virtues and efficiencies of "State vs. Market," or private property vs. state property (as the struggle of capitalism vs. communism was often described in this period) seemed finally to be over while the nuclear weapons backed obstacles to the expansion of the Market to all the categories of social life that Communism purportedly posed vanished. The utopia of neoliberalism seemed finally poised to conquer the world. As Margaret Thatcher apocalyptically put it; "There is no alternative."

Today this account of world history still dominates the academy and the media. But it is being challenged by another understanding of the last fifteen years whose outlines were only becoming clear in the late 1980s and whose consequences intensified throughout the 1990s. This period saw the origin of the antiglobalization movement in the great riots, strikes and revolutions against structural adjustment policies (SAPs) imposed throughout Asia, Africa and South America in the later half of the 1980s (Federici and Caffentzis 2001). For the insurrections against structural adjustment policies (what is often called "neoliberal globalization") which exploded in Caracas, Lagos, Algiers, and other urban centers of these regions and the less visible mobilizations in the countryside of the planet at that time (e.g., in Chiapas and the Niger Delta) were as historically significant as the fall of the Berlin Wall.

At first, much of this "other" struggle was dismissed as a "dead ender" defense of state property; but as the neoliberal period unfolded, it became clear that the aim of SAPs (designed by the planners of the World Bank and IMF) was not only to undermine state property, their overt aim. They were also devised both to destroy the basis of common property that has been struggled for and defended in the Third World and the so-called First for centuries and to prevent future common property regimes from forming anywhere. Just as neoliberal bankers and government officials were demanding the totalitarian transformation of everything into a commodity, many throughout the planet recognized the life-and-death importance of various forms of common property that were rapidly being "enclosed."

The most obvious type of common property was land (in the forms of arable, pasture, and forest land) in many parts of Africa and South America, but soon the types of recognized resources that could or should be communalized included access to water, "rights" not to have your body polluted by industrial waste, indigenous knowledge, cultural artifacts, the oceans, the electro-magnetic frequency spectrum and even the human genome. These, and other examples of near common property including traditional ones like the provision of "public goods"--e.g., intergenerational support systems, education, and health care--were abominated by the new political economy and their doctrinal fate was to be sold to the highest bidder.

One of the first reactions to these New Enclosures was a world-wide war for land and in defense of the commons that took place in the 1980s, but it passed largely unnoticed since it appeared under a variety of confusing rubrics. Up the Andes into Central America and Mexico there has been desperate and chronic armed struggle over the control of land (frequently referred to in the US as an aspect of the "drug problem" or the "spread of communism") (Weinberg 1991). In West Africa there is a micro-level of armed struggle against seizures of communal land by the state, oil companies and development banks (frequently discussed as anachronistic "tribal war") (Okonta and Douglas 2003). In southern Africa, the battle over land and its communal control, both in town and country, was referred to as an aspect of "the struggle against apartheid," while in East Africa it was considered a "problem of nationalities." War for common land and resources (including water) was and is, of course, what the "Palestinian issue" is about, while from Afghanistan through India to Sri Lanka, the Philippines and Indonesia, proletarians took up arms or put their bodies on the line against the New Enclosures under a wide variety of slogans. For example, the Chipko movement in India was

seen as "tree hugging" women's movement for the preservation of the forest categorically distinct from the efforts of the communist New People's Army of the Philippines which used armed struggle to block the building of a World Bank-supported dam that would destroy the common land of thousands of tribal people (Shiva 1989) (Colchester 1993b: 85-86).

But in the 1980s this War for common lands was not only a rural, "third worldist" struggle. From West Berlin, to Zurich, to Amsterdam, to London, to New York, squatters, street people and the "homeless" have battled against police, arsonists in the pay of real estate developers, and other agents of "spatial deconcentration" not simply for "housing" but for common land and communal space and all that it means (Midnight Notes 1990).

Slowly, however, a commons/enclosures discourse in the 1990s allowed different components of the antiglobalization movement to connect their struggles, from indigenous peoples' demand for a return not just of land, but of common land and the practices that make its use possible, to the software designers who were demanding that their creations become part of a larger human pool of communication and creativity accessible to all, to the environmentalists who concluded that the ecological climax phase of capitalism is not compatible with the survival of millions of species (including the human one) and were demanding the transformation of the atmosphere, the oceans and the remaining large-scale forests into a common, democratically regulated for the survival of species, including (and for some, especially) the human one. The commons/enclosures discourse also allowed militants of the antiglobalization movement to distinguish themselves from the defenders of state property (either in Keynesian, socialist or communist mode) with whom they often were allied in the demonstrations against the introduction of neoliberal policies.

The "commons/enclosures" discourse not only described the multisided nature of this struggle against neoliberal globalization but it was very useful in recomposing the elements of the movement. For example, beginning in 1994 the Zapatista struggle against the repeal of Article 27 of the Mexican Constitution--which provided the basis of the ejido system and legitimated common land for families and villages--and the discovery of "cyberspace" as a new common that needed to be defended by "cybercommonists" brought together, politically and strategically, two ends of this terrain into an "electronic fabric of struggle," as Harry Cleaver put it (Cleaver).

This political development showed that the anticapitalist struggle had not “collapsed” with the Soviet Union (Midnight Notes 1990, 1992, 2004). On the contrary, an antiglobalization movement supporting common property and suspicious of private and state property was one of the most widespread and “recomposing” movements in history with a capacity for instantaneous communication and coordination across continents, dramatically expressing itself in “global days of action” that brought millions of people into the streets of the world’s cities simultaneously to protest the World Bank, the International Monetary Fund, the World Trade Organization and their neoliberal globalization policies.

The Commons and Primitive Accumulation

By the end of the 1980s with the cumulative impact of this war for land against the New Enclosures, a theoretical turn took place in the antiglobalization movement of some importance to our “tale of two conferences”: Marx’s discussion of the “secret of primitive accumulation” (Chapter 24 of Capital I) was integrated with the commons/enclosures discourse with the result that the antiglobalization movement (with its thousands of demonstrations, riots, rebellions against the privatization and commodification of land, water, education, information, etc.) could be seen as fundamentally anticapitalist. This integration was hinged on the most powerful logical points that Marx made in explaining the origin of capitalism: in order for capitalism to exist there has to be a working class to exploit; and the main condition for there to be such a working class is that workers are separated from the means of subsistence (Marx 1909i) (Federici 2004, Caffentzis 1995). As long as workers have the capacity to live well on the basis of their own labor and keep control of the tools for subsistence and social reproduction, there would be no motivation to sell their labor power to capitalists so that surplus value could be created from it to be appropriated by capital. That is why the separation process, in Marx’s words, had to be “written in letters of fire and blood.” Indeed, the secret of the primitive accumulation of capital was that the origin of capitalism had to be violent. Marx agreed with both Hume and Smith that the notion that capitalism arises irenically from some sort of voluntary process (e.g., a Lockean social contract) is nonsense, but he gives an impressive historical account of the fire and blood that the Scottish Enlightenment thinkers failed to provide.

