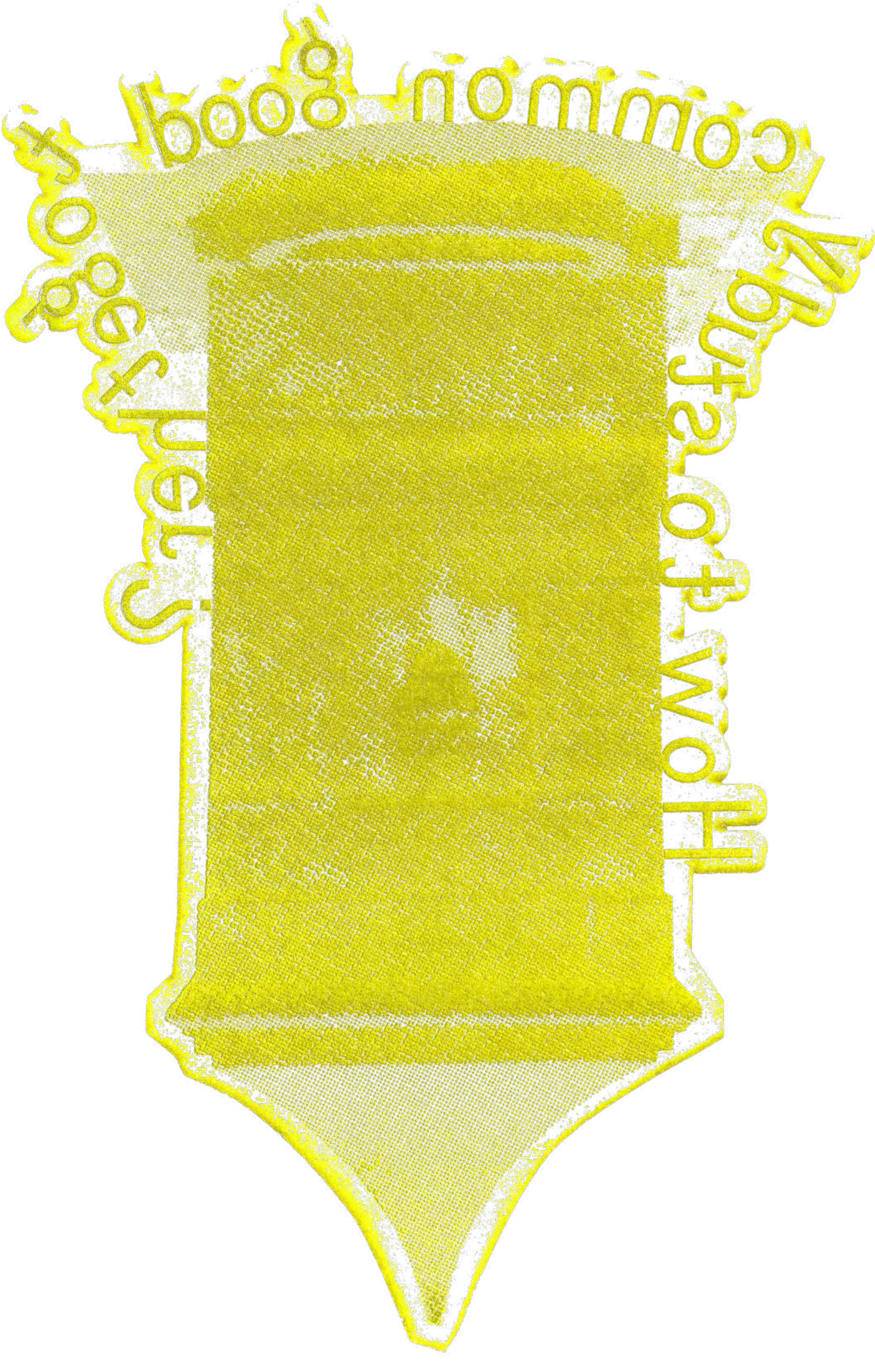

common good
how to study
COMMON GOOD ZINE 1
SOME NOTES ON
COMMON GOOD
AND THE DEBATES
ON COMMONING
(STUDY RESOURCE)


