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SPECIAL FEATURE | Toward a Common Theory of Value

The Healing Logic of the Commons

David Bollier

Economics is the science of generating wealth. The only problem is that it is interested only in a certain kind of wealth—wealth that comes encased in private property rights and has a price attached to it. This standard economic narrative doesn't have much to say about the great stores of value that don't have price tags. How much is the Earth's atmosphere worth? What about the human genome? Fresh water supplies? Our inheritance of scientific knowledge and culture? Parks and open spaces? The Internet?

These are huge chunks of wealth that matter a great deal to our lives. Sometimes these chunks of wealth are given the label of 'public goods' and governments may or may not decide to take care of them. But if they don't make money for someone in the marketplace, they are likely to be neglected and abused.

The lack of a price tag typically means that this type of wealth exists outside of the marketplace. Philosopher John Locke called such things *res nullius*. *Nullities*—they're free for the taking because no one has any exclusive property rights to them and there is no price for them. All you have to do is 'add your own labor' and you're entitled to own them.

That's basically the philosophical justification that conquerors and colonizers have used to claim ownership of native lands—and, in our time, to claim ownership of native people's ethno-botanical knowledge, and of genes and lifeforms and synthetic nano-matter. It's also the kind of logic used by industrial trawlers that vacuum up all marine life in vast stretches of the ocean.

The great, unacknowledged scandal of our time is the large-scale privatization and abuse of dozens of resources that we collectively own. They are un-owned and 'without price.' Priceless, you might say.

The commons is a very old system of governance for managing resources that has recently been rediscovered. It has deep roots in history as a system of self-provisioning and mutual support, and is important to our collective well-being.

A commons is not a resource in itself. It's a resource plus a social community and the social values, rules and norms that they use

to manage the resource. They're all an integrated package. Call it a socio-economic-biophysical package, sort of like a fish and a pond and aquatic vegetation: they all go together and don't make sense as isolated parts.

The commons presumes that humans are not just selfish, rational, utility-maximizing human beings—the model of *homo economicus* that economists say we are. The commons presumes (based on hundreds of empirical examples) that humans are capable of cooperating, negotiating and sharing with each other in managing

resources. Economics presumes quite the opposite—that we are all isolated individuals striving to maximize our own personal gain, with little concern for the collective good.

That may be why conventional economics has so much trouble understanding the commons. It doesn't understand how a community, rather than an individual, can be an agent of effective action. This is a very different metaphysics than that of market individualism.



pollution of our atmosphere

The commons is also a threat to conventional economics because it asks us to entertain a broader definition of value than money. It asks us to entertain a larger conception of 'the economy' than Gross Domestic Product. Needless to say, this doesn't go down well with economists and policymakers who like to boil everything down to numbers and bottom lines.

The question for our time is whether a more holistic and humane model of human behavior can be 'designed into' our governance institutions. Can we devise institutions that promote responsible stewardship of the things that we own in common as human beings, so that we can pass them on, undiminished, to future generations?

Market Enclosures Are Destroying the Commons

Unfortunately, contemporary markets, in close alliance with the State, are determined to privatize and commodify our common wealth. Contemporary enclosures of nature, culture and public infrastructure resemble the English enclosure movement of the 16th through 19th Centuries. Take, for example, the rush of international investors and national governments to buy up farmlands and forests in Africa, Asia and Latin America on a massive

scale. Instead of having the authority to grow and harvest their own food, as they have for centuries, commoners are being thrown off of lands they have used for centuries so that large multinational corporations can sell food to global markets or make speculative killings on their land investments.

Can you guess what happens to the millions of people who suddenly can't survive because their commons have been enclosed? They become the characters of a Charles Dickens novel. They are forced into cities to search for a livelihood and end up becoming beggars, shanty-dwellers and exploited wage-slaves. A large number of Somali pirates who began attacking ships used to be fishermen in the coastal waters off Somalia until foreign industrial trawlers drove them from their fisheries—and destroyed their fishing commons.