What do commons and enclosures have to do with primitive accumulation? In describing the logical condition for the origin of

capitalism, the separation of workers from the means of subsistence, Marx presented a clear historical example of this violent separation process which could be traced over four centuries in the British Parliamentary Acts of enclosure of common lands and the deadly attacks they legitimated. These common lands, often communalized as the result of class struggles between serfs or peasants and local lords that occurred hundreds of years before their enclosure, made it possible for the agricultural workers in 16th through 19th century Britain to subsist either outside of waged work or, if a waged worker, to be able to refuse the lowest of wages. The persistence of the commons was the historical remainder of a still incomplete "separation" of worker from the means of subsistence and hence a logical impediment to the totalization of the capitalist relation throughout Britain. It was also a historical prefiguration of another, non-commodified world where rational association and human solidarity would become the basis of social life.

One of the attractions of Marx's account was that "commons" and "enclosure" were well defined legal terms in England. "Commons" has two uses in English political vocabulary. One, of course, is the designation of the legislative body (the House of Commons) that, by the way, had very few commoners (in the other sense) as members. But the second meaning of "commons" arose out of the fact that certain lands in or near villages were open for productive use by the villagers who collectively regulated this usage. "Enclosures" became a technical term in English law and it arose metonymically from the fact that the privatization of common lands (which the term designates) often was accomplished physically by the new owner surrounding the land with hedges or fences and often employing armed guards to prevent the commoners from continuing to use the land that had previously been theirs collectively. Given the precision of these terms, Marx traced the process of primitive accumulation by simply examining the historical record available to him in the British Museum's parliamentary records and judicial decisions justifying the attack on the commons.

But Marx also recognized that the notions "commons" and "enclosures" went far beyond their particularly English meanings. For example, in Scotland there was an institution of "run-rig" farming organized by the Highland clans which were similar to English commons and when the various forms of communal access to land were abolished what followed, in Scottish parlance, were "Clearances." Similarly, there were communal forms of land tenure in pre-conquest Ireland called "rundale." The abolition of communal access to land and subsistence

networks in Ireland was accomplished not through individual Acts of Enclosure, but on a large-scale through the "Penal Laws" that literally made it illegal for Catholics (the large majority of the Irish population) to own land throughout the eighteenth century.

Even more important for the development of capitalism, Marx saw, though only vaguely, that the three great continents (Africa, North and South America) capital, in its the initial wave of colonization, used for its self-expansion through the enslavement and genocide of their populations were also sites of commons and enclosures. For most (though not all) of the land holdings in these areas before the arrival of the conquistadors, settlers or slave traders were communally held. The military conquest of the Americas (as well as the transformation of parts of West Africa into a great "slave warren") could also be seen as enclosure of a gigantic scale compared to their tiny British exemplars (Linebaugh and Redicker 2000).

Thus the commons and the violence of the enclosures constituted the historical language that Marx used to exemplify the logical stage of primitive accumulation, the necessity of separating workers from their means of subsistence. On the basis of the textual evidence, we might say that Marx largely saw primitive accumulation as a one-time historical affair and that when capitalism became mature its accumulation of the proletariat takes on the unconscious force of a natural law. However, many in the Marxist tradition have challenged this view (including some major figures like Rosa Luxemburg), and have discovered in the history of capitalism a series of returns to primitive accumulation of the proletariat including the "scramble for Africa" at the end of 19th century and the most recent period of neoliberal globalization (Luxemburg 1968) (Midnight Notes 2001).

The Tragedy of the Commons and Neoliberalism

But history and logic often insensibly blend together and many analysts who revived the use of the common/enclosures discourse in the 1990s often associated neoliberal capital's instinctive aversion to the commons and enthusiasm for enclosures (past, present, and future) with a total rejection of the commons by all forms of capitalism. Indeed, there appeared to be a logical antagonism between the existence of the commons and the development of capitalism. Not surprisingly, some have even taken Garrett Hardin's 1968 classic article, "The Tragedy of the Commons," as the ideological launching pad of neoliberalism (whatever Hardin's intentions) much in the way

that Malthus' Principles of Population was seen at the beginning of the 19th century as the ultimate economic counter to all the chatter about progress, perfectability and enlightenment generated by French Revolution (Hardin 1968).

In that article Hardin argued that the behavior of pastoral commoners inevitably displays the fallacy of concluding that what is good for an individual commoner is necessarily good for the whole set of commoners. For in a commons an individual will follow his or her own good and intensify his/her use of the common only to soon discover that it is so intensively used by him/herself and others, who are driven by the same motive, that it becomes unproductive: "Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit—in a world that is limited" (Hardin 1968: 1244). Following up on Hardin's fundamental critique of communal appropriation of resources, neoliberal economists claimed that the only way to rationally introduce the cost of the use of the commons was to privatize the access to it, i.e., enclose it, for only then could the maximum productive use be made of it without destroying it (for the owner of a part of the former common will take care not to ruin it for him/herself!) Neoliberal theory consigned common property into a logical abyss along with state property.

Thus the antiglobalization movement's critique of neoliberal globalization (with its apotheosis and totalization of the commodity form and private property) and the collapse of the Soviet Union (with its generalization of state property), has set the historical stage for a political relaunching of the commons and common property. But is a politics which calls for the extension of common property to many areas of social life that have been either state or private property inevitably anticapitalist?

Capitalism and the Commons

An answer to this question is crucial in telling our 'tale of two conferences' and our answer is negative, i.e., capitalist development is compatible with certain kinds of commons and so there is a middle ground between the antiglobalization politics of the commons and the neoliberal globalizers' violent abhorrence of the commons. As anticapitalists were rediscovering the commons in the 1990s, there was an intellectual and political backlash to the neoliberal hegemony in academe and international agencies. This reaction took a number of forms.

One form took shape in opposition to the individualistic "survival of the fittest" self-image of capitalists projected by neoliberalism (that led to the bubble of the late 1990s and the scams and scandals of the new century). Many theorists pointed to the importance of the communal aspects of capitalism expressed in concepts like "embeddedness" or "social capital" [(Granovetter and Swedberg 1992) (Cohen and Prusak 2001)]. This new interest in the communalism of capitalism and its dependence on "trust" within the capitalist class and the firm was not only expressed in the proliferation of pacifying phrases like "the business community" or "the investment community" and in cozy real estate and architecture jargon like the mall or housing development "commons" (Fukuyama 1995). There was also a corresponding interest in reimposing self-managing "community rules" on capitalists in the wake of the Enron-like scandals. Ironically, the Marxist tradition has also analyzed many communal aspects of capitalists, especially what Marx called the "freemasonry of capital," i.e., the distribution of the "common pool" of surplus value created throughout the capitalist system to separate firms on the basis of the capital invested in them. As Marx expressed it: "the individual capitalist as well as the capitalists as a whole in each particular sphere of production are participants in the exploitation of the total working class by the total capital, and in the degree of that exploitation, not only out of general class sympathy, but also for direct economic reasons, because assuming all other conditions, among them the value of the advanced constant capital to be given, the average rate of profit depends on the intensity of exploitation of the total labor by the total capital" (Marx 1909: 232) For all the trumpeted virtues of capitalist individualism, the most important measure of capital's effectiveness, the average rate of profit, is a collective creation. In fact, the very competitive process is according to Marx the primary way this value is distributed (for more details see the Appendix).