How to study common good together

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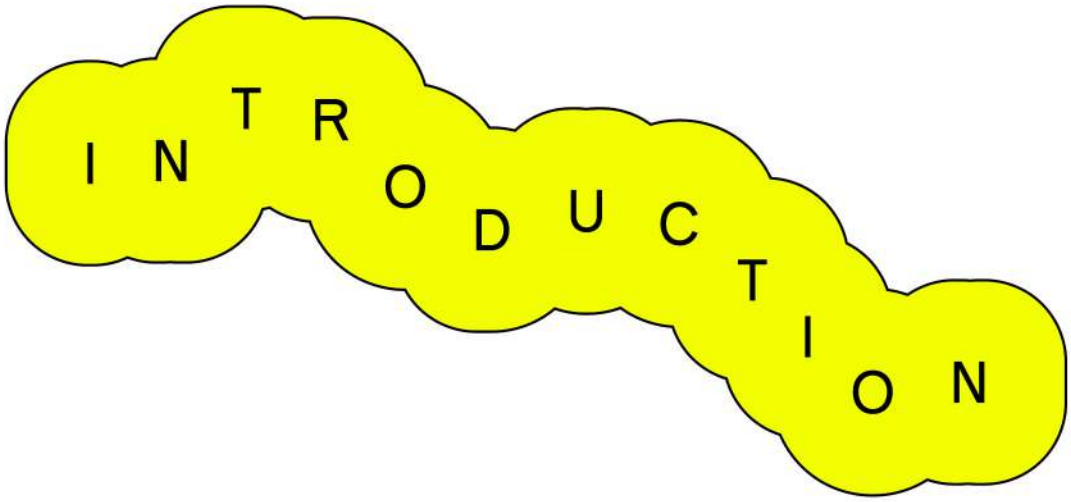

INTRODUCTION

ZINE RESEARCH RESOURCE: A MATTER OF PRECEDENTS

A Matter of Precedents is a research resource that has evolved through multiple forms, such as an installation, a map, study walks, a website and three zines. You are looking at Zine Nr 1 at the moment.

In Summer 2022 a first iteration of the research resource was presented at Collective in the City Observatory Library, Edinburgh, titled *A Matter of Precedents*. It included a study board, a map of common good sites in Edinburgh (based on the 2018/19 and 2020/21 Edinburgh City Council Common Good Registers), and an audio collection of recorded interviews with those involved in the particular activation of the common good at the City Observatory reopened in 2018 under the custodianship of Collective, a contemporary art organisation. With manifold input by cultural workers who have encountered issues surrounding the common good in their own communities and work, the research resource attempts to demystify and expose some of the legal mechanisms and institutional processes around publicly owned items. In May, we – Annette Krauss, Alison Scott, and Frances Stacey – together with many collaborators engaged in two in-person walks to gather around and discuss other common good sites in the city. We walked and talked along two routes in central Edinburgh taking in a variety of sites, objects and spaces held in the common good, exploring and imagining

forms of custodianship, collective ownership, maintenance, and community use of these sites.

Here, in print, we are pleased to make available further aspects of the resource, launched in tandem with an online presentation where you can listen to the interviews made in the first part of the project *A Matter of Precedents*.

This print resource is formed of three zines. They act as records of the project, as a reader and an invitation for further study: holding transcripts of recorded conversations, online material, previously published articles, and two newly commissioned texts. Much of this gathers in printed form the contributions made for the display in the Library at Collective – whether that be audio interviews or material added to a study board – and contributions offered as part of the common good walks.

CONTENT OF THE THREE ZINES

The three zines feature topics and items that closely follow the structure of the online resource, starting zine one (that you are looking at right now) which covers general notes on the common good in Scotland and materials that situate this in relationship to wider debates on commoning. Zine two unfolds material contextualising Collective's specific relationship to common good through their inhabitation of the City Observatory as a site held

in common good. Zine Two is divided into two chapters "Administrative Chores: The Labour of The Common Good", gathering administrative-organisational material related to common good in Edinburgh, and "Common Good and Colonialism" exploring aspects of the relationship with colonial legacies. Zine three looks toward other struggles surrounding the common good and documents the Study Walks along common good sites in Edinburgh. The various angles from which this documentation takes place hopefully spur re-imaginings of common good in Scotland and offer avenues for further study.

All in all, the three zines attempt to share information on the common good in the spirit of open access and free distribution, and connect this particular form of Scottish commons to wider discourses and learning.