Nowadays, it's not just land and oceans being enclosed. Mathematical algorithms can now be owned if they are embedded in software and supposedly serve a novel commercial function. McDonald's claims a trademark in the prefix 'Mc,' so that you can't name your restaurant McSushi or McVegan or your hotel McSleep. The American music licensing body ASCAP once demanded that hundreds of summer camps for boys and girls pay a blanket 'performance license' for singing copyrighted songs around the campfire.

One of the biggest commons around is the Internet. It is vulnerable precisely because it is a commons. As we see in authoritarian countries such as China, and Egypt—and in the Obama administration's vendetta against WikiLeaks—governments don't necessarily want the commoners to have the freedom to communicate freely among each other. Telecom companies would prefer to convert the Internet into a proprietary shopping mall by doing away with net neutrality rules. Hollywood and the record industry would like to make peer production and sharing illegal by expanding the reach of copyright law.

I've barely ventured into the vast range of enclosures that are going on today, but here's a brief sampling: the atmosphere, the oceans, genes, taxpayer-funded research, public spaces in cities, public highways and airports that are becoming private property, groundwater supplies and much else.

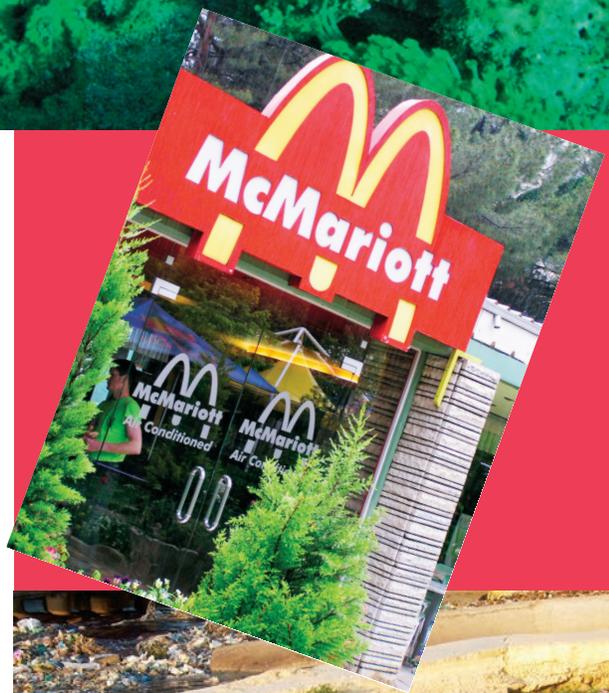
Market enclosure is about dispossession. It is a process by which the powerful convert a shared community resource into a market commodity, so that it can be privately owned and sold in the marketplace. Enclosure preys upon the common wealth by privatizing it, commodifying it and dispossessing the commoners of their autonomy and resources.

Enclosures sweep aside the social relationships and cultural traditions and sense of community that had previously existed. It requires the imposition of extreme individualism, the conversion of citizens into passive consumers, and greater social inequality. Money becomes the coin of social legitimacy and participation in a society.

In English history, commoners used to have an annual party in which they walked the perimeter of the commons to make sure that no one was fencing it off for their own private purposes. This was called the 'beating of the bounds.' The commoners would knock down any walls and dig up any hedges that anyone

from top: protests in Liverpool over government cuts; corporate takeover of the commons; ocean pollution; trademark violation in Albania; women washing clothes in water from sewers, Pakistan

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may have erected to enclose the commons. Over the course of several centuries, English commoners lost their ability to protect their commons. The aristocracy colluded with Parliament to privatize the village commons, which were sold off and dismantled. Enclosure was a way for the landed gentry to make a lot of money and consolidate their political and economic power.

Enclosures of Nature

The most serious and urgent problem of our time may be enclosures of nature. Markets have a propensity to treat Nature as either a nullity or as a brute commodity—something that has no life in it, no dignity, no connection to God’s creation. Biotech companies and universities now own one-fifth of the human genome. The biotech company Myriad Genetics of Salt Lake City claims a patent on a ‘breast cancer susceptibility gene’ that guarantees it monopoly control over certain types of research.

One of the first attempted privatizations of water supplies came in Cochabamba, Bolivia, in 2000, when the Bechtel corporation and the government privatized the municipal water supply and even claimed ownership of rainwater. More recently, the billionaire T. Boone Pickens has spent more than \$100 million acquiring groundwater aquifers in the Texas High Plains, which could make it very expensive for many communities there to survive as water becomes a private, proprietary product.