More important to our argument, however, is that, in response to the movements of indigenous people and peasant farmers throughout the planet to the neoliberalism-inspired agricultural "reforms" of the 1980s and early 1990s mentioned above, there was a cautious and qualified acceptance of the commons on the highest levels of international planning. For one of the first targets of the World Bank's SAPs in the early 1980s was the reform of agriculture, especially in Africa, largely guided by the neoliberal Berg Report that called for a systematic attack on both communal farming and government marketing boards for agricultural commodities. The World Bank took the occasion of the debt crisis to call for governments in

Africa to begin to privatize communal land and to eliminate price controls and subsidies in food marketing and production. Berg argued that the serious decline in the productivity of African agriculture could be turned around only if "the prices are right" (both for land and crops) (Caffentzis 1995). The World Bank added the corollary that Africans should increase the percentage of their crops destined for export (presumably the Africans' comparative advantage).

Certainly the neoliberal strategy of creating land markets and thus privatizing land has been and remains the primary impulse of the World Bank's agricultural sector lending. But after a long period when discussion of land tenure fell off the policy map, the World Bank made a doctrinal reversal in 1992 (supposedly after sponsoring a study by its staff of customary tenure in Sub-Saharan Africa, but also, undoubtedly, after assessing the impact of the agrarian revolts its policies were generating) (Colchester 1993: 305). The World Bank in its 1992 World Development Report concluded in an extremely qualified way that common property in land, as far as Sub-Saharan Africa is concerned, is acceptable under certain circumstances:

Landownership in Sub-Saharan Africa traditionally resides with the community, but farmers are assigned rights to use specific parcels. These rights give sufficient security for growing crops and, when bequeathed to children, foster a long-term interest in land management. Farmers may have limited rights to transfer land they use to others without permission from family or village elders, and other people may have supplementary use rights over the same land--to graze the land during the dry season or to collect fruit or wood. Such restrictions, however, do not appear as yet to have had a significant effect on investment in land improvements or on land productivity. Moreover, as population growth and commercialization make land scarce and increasingly valuable, land is increasing privatized. The indigenous systems of communal tenure appear flexible enough to evolve with the increasing scarcity of land and the commensurate need for greater security of land rights. At the same time, the retention of some community control over landownership helps to prevent the emergence of landlessness (World Bank 1992: 144).

In the same report, the World Bank recommended that "a compelling reason for supporting community resource management is its importance for the poor" (World Bank 1992: 142) and that "Governments need to recognize that smaller organizational units, such as villages or pastoral associations, are better equipped to

manage their own resources than are large authorities and may be a more effective basis for rural development and rational resource management than institutions imposed from the outside" (World Bank 1992: 143).

This is not the first time that the World Bank invested in "community action programs." Here in Mexico the WB financed and supervised a series of programs and projects between 1975 and 1988 called Integrated Programs for Rural Development (PIDERs). PIDER was the WB's version of Maoistic "participatory democracy." Its methodology aimed at "getting the beneficiaries to participate in the actual planning of state investments for local projects." This required an extensive local knowledge of the people and therefore all PIDER projects began with a field team going to a village to "(a) announce the purpose of the program preparation to the village population at large; (b) talk with small groups or individuals and to the find best informants; (c) identify natural leaders in the different community strata; (d) to ask the authorities for census data..." (Cernea 1992: 25) In other words, PIDER was a spying operation exchanging "development funds" for micropolitical information and, not accidentally, it took off at the time of intense popular agrarian organization while it was centered in states like Guerrero and Oaxaca where armed campesino groups had taken to the field. (Bartra 1986: 130-135) The PIDER "fingering" teams were going into the rural areas slightly ahead of the death squads that the PRI had dispatched to decapitate the movement. Thus it was one of the WB's continuing efforts aimed at disintegrating anti-capitalist energies, "capturing the grassroots" and cynically turning them into forces of accumulation.

This interest in using micropolitical initiatives to thwart and exterminate revolutionary movements on the grassroots level is clearly an aspect of the World Bank's support for "community resource management" into the 21st century (while still firmly holding on to an overall neoliberal model on the macrolevel). For example, in a planning document entitled "Sourcebook on Community Driven Development in the Africa Region: Community Action Programs," the team of authors, including Hans Binswanger, one the World Bank's main students of the commons, write:

The new approach of Community Action Programs...aims to empower not only local governments but civil society groups too. These could be geographical entities (urban neighborhoods), or groups with common interests (water users associations, parent-teacher association,

fisherfolk, herders, members of a microcredit society, women's groups, or youth groups (Binswanger et al. 2000).

In other words, common property management groups for resources like water, fisheries and pasture land have by 2000 been inducted by the World Bank into the world of "civil society" groups that it can capture.

Thus at the moment when the NAFTA and WTO agreements were being finalized in the mid-1990s, with their neoliberal prejudices in favor of private alienable property in land, the "there is no alternative" World Bank was carefully exploring "Plan B," i.e., a political position to fall back on when the antagonistic response to the privatization of land becomes too powerful and aggressive. A key element in this alternative is the acceptance of the land or forest commons at least as a stop-gap, transitional institution when the revolts of the landless or the devastation of the forests become destabilizing to the general exploitation of a territory and population. Of course, the World Bank was not alone in its strategic reassessment of the commons. Both the Food and Agriculture Organization and many national governments also were also forced to recognize common property rights over land in the late 1980s and early 1990s (Colchester and Lohmann 1993).

Clearly by the early 1990s there was a need to conceptualize such an alternative and to train international agency officials to negotiate with the indigenous antagonists who had not been crushed in "the Fourth World War" (Midnight Notes 2001). Neoliberalism is incapable of theorizing such a negotiation process, since it is logically committed to the subversion of communal forms of ownership. A new theory had to be developed that articulated arguments concerning the "appropriateness" of common property regimes in certain circumstances and integrated knowledge of what neoliberal economists had defined out of existence. Adherents of such a theory would thus be perfect advisors to a government in a political and/or military stalemate with an indigenous apposition demanding common lands or forests (e.g., in Mexico, Guatemala, Ecuador, Bolivia, Brazil, or Nigeria). For they would not simply repeat their economicist version of the imperialist cry--"exterminate the brutes"--but would provide other "possible worlds" and a full "menu" of options that would make a negotiation feasible.