BACKGROUND INFORMATION ON THE RESEARCH PROJECT A MATTER OF PRECEDENTS

A Matter of Precedents examines the City Observatory's status and designation as a 'common good asset'. The 'common good' is a form of collective property, unique to Scotland, comprising buildings, land, structures, and monuments gifted to the people of a specific historic burgh. Categorised as 'common good', these items are today managed by local councils and their partners for the good of the people. This study is developed in dialogue with a number of

people involved in Collective's redevelopment of this site, alongside artists, cultural thinkers and others.

Developing on Annette's long-term research on the commons, *A Matter of Precedents* considers the specificity and lack of visibility of the Scottish commons, particularly in Edinburgh; and draws on Collective's journey to the City Observatory as a way to study the (imaginative) potential of the 'common good' as a particular legal, historically philanthropic, early capitalist anomaly entangled with colonial histories.

In the face of the increasing pressures of commercialisation and privatisation of public space in our cities, *A Matter of Precedents* seeks to understand the obligations, responsibilities, and restrictions around the use of common good items as opportunities for public agency.

Alongside this specific focus on the common good, the project takes an intersectional approach, considering the relevance of colonial, feminist, and educational histories in Edinburgh. It seeks to (un)learn from ongoing debates around colonial cultural heritage, and practices of reparative justice, while unpacking the philanthropic principles of educational Enlightenment projects. These convergences are explored through the input of different stakeholders, and with those participating in the walks, and now unfold in yet a different constellation, here, in the three zines.

Annette Krauss

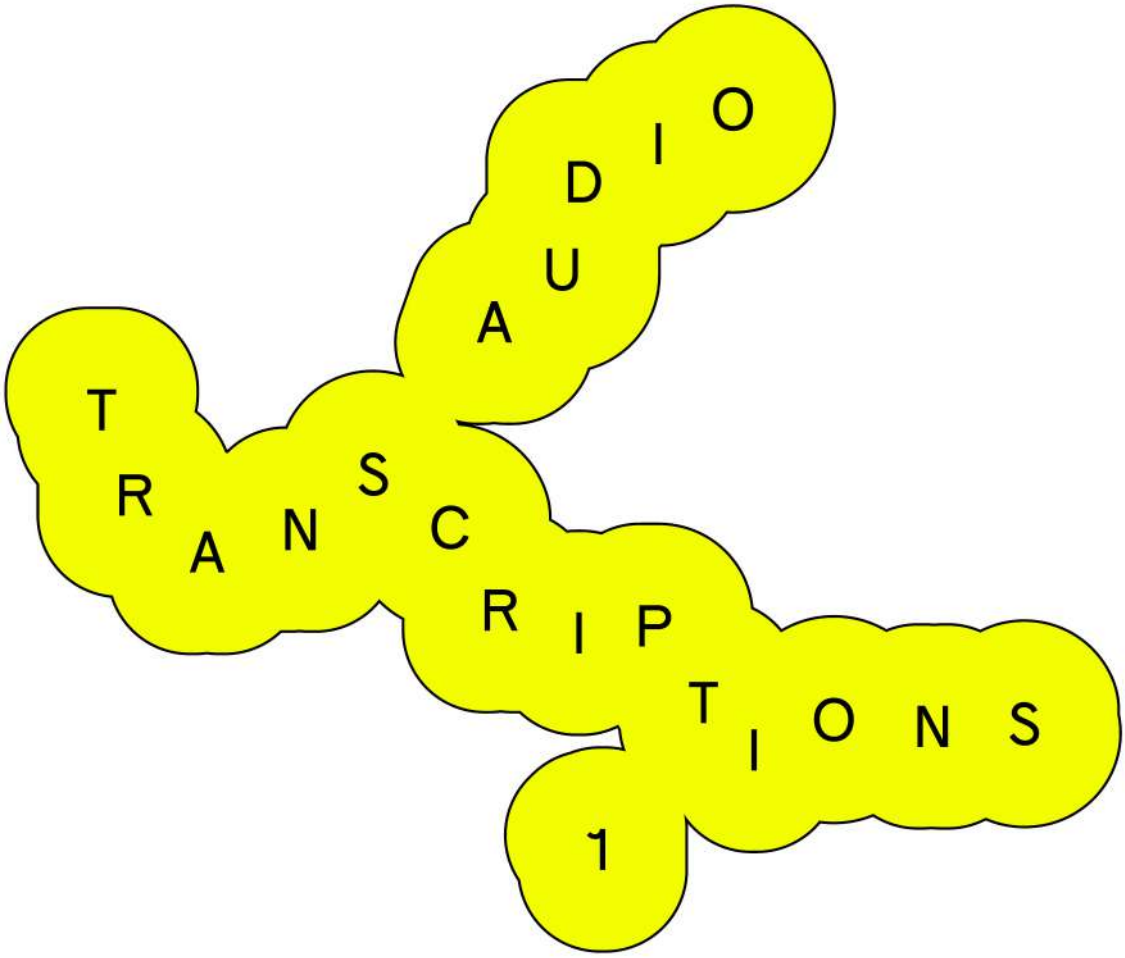
Artist, educator, and writer Annette Krauss has been working with Collective in Edinburgh, Scotland over several years on *A Matter of Precedents*, a research project exploring the 'common good'. Annette's collaborative work is dedicated to practices of 'unlearning' and 'commoning', addressing questions of institutional responsibilities, feminism, and privilege.