The biggest enclosure of nature is arguably the manmade carbon pollution that is accelerating climate change. This problem points up a core problem with modern-day economic theory—the inability of the economy to differentiate between sheer market growth and healthy, socially beneficial development that can be ecologically sustained. GDP confuses material ‘through-put’ in the Market Machine as equivalent to human progress. But the two are quite different.

There are two reasons for this misunderstanding. First, GDP doesn’t measure the common wealth—the stuff that is ‘off the books’ and belongs to all of us, which is supposedly ‘free for the taking.’ And second, GDP never takes into account the incredible amounts of illth that the economy creates in the course of creating wealth.

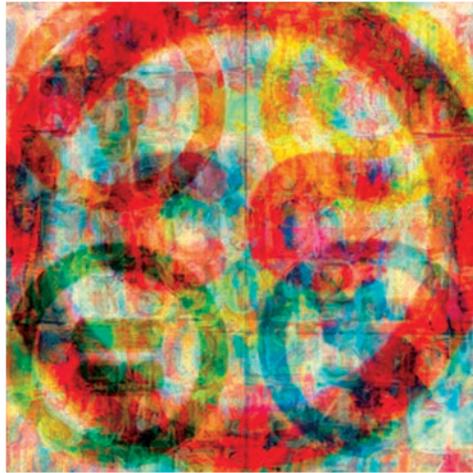
‘Illth’ is a term that John Ruskin coined to describe the opposite of wealth. It’s the trash and pollution and disease and injuries and disruptions that the economy inflicts upon the commons. Economists have a nicer term for illth—they call it a ‘market externality.’

Here’s the problem: The economy takes from the commons—in the form of free or discounted access to our shared resources. And then, whatever can’t be turned into private profit is dumped back

into the commons, as illth. Politicians and economists love to crow about how much wealth is being created—but they systematically ignore how much illth is being created in the process. They count only the market wealth.

So we have the perverse situation in which we need to create ever-rising amounts of illth just to create more wealth. And we are told that we can never solve our social problems—healthcare, education, social justice—unless we create more wealth. Call it the Red Queen’s Madness. As the Red Queen told Alice in the book *Alice in Wonderland*, she had to keep running faster and faster just to stay in the same place.

The Red Queen’s Madness is now the very basis for our global economy. We need to keep extracting more and more finite natural resources faster and faster just to maintain the same standard of living—while creating ever-increasing amounts of illth that no one wants to confront. Consider global warming: scientists warned twenty years ago that this would be a problem, and very little has been done to deal with this looming planetary catastrophe.



collage of creative commons logo

Of course, national governments always aspire to set limits—and corporations are always pledging to ‘go green’ or at least market themselves as green. But let’s be frank: History has shown that neither the Market nor the State has been very successful at setting limits on market activity. The simple truth is, neither really wants to. Growth is what props up the economy and growth is what props up national governments. Setting limits on market exploitation of nature or culture or labor would only slow economic growth,

diminish profits and reduce tax revenues.

This is why the tragedy of the commons should really be renamed, ‘the tragedy of the market.’ The Market/State is largely incapable of setting limits on itself or declaring that certain elements of nature or culture or community should remain inalienable.

The Value Proposition of the Commons

This brings me back to the commons. One reason that I am so attracted to the commons is it gives us a vocabulary for imagining a new sort of future. It lets us develop a richer narrative about value than the one sanctioned by neoliberal economics and policy. The commons helps us see that we are actually richer than we thought we were. It’s just that our common wealth is not a private commodity or cash. It’s socially created wealth that’s embedded in distinct communities of interest who act as stewards of that wealth. Because the value is socially embedded, it can’t simply be bought and sold like a commodity. The commons can be generative in its own right—but the wealth it generates is usually shared, non-monetized value.

We can especially see the generativity of the commons on the Internet, which is a kind of hosting infrastructure for digital commons. A few years ago Harvard Law Professor Yochai Benkler wrote a landmark book, *The Wealth of Networks*, in which he wrote: ‘What we are seeing now is the emergence of more effective collective action practices that are decentralized but do not rely on either the price system or a managerial structure for coordination.’