Though the revolt of indigenous people and peasants around the world gave urgency to the development an alternative theory that

would incorporate the commons, there were also other forces that were also pushing to the same result.

The problematics posed by the global commons is high on capital's agenda, since we are now at a moment when billions of people either suspect or know that the capitalist system is on the verge (if not already over the edge) of precipitating multiple apocalypses—from human species-annihilating climate change, to the cutting down of the remaining tropical forests, to the total exhaustion of ocean fisheries, to the generation of human nature-destroying genetic pollution. This tampering with the global commons is, perhaps, the mortal danger for capital in the 21st century, since these fears profoundly undermine capitalism's claim to be the "steward" of the world's resources. The neoliberal's response to these problematics—let the markets allocate access to the global commons of the atmosphere, the forests, the fisheries, and the genome—is now a "wisdom" so tarnished and dubious that even many of the most "hardnosed" capitalists know an alternative approach, offering more serious options, is or will be necessary. Such an alternative theory that could conceptualize multiple property regimes that offers "a way out" since it can conceive of a capitalism that would be self-regulating, but that still would be in charge of the fate of the planet and the human race (Sachs 1993).

The realm of "intellectual property rights" also called for an alternative theory appealing to the commons. Neoliberalism's grandest theoretical and practical efforts were called on to defend the notion that private property institutions should be strictly extended to the realms of scientific, artistic and technological production. Indeed, most of the "free trade" treaties and SAPs of the 1990s insisted on the imposition of privatized "intellectual property rights" on formerly colonized or socialist countries where patents, copyrights and licenses did not have much legitimacy. But a planetary revolt against privatized intellectual property rights began in those years. In the so-called underdeveloped world, there was a large scale evasion of the drug, bioengineering, music and film distributing, and computer software corporations' demand that they receive their royalties before "their" medicines, seeds, musical recordings, film videos, and software programs are used. The so-called developed world also saw a parallel large-scale evasion of privatized intellectual property claims through reproduction of videos, musical recordings, and software programs. This world-wide evasion provoked an attempt to create a planetary police state that would enforce the claims of the corporations demanding their "rights."

But there was also an assault on the ideological pretensions of the neoliberal intellectual property order from both sides of "development." First, the 'computer revolution' and the internet had generated a huge group of enthusiasts who systematically rejected the notion that the product of individual intellectual effort ending on the net should be considered private property. This maxim has generated a revival of the notion of an intellectual commons, or in Larry Lessig's term, a "creative commons" (and the complementary notion, due to Boyle, of "a second enclosure movement") [(Boyle 2003) (Lessig 2001)]. As Lessig writes:

It is a commonplace to think about the Internet as a kind of commons. It is less commonplace to actually have an idea what a commons is. By a commons I mean a resource that is free. Not necessarily zero cost, but if there is a cost, it is neutrally imposed, or equally imposed cost....Open source, or free software is a commons: the source code of Linux, for example, lies available for anyone to take, to use, to improve, to advance. No permission is necessary; no authorization is required (Lessig 2002: 1783, 1788).

From this perspective then, the huge income Microsoft and other software companies have been accruing over the last two decades is as illegitimate as the gold the conquistadors looted from the palaces of the Aztecs and Incas. Could a theory be developed that would both give a legitimacy to the common and still create a flow of profits?

Second, indigenous peoples and others in the Third World claimed that their knowledge of plants, medicines, and agricultural techniques was being stolen from them by "gene hunters," "ethnobotanists," and "global musicians" who then had the temerity to demand that the victims of theft should pay them to use the products they stole! (Caffentzis 2000). Where was the place for indigenous and local knowledge which was collectively produced in a world that recognized only private property claims? As Vandana Shiva writes:

Patents in the context of agriculture and food production involve ownership over life forms and life processes. Monopoly ownership of life creates an unprecedented crisis for agricultural and food security, by transforming biological resources from commons into commodities. It also generates a crisis of values and ends which guide social organization, technological change and development priorities (Shiva 1993: 121)

This crisis of values is now engulfing the whole neoliberal intellectual property project. For throughout the last decade it became clear that a purely neoliberal approach to "intellectual property rights" (which largely comes down to private property rights) will lead to a planetary police state where surveillance and exclusion costs will be untenable economically, politically and ideologically. This crisis calls for a theory that can offer property rights "solutions" to the field of technological, artistic and software production that just might preserve profitability and put the bulk of surveillance and exclusion costs on the creators and consumers of these commodities and not on the corporations marketing them.

One of the great, though somewhat patriarchal, maxims of the theory of ideology is: necessity is the mother of invention. Thomas Kuhn and other theorists of scientific revolutions have given historical and philosophical content to this maxim, of course. But the growing anomalies within neoliberalism and the sense of a crisis of values mentioned above were mothers of an alternative to neo-liberalism's panacea of "free markets" and a totalitarian private property rights regime. The greater neoliberalism's crisis, the greater the progress of this alternative. Given the rough road ahead for neoliberalism, it is clear that its theoretical alternative will make great strides in the near future.

The tale of two conferences now becomes a bit clearer. For if the globalization process can be compatible with the commons, as the IASCP organizers suggest, and the object of their conference is to investigate this compatibility, then we can begin to see the need for two conferences at this time when supporters of neoliberal globalization are now resorting to force to impose their formula "free markets and democracy" on Iraq and throughout the Third World. For war on the scale we have recently experienced inevitably reflects a crisis in the ability of capitalists to use the "natural laws" of the system to create a desired level of average profitability.

The Commons and the Crisis of Neoliberalism

The increasing interest some capitalist theorists are showing to the notion of the commons in this period is thus due to corresponding crisis of neoliberalism. Again, this should not be surprising. It is always in a crisis that the strategists of the dominant class begin to look to the revolutionary opposition and attempt to integrate aspects of its programs and theories that are compatible to their paradigm and that

offer a “way out” both politically (by posing a mediating possibility) and logically (by expanding the set of “possible worlds” available for thought and action). Such a historical situation could be traced in the development of Keynesian economics in the depth of the Great Depression. What was clearly needed then was the replacement of neoclassical economic theory to legitimate governmental action that would both push and pull capitalist economies out of the far-from-full-employment equilibrium they seemed to be trapped in while facing the menace of an international communist opposition that was offering a possible systemic alternative. Keynes saw the historical necessity and created a theory that would fit the bill. We are in a similar situation today and there is an increasing recognition that the social forces behind the call of the commons are strong enough to be negotiated with (i.e., they can not simply be crushed) while the “possible worlds” defined by neoliberalism are becoming increasingly untenable, if not yet impossible, themselves.