Alison Scott

Alison Scott is a Scottish artist, writer and art-worker often working with other artists on collaborative and research-led projects. She has been assisting Annette closely with the research and production for *A Matter of Precedents*. Recent projects in print, film and performance work through feminist approaches to weather, land, and the inherited environment.

Frances Stacey

Frances Stacey is a curator and producer who collaborates with artists, filmmakers, and others to develop new commissions, films, exhibitions, and pedagogical programmes. As a freelance producer she has supported the development of *A Matter of Precedents* with Annette and Alison, informed by experiences working with Collective from 2013 – 2020 and co-producing in the context of ongoing socio-political struggles.


AUDIO
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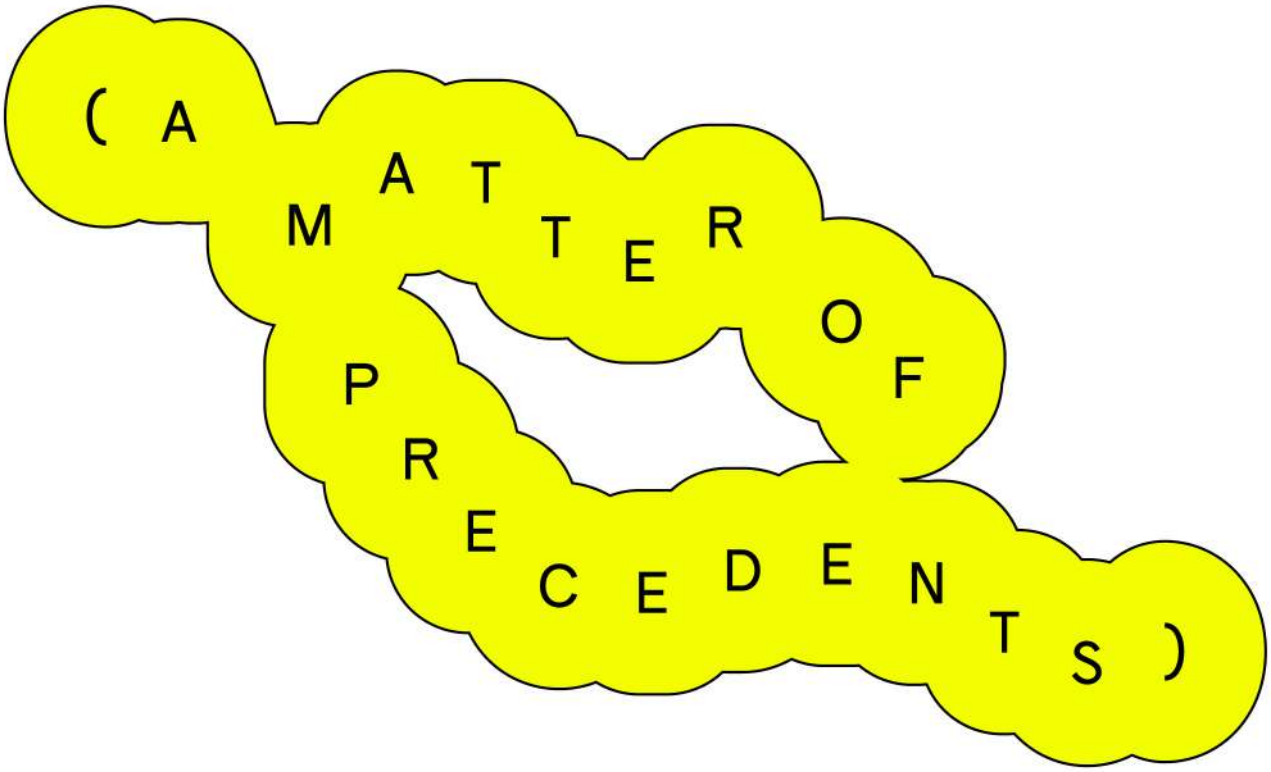