Benkler’s term for this phenomenon is ‘commons-based peer production.’ By that, he means systems that are collaborative and nonproprietary, and based on ‘sharing resources and outputs among widely distributed, loosely connected individuals who cooperate with each other.’

Think of the hundreds of millions of photos on Flickr or the millions of Wikipedia entries in over 160 languages. Think of the more than 6,000 open-access academic journals that are bypassing expensive commercial journal publishers. Think of the Open Educational Resources movement that is making open textbooks and the OpenCourseWare movement started by M.I.T. Think of the hundreds of millions of online texts, videos and musical works that use Creative Commons licenses to enable easy sharing. Think of the vast free and open source software community that is the basis for a rich and varied commercial software marketplace.

There are countless such digital commons based on peer production and sharing. In fact, the bestiary of commons is now so large and varied that there is what amounts to a Commons Sector for knowledge, culture and creativity.

Natural resource commons can also quite generative even though they are dealing with finite, depletable resources. There are all sorts of successful commons for managing fisheries and forests and irrigation. There are the acequias for water in New Mexico, the ejidos in Mexico, Native American lands and their sacred relationships with Nature.

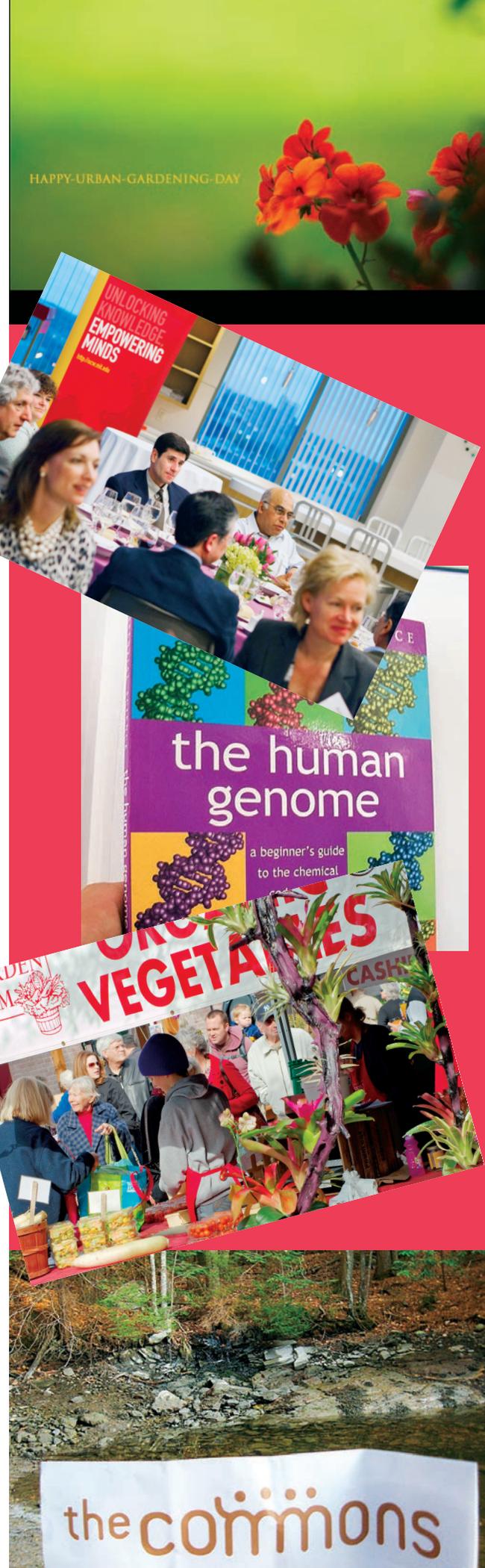
The commons is exemplified by traditional seeds and farming methods that Indian farmers use to avoid expensive proprietary seeds that have been made artificially sterile and that require synthetic pesticides and fertilizers. The Indian activist Vandana Shiva has done heroic work in this area. The commons is exemplified by researchers who generate and share gene sequences for the human genome; and by the community gardens of New York City that feed people nutritious food and improve property values in the neighborhood; and by the Slow Food movement, the Community Supported Agriculture movement, the Transition Town movement, and many others.