Neoliberalism's rejection of common property (and even its attempts to deny or explain away the aspects of capitalist communalism) always had something of an other-worldly militancy about it that was repugnant to many wiser capitalist heads who have seen it as a useful “battering ram” to destroy socialist, communist, and nationalist ideologies, but ultimately they feared that it could turn into a Sorcerer's Apprentice once it is allowed to run the capitalist household (Soros).

The rapid collapse of Keynesianism in the early 1980s and the even more rapid collapse of the Soviet Union in 1989, let the Apprentice exchange his broom for a magical wand. Neoliberalism became the paradigm tool for both ideological justification to be used to dismantle problematic regimes and policies, and for actual regime planning. The Structural Adjustment Programs, the “shock therapies,” the wave of privatizations of pension programs, the dismantling of government health care systems around the planet in the last twenty years have had their theoretical basis in this doctrine and the capitalist class forces that became dominant in this period embraced it.

The theoretical production of the antiglobalization movement has naturally been seen as the antagonistic response to this doctrine. But over the last decade and a half there has also been a parallel development: an academic and “establishment” literature which rejects the anti-capitalism of much of the antiglobalization movement, supports the commons, and is a theoretical alternative to doctrinaire neoliberalism. Much of this literature, rich in detail and in the

experiences of farmers, fishers, and forest dwellers around the planet, can be found in the "Digital Library of the Commons" (<http://dlc.dlib.indiana.edu>) which has been put together at Indiana University under the auspices of the International Association for the Study of Common Property (IASCP), the group organizing our 'other' conference. The IASCP is an interdisciplinary and international association of scholars formed in 1989 and which has grown dramatically in the 1990s, especially after the crisis of neoliberalism began to become apparent. The bibliography it has established has almost 40,000 titles of articles and books, most of them published in a wide variety of academic or foundation-backed journals, publishing houses or conference web sites and deal in one way or another with the commons, so it would be impossible to survey or characterize this literature in a brief way. What I want to do in this section is to analyze a significant tendency in this literature that recognizes the compatibility of capitalism with common property systems of resource management and is committed to "improving institutions for the management of environmental resources that are (or could be) held or used collectively by communities" (as the IASCP's mission statement puts it).

It is, at first, pleasant to discover that within academe there is a "respectable" discourse that inevitably has much overlap with the antiglobalization movement's tenets and indeed some of its personnel. One is even tempted to take a "the enemy of my enemy (i.e., neoliberalism) is my friend" stance to it. But this temptation should be resisted. For this is a moment of intellectual, political, and economic crisis when many theoretical tendencies are jostling for position to replace or at least share with neoliberalism the post of being a "ruling idea of the ruling class." Inevitably, many of the concepts produced by the resistance to capitalism (including those articulated by the antiglobalization movement) will be integrated into the next phase of its theoretical development in the way, for example, that Keynesianism echoed much of the post-WWI criticisms of capitalism and shaped them into a doctrine which would help save it. It should not be surprising, therefore, that the never-at-rest World Bank has sponsored some of the research in this pro-commons literature that is definitely critical of the neoliberal assumptions dominant in the shaping of the Bank's own SAPs. Indeed, many respectable foundations like the Ford and Rockefeller (and even the US government through USAID) have supported research in the commons as well as the IASCP and its conferences.

In the next section I will uncover what differentiates this tendency's support for the commons from anti-capitalist support of the commons. Of course, our investigation cannot take into account all or most of the material posted on the IASCP Digital Library. Such an effort would be impossible and besides the point, since we want to deal only with a specific subset of this material. But it behooves us to have some core texts and personae to give a clear reference to the tendency to be analyzed. Therefore, we have decided to concentrate on the work of Elinor Ostrom and her co-workers as an expression of the "compatibility of capitalism with the commons" tendency we are studying. This choice is justified since Prof. Ostrom has been extremely influential in the field of common property resource studies for more than two decades and her publications (written alone or jointly) have been paradigmatic for the field. Moreover, she has been an important organizing figure in the formation of the IASCP and a prominent spokesperson for the reassessment of the commons.

The Rise of the Neo-Hardinians

Ostrom's and her co-workers' historical self-description of their tendency begins with Garrett Hardin's 1968 "Tragedy of the Commons" article. For Hardin concluded that a commons is inevitably tragic since those who restrain their use of a common-pool resource will lose out to the unrestrained users. Indeed, the "greedy" will be naturally selected to survive, the "fair" will die out, and the common resource will be exhausted, unless, Hardin argued, the users apply "mutually agreed upon coercion" to enforce rules that would result in the sustainable use of the common resource. This coercion could only be guaranteed by state sanctions on violators. As a corollary to Hardin's conclusion, neoliberal economists argued that the only efficient rules that limit access to the common pool resource are private property rights that are alienable through a market (Aguilera-Klink 1994). Thus Hardin's conclusions joined with neoliberalism to not only reject both common property and state property as reasonable ways to organize the use of the great elemental commons of land, water, air, fire and nous.

But in the 1970s and 1980s, this account continues, challenges to Hardin's and the neoliberal's abolition of common property began to accumulate both empirically and theoretically:

A key challenge to the Hardin model came from researchers familiar with diverse common property institutions in the field. They argued

that Hardin had seriously confused the concept of common property with open access conditions where no rules existed to limit entry and use. As Ciriacy-Wantrup and Bishop express it, "common property is not everyone's property." They and other researchers stress that where common property existed, users had developed rich webs of use rights that identified who had a long-term interest in the resource and thus an incentive to try to avoid overuse (Dietz et al. 2002: 12).

The theoretical justification of Hardin's "tragedy of the commons" reasoning was also challenged in this period. That justification modeled the tragedy as a prisoners' dilemma game, where the rational strategy is to be "greedy" even though the long-term benefits of being "fair," though "irrational," are much greater. This model was challenged because in a prisoners' dilemma game, the players are limited to a one-shot trial and are not allowed to communicate with each other. But if the players of the commons game can communicate and can have many trials it is easily shown that Hardin's conclusions do not hold. Indeed, the comparison between the prisoners' dilemma game and the typical common situation is far-fetched. C. Ford Runge pointed out this absurdity in a series of papers in the 1980s according to this account:

...most users of a common-pool resource—at least in developing countries—live in the same village where their families had lived for generations and intend to live in the same villages for generations to come. Given the level of poverty facing many villagers, their dependence on natural resources, and the randomness they all face in the availability of natural resources, Runge argued that it is implausible to assume that individuals have a dominant strategy of free riding. He suggested that users of common-pool resources in developing countries faced a repeated coordination game rather than a one-shot prisoners' dilemma game. In such situations, all users would prefer to find ways of limiting their own use so long as others also committed themselves to stinting (Dietz et al. 2002: 12).