(A MATTER OF
PRECEDENTS)

The following transcriptions are derived from the recorded conversations that were held during the first phase of the project *A Matter of Precedents*. The conversations took place between the artist Annette Krauss and key people involved in Collective's activation of the City Observatory as common good, and with artists and researchers who have encountered issues surrounding the common good in their own work and communities.

The transcriptions were produced as working files for the audio installation in the library at Collective. They are summary transcriptions and in some cases word by word. Extracts from the recorded conversations can be accessed online www.collective-edinburgh.art/held-in-common-good

Part 2 and 3 of the audio transcriptions can be accessed in Common Good Resource ZINE 2 and 3.

SOME NOTES ON COMMON GOOD AND THE DEBATES ON COMMONING

AUDIO-TRACK 1
Part 1. Notes on the history of common good in Scotland;
in conversation with artist and researcher Simon Yuill, 18.8.2021 (7.10min)

Present during conversation: Annette Krauss, Alison Scott, Simon Yuill

00:09:47

COMMON GOOD – INHERITANCE FROM THE BURGH SYSTEM

Simon Yuill describes how the common good system relates to the old burgh system and burgh boundaries that led to some assets being forgotten about as local government was re-organised into the current county and city council system. Councils' approaches vary, and assets got amalgamated with other things. Simon makes the point that common good seems to be strongest in politically conservative areas, which he thinks is because the more progressive eg. Labour led councils in the 1970/ 1980s would have thought it as anachronistic of that philanthropic era. So, they did not see it as something relevant to a modern, post-war welfare state. The connections become haphazard and disappear as the councils don't know what to do with the assets. He describes how this is the case in Glasgow too – the common good being pretty much neglected and not made use of. The value of the assets has plummeted from the 1970s to today. He discusses how, in Edinburgh, the city (and therefore Common Good fund) only makes ~£1 a year from the common good land at Waverley Market, because no one saw the use of it.

BOURGEOIS PHILANTHROPY

Simon describes the 'burgess' of the burghs as the Scottish bourgeoisie and the infrastructure of the emergent capitalist cities in Scotland. Aberdeen and Edinburgh foremost of these burghs 'free cities'. Linked with early emergence of capitalist structures in Europe in the 15th, 16th century. Aspects predate this, combined with element of mediaeval township systems, therefore aspects of more historic commons, eg. drying greens, common grazing (e.g. Princes St Gardens, used to be sheep up to 20th c, similarly meadows, Arthur Seat), cattle markets.

Elements of common good absorbs this and combines with the philanthropic model – leading to the 'odd' things that are included within Common Good.

TENSIONS OF WHY TO USE OF COMMON GOOD

At the time Simon interviewed Andy Wightman, he also met up with various community activists linked to common good in different parts of Scotland, and some, like the one in the Caltongate are re radical/ leftwing/ about working class politics. But others less so – such as a case in the borders, which was more about respecting philanthropy, and the 'scandal' of the common good was not about the lack of benefit to the local community, but about how the memory of those that had donated to the common good was not being respected. He reiterates how the 1970s/ 1980s Labour led councils would have rejected the idea that we should honour the 'worthies' of the past – so these associations lead to its neglect, as well as administrative oversight and general negligence.