When we start to see the commons from this angle, we see that there is no tragedy of the commons. The commons offers a value-proposition that neither the Market nor the State can provide.

The particular governance structures for generating this value differ from one class of commons to another. Subsistence commons do it differently than digital commons. The so-called gift economies such as blood banks, academic disciplines and Couchsurfing differ from urban commons such as community gardens and public squares. But what all commons have in common is an

left. compositing the creative commons. *right from top.* urban gardening; free knowledge is a commons issue. MIT offers some of its courses free online; are human genomes commons?; fresh organic foods without pesticides; protecting our commons—pure water streams

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ability to manage shared resources and invite participation and inclusion. They rebuild a social fabric that neither the market nor the state is capable of rebuilding. This is the healing logic of the commons.

As a system of governance, the commons offers several critical capacities that are sorely missing from the neoliberal state and market system:

- the ability to set and enforce sustainable limits on markets
- the ability to internalize the ‘externalities’ that markets produce
- an ability to declare that certain resources are inalienable—that is, off-limits to markets

I hasten to add that the commons is no panacea. Commons often fail because of bad leadership or inappropriate governance structures. Just look at the many failed fisheries and forest commons in poor countries. Commoners have plenty of disagreements and conflicts.

Yet even with these limitations, commons hold great potential for helping people wean themselves away from an unhealthy dependency on volatile or predatory markets. They can escape the indignities of charity and government handouts. As a commoner, you don’t necessarily need to buy seeds or software or books or water from a company. You can get them for free, or inexpensively, through your seed-saving collective....and from your free software network.... and from the public library.... and from your water collective or municipal water system. Moreover, as a commoner, you are entitled to these things.

The Healing Logic of the Commons

Cicero had a great line: ‘Freedom is participation in power.’ The commons enhances our freedom because it decentralizes power and invites participation. People can contribute their creativity on a decentralized, horizontal scale. They don’t need to remain supplicants to the elites who manage centralized hierarchies and expert-driven institutions, whether of business, government or the nonprofit world.

Self-provisioning helps to reduce social and economic inequality. It helps promote more responsible stewardship of resources. People have a real stake in the future of their resources. They aren’t just disengaged consumers or citizens looking to ‘someone else’ to deal with a problem.

The commons doesn’t try to roll all wealth up into standardized, fungible product-units that can then be centrally controlled—the way that global markets and governments aspire to do. Rather, the commons is all about re-embedding market activity within a

social community so that resource management can become more socially responsive and accountable. It is about making the management of ecological resources more sustainable.

As I mentioned, the commons is not a magic wand. It’s simply an opening, a pathway, a scaffolding to build anew. Indeed, a commons works only if there are commoners participating in it. Or as the great scholar of the commons historian Peter Linebaugh puts it, ‘There is no commons without commoning’—the social practices and ethics that sustain a commons. The commons is a verb, not just a noun. It is not something that we just hand off to politicians

and bureaucrats. You could say that commoning is a new species of citizenship and a new ethic.

But how can we actually promote commoning? It won’t be easy. The Market/State tends to regard the commons with indifference or hostility. Fortunately, there is a lot of energy pushing the commons forward. The many different ‘trans-national tribes’ of commoners are starting to discover each other: the free software programmers, the free culture and open knowledge activists, the video mashup and music remix subculture, the worldwide Wikipedian community, the indigenous peoples networks, the farmers of La Via Campesino, the international water activists, the World Social Forum and more.

These groups are by no means a coherent, united front. If anything, these groups are highly eclectic. But they are showing a great deal of energy and innovation with respect to the commons, and they do suggest the beginnings of a new sort of global movement. What unites them is a belief in the commons as a new social organism and metabolism for governance and law—outside of the market and traditional government. And the idea of the commons is starting to get some traction in official circles.

UNITAR, the United Nations Institute for Training and Research, has launched a new online course on the commons. A few months ago, the Supreme Court of India officially recognized the rights of commoners to be protected against market enclosure—in this case, real estate development of a village pond. Bolivians have rewritten their constitution to give Mother Nature explicit legal rights of standing to be represented in court—and their president, Evo Morales, is urging the United Nations to ratify a treaty to the same effect.