Thus by 1989, at the time of the formation of the IASCP, a new tendency was formulated that I call "neo-Hardinianism." Just as the neo-Malthusians pointed out, on the basis of demographic trends in Western Europe in the 20th century, an increase in wages does not necessarily imply an increase in working class population, so too neo-Hardinians like Ostrom and her co-workers argued that commons situations do not necessarily lead to "tragedy," they can also lead to "comedy"—a drama for certain, but one with a happy ending" (Dietz et al. 2002: 4). In fact, they called one of their books *The Drama of the*

Commons—"because the commons entails history, comedy, and tragedy" (Dietz 2002: 4).

Scholars in the neo-Hardinian tendency have carried on many important empirical studies of common property systems across the planet as well as have made a number of important distinctions in the study of common property. This is not the place to assess their empirical studies (cf. the extensive bibliography on Private and Common Property Rights in (Ostrom 2000: 352-379) and the Digital Library on the Commons mentioned above), but their most important theoretical distinctions are worth reviewing, since some can be useful to the anti-capitalist commonist movement.

Of course, the primary one is between common property and open access regimes, since the confusion between them is the basis of Hardin's deduction of the tragedy of the common. Common property regimes are "where the members of a clearly demarked group have a legal right to exclude nonmembers of that group from using a resource. Open access regimes (*res nullius*)—including the classic cases of the open seas and the atmosphere—have long been considered in legal doctrine as involving no limits on who is authorized to use a resource" (Ostrom 2000: 335-336). On the basis of this distinction, common property and open access regimes are mutually exclusive and anyone who had as their political ideal the creation of an open access regime would not be a supporter of the commons.

The second important distinction is between a common-pool resource (which is a thing or stuff) and a common property regime (which is a set of social relations). A common-pool resource is such that (a) "it is costly to exclude individuals from using the good either through physical barriers or legal instruments and (b) the benefits consumed by one individual subtract from the benefits available to others" (Ostrom 2000: 337). Because of its two defining characteristics, a common-pool resource is subject to problems of congestion, overuse and potential destruction. Access to, withdrawal from, management and ownership of such a resource can be in the form of a common property regime, but it need not be. "Examples exist of both successful and unsuccessful efforts to govern and manage common-pool resources by governments, communal groups, cooperatives, voluntary associations, and private individuals or firms" (Ostrom 2000: 338). Much of the work of the neo-Hardinians has been to study what attributes of common-pool resources that "are conducive to the use of communal proprietorship or ownership" and what attributes of common-pool resources that "are conducive to individual rights to

withdrawal, management, exclusion and alienation" (Ostrom 2000: 332).

The neo-Hardinians, however, seem to be less interested in the fact that not all common property regimes involve common-pool resources. On the contrary, when we examine the history of common property regimes, we must conclude that many have been based on non-common-pool resources. For example, money income, personal belongings, literary texts, and even children have been communalized. Thus the 15th century Taborites' first act of forming their community was to dump all their personal belongings in large open chests and begin their communal relations on an even footing (Federici 2004: 54). On the basis of the history of common property regimes it is difficult to decide what types of goods are "conducive" to private property and what kinds of goods are "conducive" to common property.

The third important distinction is between common-pool resources (e.g., a fishery, a river) and public goods (e.g., knowledge of a physical law, living in a just and peaceful society). They share one characteristic, i.e., it is difficult to exclude people living within the scope of these resources or goods from their enjoyment. But they also differ in another characteristic, for a common-pool resource like a fishery is reduced when something of value like a particular fish is withdrawn from it while a public good like knowledge of the Second Law of Thermodynamics is not diminished when still another person uses it to construct a new engine.

Elinor Ostrom and her colleagues developed still other distinctions of interest, e.g., between renewable and non-renewable common pool resources as well as between local and global common-pool resources. But there is a distinction between common property regimes which they do not deal with: those regimes antagonistic to and subversive of capitalist accumulation and those regimes that are compatible with and potentiating of capitalist accumulation. In fact, the discourse they employ seems to assume that the discussion of common property regimes is conducted in the context of a capitalist system. Neo-Hardinians like Ostrom recognize that certain common property regimes are perfectly compatible with capitalism or, since they seem to shy away from such a term, with "markets." Indeed, much of their discussion of particular "successful" commons center on these commodity-producing commons. From Maine lobster fisheries to Alpine pastures, commodities have been profitably produced over long periods of time through the self-regulating behavior of fishers and

pastoralists operating in common property regimes (Acheson 2003) (Netting 1981).

But shouldn't these commodity-producing commons be contrasted with subsistence-producing commons (cf. for more on this concept see (Mies and Bennholdt-Thomsen 1999: 141-164)? Aren't some of these subsistence-producing commons also capable of undermining capitalist development by hindering the emergence of an exploitable proletariat? What of those common-property regimes that provide subsistence goods to the commoners which make wage work unnecessary? What of a common property regime that is providing the food and energy for an anti-imperialist revolutionary army?

These questions evoke Marx's discussion of the secret of primitive accumulation in the midst of the rather clinical deliberations of neo-Hardinists like Ostrom and her colleagues who see in the commons an ideal test case for social theory and management (their ultimate aim): "Just as evolutionary and developmental biology progressed by studying the fruitfly, *Drosophila melanogaster*, an organism well suited to the tools available, we suggest that the studies of the commons and related problems are an ideal test bed for many key questions in the social sciences" (Dietz et al. 2002: 5). For there is a clash here between the violence of the history of commons and enclosures described by the Marxist tradition and the efforts of the neo-Hardinians to understand and explain the attacks on and survivals of the commons, for they look within the situation to note the "key properties of the (common-pool) resource and the arrangements that drive the drama" while Marx and his descendants see exogenous violence as logically functional in the creation of the proletariat and the force that "drives the drama." Thus the neo-Hardinians look to endogenous variables--like scale of the common-pool resource, the costs of measuring its resource units, the renewability or non-renewability of the resource, the cost of excluding non-commoners, the efficiency, sustainability and equity of the property regime regulating the use of the resource, and the number and uniformity of the participants in the regime--to determine why one property regime changes into another. For example, there is no logical reason why the village commune Runge described above that has been managing a common-pool resource (be it land, forest, water or fishery) for generations suddenly breaks down even though the logic of the coordination problem had been more or less solved. The neo-Hardinians look to changes in the characteristics of the resource (e.g., whether its value on the Market or the cost of excluding non-commoners has increased) or in the

characteristics of the commoners (e.g., the number of commoners has increased) for an explanation of the breakdown.

The anti-capitalist supporters of the commons, of course, look to the larger class context to determine the dynamics of “the drama of the commons.” For it is only by determining the class relations and forces within a particular region and stage in capitalist development that will ultimately determine the existence or annihilation of a common-property regime (to use the neo-Hardinite term). For the particular regime that manages a common-pool resource will be determined, e.g., by the labor needs of the dominant capitalist class in the region and by the commoners’ solidarity and political-military power to resist the inevitable force that the desirous capitalists deploy.