COMMON GOOD AS INCLUDING "NON-RIVALROUS GOODS" TO FACILITATE CAPITALISM

Simon describes the mix of resources mercantile capitalist towns required and the creation of a 'non-rivalrous-good' form of commons – following political philosopher Elinor Ostrom's take. This is the idea that there are certain resources that enable markets to happen which have to be outside the market. So the common good was part of this early structure. As well as historical commons to do with community resources; also markets that are needed to be 'non-rivalrous' to make a competitive capitalist playing field. He discusses the link to time and capital and Calton Hill as part of this: the synchronisation of time is a key issue in the emergence of industrial capital, and that is what Calton Hill's timekeeping resources enabled. Factored into the restructuring of time, as a utility that orders labour and distribution of goods. Positioning assets within the common good was a way of making them non-rivalrous entities that were required for the markets to operate. (00:16:47)

AUDIO-TRACK 2

Part 2. Notes on common good and time; in conversation with Simon Yuill, 18.8.2021 (5.10min)

00:17.09

CAPITALIST TIME AND COMMONS TIME

Simon describes how the synchronisation of time was one of the key developments in the emergence of industrial capital, eg. the wage, the railway system, logistics that facilitate the exchange of goods. Prior to centralised timekeeping, there was localised time eg. the church. Synchronised time was a necessary development towards the emergence of modern capitalism. This enables a shift from time as a 'customary' commons – time thought of as festivals, seasons, family histories or 'people's time' – to the structured time of capital. This is still necessary for systems such as the internet: time needs to be outside of market control in order to create a point of non-rivalry for competition to then occur.

Simon talks about the difference between 'commons time' and 'commoning time' – and the move of time to becoming an asset, as it is necessary for the market to happen. In this sense, Calton Hill's timekeeping mechanism being held within the common good was a way of creating that 'non-rivalrous' asset – through the mechanisms available at the time (state owned assets didn't exist in the same way). He talks about the tensions between philanthropy, customary commons (pastures etc), and the emergence of infrastructures for modern capitalism. (00:22:26)

AUDIO-TRACK 3

Part 3. Notes on common good and colonialism in conversation with researcher Emma Balkind, 31.8.2021 (2.30min)

Present during conversation: Emma Balkind, Annette Krauss, Alison Scott

00:32:32

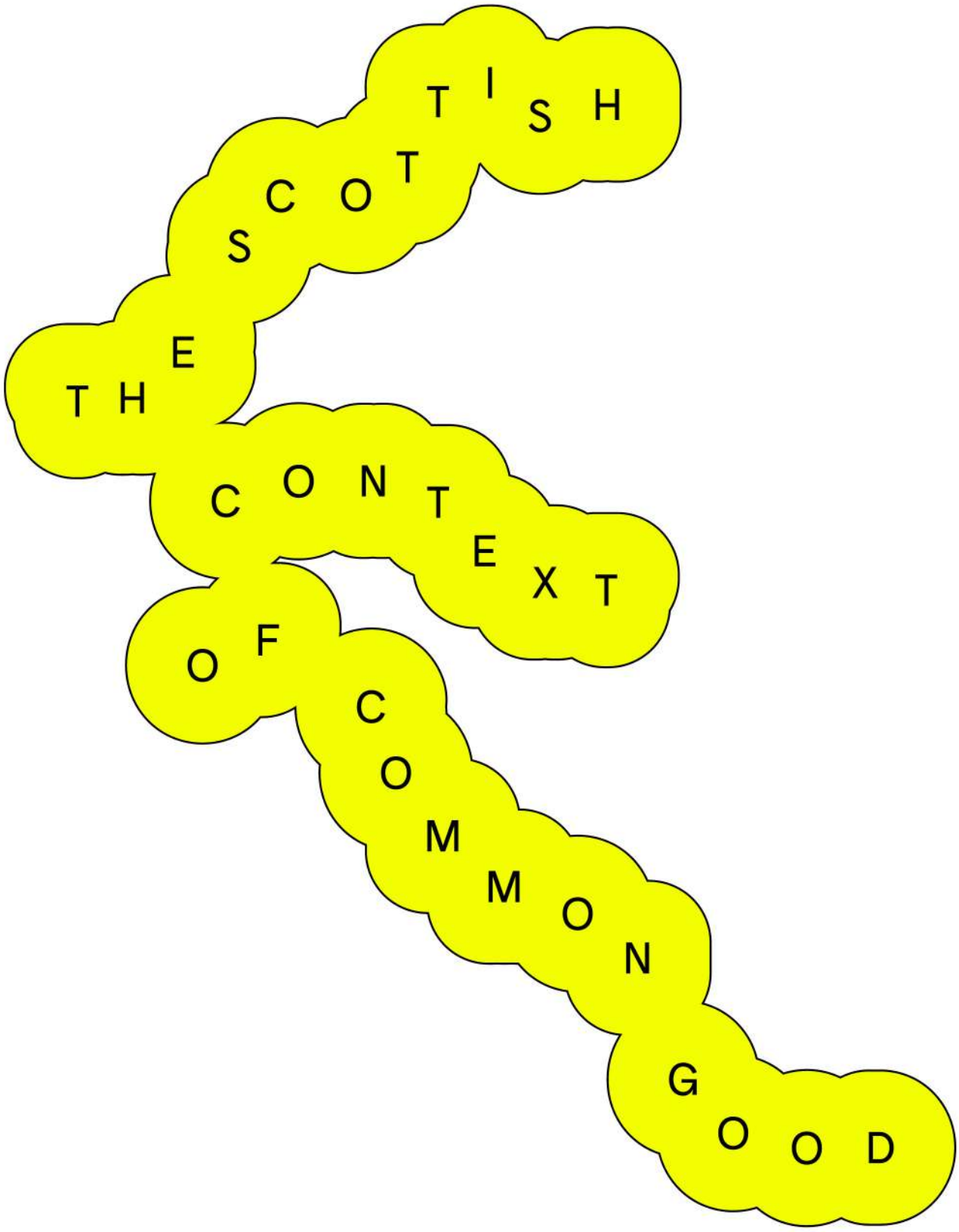
COMMON GOOD AS COLONIAL MECHANISM, MAGNA CARTA, ESTOVER