Last November, the Commons Strategy Group and I co-organized the first International Commons Conference in Berlin with the Heinrich Böll Foundation. The event brought together 200



cochabamba, bolivia. world people's conference on climate change and the rights of mother earth

self-identified commoners from 35 countries around the world—activist farmers from the Philippines, Spanish hackers, Croatians trying to protect their public spaces from enclosure, American academics, the minister of patrimony from Ecuador. That event released a lot of energy, including an anthology of essays about the commons due out in the spring of 2012.

I am currently working with Professor Burns Weston of the University of Iowa, a noted international law and human rights scholar, on the Commons Law Project. We believe the right to participate in ecological commons should be treated as a human right and have the sanction of State and international law. We draw upon legal history of commons law (not to be confused with common law); note the impasse at which current human rights and environmental law are at; point to the deficiencies of the existing order in naming and protecting value; and suggest a new architecture of legal principles and action strategies to advance the commons paradigm.

There are several reasons why we should not regard the commons as some utopian agenda or faddish political ideology.

- it's an ideology; it's a worldview and sensibility that is ecumenical in spirit and analysis, if only because no two commons are alike.
- the commons has a venerable legal history that stretches back to the Roman Empire and the Magna Carta, which is highly instructive for our times.
- it is a serious intellectual framework and discourse for critiquing market culture and rediscovering human cooperation and community.
- it consists of a rich array of successful working models that in many instances are out-competing the Market and out-performing the State.

As this suggests, the commons has a lot of promising things going for it in a time when the old models are clearly not working. It offers a powerful way to re-conceptualize governance, economics and policy at a time when the existing order has reached a dead-end. It offers a way to revitalize democratic practice at a time when conventional representative democracy is terribly dysfunctional, often corrupt and highly resistant to reform. It shows that societies can actually leverage cooperation, self-restraint and stewardship to help solve problems.

For me, the real driving force of the commons is its ability to heal our inner lives and cultivate a new societal ethic. Alain Lipietz, a

French political figure and student of the commons, traces the word 'commons' to William the Conqueror and the Normans—not the English, interestingly. The commons supposedly comes from the Norman word 'commun,' which comes from the word 'munus,' which means both 'gift' and 'counter-gift,' which is to say, a duty. I think we need to recover a world in which we all receive gifts and we all have duties. This is a very important way of being human. The expansion of centralized political and market structures has tragically eclipsed our need for gifts and duties. We rely on money and state bureaucracies for everything. And so we forget what Ivan Illich called the 'vernacular domain'—the spaces in our everyday life in which humanity once created and shaped and negotiated our sense of how things should be.



indigenous prayers for sacred earth

The vernacular spaces of the commons have been eclipsed by large and mighty institutions that are not easily held accountable, at least to ordinary commoners. But we need these spaces for commoning to exist, flourish and be consequential in our lives.

You might say that our basic challenge is to rediscover commoning. 'The allure of commoning,' historian Peter Linebaugh has written, 'arises from the mutualism of shared resources. Everything is used, nothing is wasted. Reciprocity, sense of self, willingness to argue, long memory, collective celebration and mutual aid are traits of the commoner.'

What I find reassuring is that this is not just an idle fantasy. It's happening right now, around the world, in countless different milieus, and with new convergences and open-ended synergies.

When theory needs to catch up with practice, you know that something powerful is going on. At a time when the old structures and narratives simply are not working, and exciting new models are spontaneously emerging like green sprouts through the concrete, the commons gives us a reason to be hopeful. And we very much need some good news and reasons for hope.

David Bollier is an author, activist, blogger, and consultant who explores economics, politics and culture. He co-founded the Commons Strategy Group, which promotes the Commons internationally. He produced the educational film "This Land is Our Land—Fight to Reclaim the Commons." Mr. Bollier is author of many books and lectures on the Commons. He has worked with American TV writers and producers on a variety of public affairs projects. He is Senior Fellow at the Norman Lear Center at the USC Annenberg School for Communication. www.bollier.org