Of course, reading the class context is often not simple. For example, many anti-capitalists interpret the survival of subsistence-producing commons in much of Africa, Asia and the Americas as a function of international capitalism’s need to cheapen the cost of the reproduction of the work-force and/or to “liberate” male workers for the cultivation of cash crops and other types of waged work. Claude Meillassoux has been a major proponent of this position. As his argument goes, thanks to the work of the “village” (mostly composed of women) the male laborers who migrated to Paris or Johannesburg provided a “free” commodity for the capitalist who hired them; since the capitalist neither had to pay for their upbringing nor had to continue to support them with unemployment benefits s/he no longer needed their work (Meillassoux 1981: 110-111). But even Meillassoux recognized the ambiguous character of the contemporary village commons, for he argued that if the subsistence-producing commons is too unproductive, the “free gift” of labor power is lost, but if it becomes too productive, the worker will either not emigrate from the village at all or will only emigrate at a very high wage.

Most importantly, Meillassoux and his supporters have not seen the strategic importance to proletarians (especially women) of having a territorial base in the communal village that can provide for subsistence to carry on a struggle to reclaim that wealth the state and capital has expropriated from them. To what extent the village and the common property regimes it has fostered have been a source of power for workers across the former colonial world can be measured by the radical attack that, since the early 1980s, the World Bank, especially, has waged against it under the guise of Structural Adjustment Programs and “globalization” [(Federici 2004b: 52), (Federici 2001)]. Indeed, we read, along with Subcommandante Marcos, much of the

military destruction of communal village life throughout Africa (including the Ogonis in the Niger Delta) and the Americas (including the Zapatistas in Chiapas) as part of a Fourth World War against the indigenous peoples of the planet who can still resistingly subsist (Midnight Notes 2001).

The methodological and political differences that separate the neo-Hardinite supporters of the commons and the anti-capitalist commonists should be apparent from the above discussion:

(1) The neo-Hardinites see the problem of the commons as an issue of management requiring good institutional designs "to help human groups avoid tragedies of the commons." They see the property regimes regulating common-pool resources as offering different combinations of outcomes that can be measured by efficiency, sustainability and equity criteria. The solution to the problems posed by the potential for a "tragedy of the commons" can be achieved by greater research on common-property regimes throughout the world and greater theoretical comprehension of the variables involved. It programatically rejects doctrinaire neoliberalism that assumes the superiority of private-property regimes throughout the society including the management of common-pool resources.

(2) The anti-capitalist supporters of the commons see the struggle for a commons as an important part of a larger rejection of neoliberal globalizing capitalism since it is the commons in the indigenous areas, in the global sense, and in the area of collective intellectual production that is now threatened with enclosure by a capitalism bent on commodifying the planet, its elements, its past and future. Their key issues are how to bring together various aspects of the struggle against commodification and create "another world" satisfying the needs of global justice.

The End of the Tale of Two Conferences

What are the consequences of this analysis of the commons in capitalism and Neo-Hardinianism for our original tale of two conferences? How should we relate to the "other" conference remembering, of course, that the IASCP includes many different tendencies and many of the participants in the conference are not neo-Hardinians?

First, we must now be wary of simple dichotomies like: our conference is for the "real" commons (in the sense of supporting communal solutions to problems of access to, division of, and ownership of resources in order to strengthen workers' power to resist capital)/their conference is against it. This dichotomy held for the ideologues of Neoliberalism (from academics to the media to the international planners), but it does not for the Neo-Hardinities, who constitute an important tendency in the IASCP which is organizing the "other" conference. Neo-Hardinities are often in on the negotiating tables with indigenous groups, for example, or in the NGOs in the field advising "donors" or indigenous groups on the institutional design of common property regimes in "appropriate" areas. An important aim of the "other" conference in Oaxaca is to assess institutional designs "that [can] cope effectively with the attributes of a particular resource given the larger macro-political institutions, culture, and economic environment in which that resource is embedded" (Dietz et al. 2002: 25). They have defended communal solutions in the face of doctrinaire free marketeers for over a decade, consequently one might assume that there is much that would bring the two conferences together.

A tell-tale sign of a difference in approaches of the two conferences, however, is in the self-description of the Oaxaca conference. For it claims to study "how communities and the resources they manage continue to adapt to, and are being changed by, the globalisation process." This programmatic statement uses a language where the monolithic "globalisation process" is active and the "communities" are passive. There seems to be no recognition on the part of the organizers of the "other" conference of the possibility that the globalization process might be changed, thwarted, stopped, or even reversed by the said communities. In other words, they apparently do not recognize a class struggle that could have a revolutionary result, for they seem to assume that the "asymmetry of power relations" between the opaquely referred to "local and global institutions and networks" is so overwhelming that at best the local ones can "adapt to" and "be changed by" the global ones. Our AlterGlobalisation conference is based on the opposite assumption, i.e., the globalization process itself is a response to the struggles of workers, peasants, indigenous peoples throughout the planet in the 1960s and 1970s and it is itself now in crisis because of the accumulation of struggles against it in the 1980s and 1990s.

Second, the existence of a rival conference organized in the main by Neo-Hardinities must force us in our conference to become more precise as to what kind of commons will increase the power of workers

against capital and what kind of commons would either be compatible with or even expand the power of capital over cooperating workers. Our questions concerning the commons is not of the "efficiency, sustainability, and equity" of a property regime, but of whether a particular commons increases the power of workers to resist capital and to define a non-capitalist future. This precision will require our development of traditions and methods of counter-research that would increase knowledge of alternative commons solutions, but would not lead to the subversion or repression of the commons and commoners in question. Some of these tools of counter-research exist already, but many studies of commons use techniques that are more appropriate to Neo-Hardinian purposes. Thus an institutional design of a common property regime that exploits a resource in a sustainable manner is not in itself positive, if, for example, the workers in the regime are locked into a larger labor or commodity market which exploits them. It is time, as Fanon urged us, to invent, in this case, a methodology that can measure the compatibility of a commons with capital.

Finally, we should recognize that the development of Neo-Hardinism and the calling of large international conferences on the commons like the one in Oaxaca are tributes to the increasing power of the antiglobalization movement's challenge to neoliberal globalization which risks to be decisively derailed in the near future if, among other things, the anti-privatization resistance in Iraq succeeds in nullifying the US/UK plan to neoliberalize the Iraqi economy. Such radical developments inevitably create opportunities for alliances with powerful reformist forces within capitalism that are at least superficially supporting the same demand. These alliances pose many political problems and require an even deeper understanding of the differences between a capitalist and an anti-capitalist theory and practice of the commons. This is not the first time such a political problematic has been posed, of course, and this is not the first time that Brecht's famous advice in such situations will have to be practiced: it might be necessary to mix wine with water, but you should know what is the wine and what is the water!

APPENDIX:

Some Communal Aspects of Capitalism

For economists, especially neoliberal theorists, who are committed to an ontology of individualistic, utility-maximizing agents, workers' coordination in production and capitalists' cooperation in corporate firms are troublesome epiphenomena. They must be deduced as the

product of the decisions of individual rational agents according to the neoliberal paradigm. However problematic these deductions are, they are necessary because capitalism depends so flagrantly on the communal capacities of capitalists and workers for its reproduction. In this appendix we will review a few of these capacities briefly on the level of capitalists and on then broader level of the capitalist system as a whole. For, in a way, capitalism calls upon a class-specific communalism with very specific rules of self-regulation.

We should not be surprised to discover that capitalism must have communal aspects. After all, capitalism had integrated certain aspects of communism, conceived as a centrally planned economy with a dominance of state property, as Lenin and others pointed out in the early 20th century. The most important one is planning. Often capitalism is identified by its critics with the anarchy of the market and the lack of social-economic planning, but it has increasingly become clear that planning on the level of the firm, the branch of industry and indeed the national and planetary level is an essential feature of capitalism. On the level of the firm, without these capacities to plan (on all levels) the concept and practice of world-wide, just-in-time production, for example, would be impossible. On the level of a branch of production, Lenin pointed to the development of cartels and "trusts" (a semantic fossil of the fact that capitalists need to have a certain level of confidence in each others' behavior in order to operate an oligopoly) which can plan production and pricing throughout a branch of production national and internationally. On a world-scale, the missionaries of neoliberalism, the World Bank and the IMF--for all their talk about the virtues of the "free" market--claim to have planning models of whole economies, to set targets for certain national and even world-wide economic indices, and so on.

a. The Corporation as a Capitalist Common. The "fire and blood" attack on peasant and early working class communalism that Marx writes about in Capital I was paralleled by the development of new forms of capitalist self-organization, which later became the Corporation. The semantics of this development is revealing. For example, proto-corporations were often called "unions," "companies," most specifically "joint stock companies," "gilds," and even "societies," i.e., their cooperative communal aspect was prominent. Indeed, the corporation became for the capitalists the primary way to communalize their capitals and share in the increased productive and exploitative capacity made possible by jointly accessing more capital than one's own and sharing the risk of investment. Ideally, the corporation is a

common presumably regulated by the stock owners in the same way a common field is regulated by the commoners who have access to it. Indeed, a major criticism of corporations that has developed in the 20th century is that the capitalist commoners are losing their control of the corporation and letting the management (with interests often far removed from those of the owner commoners) make the basic decisions.

The historical relation between the associational forms of the common (used by agricultural workers) and the corporation (used by the capitalist class) was largely an inverted one in Britain between the sixteenth and the nineteenth centuries. The stronger and more widespread the corporation, the weaker and more vulnerable the commons, for the most part. This held true except, of course, for the crisis of the capitalist "common" in 1719-20 with the South Sea Bubble and the passage of the Bubble Act which declared joint stock companies to be (according to the Bubble Act's preamble) illegal and "the common grievance, prejudice and inconvenience of His Majesty's subjects." But this form of commons was so powerful that the Bubble Act and the "inconvenience" it caused barely put a dent in the growth of joint stock companies so that by the early twentieth century the corporation became and remained since then the dominant form of business association.

b. "The Freemasonry of Capitalism." The final aspect of the general commonism of capitalism we will comment on is less obvious than the communal aspects of capitalists' and workers' lives, for it depends upon a general aspect of the capitalist system that is not empirically observable. The surplus value that is created by the whole working class within all capitalist firms, branches of industry and the circuit of social capital during a specified period is a common-pool resource for the capitalist class as a whole. This resource is in the long run distributed to firms and branches of industry in the form of profit on the basis of the capital invested in them and not on the basis of their actual production of surplus value. Thus a sweatshop in Brooklyn which exploits its large immigrant worker staff at a rate of surplus value of 100% might only get a profit of 10% on the basis of a small investment, while a nuclear power plant in Indian Point that actually exploits its much smaller technical staff at a rate of 5% actually gets a profit of 10% as well on an investment hundreds of times that of the Brooklyn sweatshop.

The existence of this "surplus value common-pool resource" and the rules that govern withdrawals from it is only dimly understood by both

capitalists and workers. For both realize that there is something going on “behind their backs” with respect to exploitation, though they can not quite express it. On the one side, workers know that often they are extremely exploited, but mysteriously their immediate boss is not the recipient of the surplus value they create; on the other, some capitalists know that other members of their class are recipients of surplus value generated by their workers. They deeply resent it, but for the most part they are reconciled to it. Thus the Brooklyn sweatshop owner, who is often on the edge of bankruptcy and must drive his/her workers to the limit when there is an order, has a sense that through some quasi-transcendental processes ranging from the determination of the price of electricity on a New York State-wide level to the selling of the Indian Point bonds some of the efforts of “his/her” workers reappear as the profits of the electricity company.

This capitalist “surplus value commons” does serve an important function for the system as a whole, for if commodities essential to the production of all other commodities (e.g., electricity, petroleum and computer operating systems) could not be produced at or near the average rate of profit, then their absence from the market would halt the production of all other commodities. This clearly could not happen if capitalism is to remain a self-reproductive system. Thus for all the rivalry and resentment within the capitalist class concerning the regulation of the capitalist common—and there have been plenty of curses uttered in the process against those, from John D. Rockefeller’s days to Bill Gates’, who have demanded their due from the surplus value common—the inevitable class consciousness, what Marx called “the Freemasonry of capital,” triumphed. In other words, capitalists are not only concerned about their own returns, but have a wider systemic interest which recognizes that what appears to be an unjust “monopoly” profit, is actually justified by the rules of appropriation.

Marx’s discovery of a “surplus value commons” is termed the “transformation problem” by critics, of course, to trivialize the issue into one emphasizing the consistency of mathematical constraints. But the key question is whether capitalist class consciousness is a “material” matter or not? If the bond between capitalists was merely a matter of self-interested beliefs, then it is not clear why capitalism can support such a grave inequality within its own ranks, especially in a crisis which will lead to the annihilation of many small capitals (and only some big ones). But if the commonism of capital rules, it appears just that the flow of value will not proportionally reward the originators of value, but will only reward proportionally capital itself. This rule is

just, since the survival of the system of capitalist accumulation is the ultimate value and not the preservation of equal exchange.

Putting together these essential elements of capitalism (the corporation and the surplus value commons), it is clear that the common is not logically antagonistic to capitalism. On the contrary, a necessary condition for the existence of capitalism is the presence of certain kinds of commons. Indeed, without the capacity of capitalists to call upon the mutual aid and class solidarity of other capitalists and to use the communal character of workers to their advantage, capitalism would not have been able survive the shock of class struggle over centuries. Indeed, if capitalism was not a common-pool resource system organized on some levels as common property, then it would never have been able to have become a self-reproducing system, even in the short run.

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