Emma Balkind mentions research on abolitionist Frederick Douglass' work in Scotland and the Send Back the Money campaign – and how in Scotland we're very bad at acknowledging ongoing colonial effects and where the actual money for our society's wealth came from. She supposes that a lot of the money that created the common good funds and assets, or perpetuated them, could have come from the slave trade and/or imperialism. One of the central questions remains, where did the money come from; who was managing it? She describes her work on the commons and 'estover' which is the right for women to forage – which only came about from women's subjugation; they couldn't own property – so it was to save women from being completely destitute and potentially being designated a witch. The law of the commons was taken by colonial means around the world through the Magna Carta and the Forest Charter, but those rights were not afforded to the slaves in those countries: the arrival of that law in fact made those people's lives a lot worse in some respects, e.g. by destroying indigenous ways of sharing and cooperation. She introduces the idea and introduction of common law itself as a colonial mechanism. (00:34:39)

Simon Yuill is an artist, researcher, and writer based in Glasgow whose work includes the use of interview and research processes, film, publishing and custom software systems.

Emma Balkind is a writer, researcher and educator currently training in Data Analysis. Previously, she was a Teaching Fellow in Visual Culture at Edinburgh College of Art at the University of Edinburgh where she was Course Leader for Year 3 and Masters elective 'What is the commons? Participation, objects and place in contemporary art'. Emma completed her PhD 'Estovers: Practice based research on the concept of the commons within contemporary art' with Glasgow School of Art in 2018.

Matter of Precedents Study Board in the library at Collective, Edinburgh, Summer 2022. Photograph courtesy of Tom Nolan, 2022.



- Emma Balkind, "Introduction: Surveying the commons" from "Estovers: Practice based research on the concept of the commons within contemporary art"
- Simon Yuill, "The Uncommonality of the Commons"
- Andy Wightman, "Common Good: A Quick Guide"
- Common Good Detective Work

It is evident that managers are replacing art historians and curators as the heads of institutions. Between the globalised world of the market and a society ruled by an administrative regime, we have to find a space of resistance, a space in common. There is also an element of urgency in this: together we are stronger and we need muscle at a time when the market and bureaucracy are so strong. You need the strength — the legal strength — of being together…

Canon or counter-canon is not the issue. That is too modernistic, it tries to disclose a truth, and our proposal is not about that. The separation of research, academics, theory — I have always hated it. Also between the artistic or scholarly side of the museum and its management. We have to break with this modern — modern since the seventeenth century — idea of subject against subject, or the subjective versus the objective, etc. It's about something else — about relationships, about being in common, and not about absorbing one into the other.

Quote from Manuel Borja-Villel, Director of Museo Nacional Centro de Arte Reina Sofía, Madrid (Zonnenberg, 2015)

Emma Balkind, "Introduction: Surveying the commons"; "Estovers: Practice based research on the concept of the commons within contemporary art"

Introduction: Surveying the commons

This research focuses on the concept of the commons as it relates to contemporary art today, relating the idea that the commons has become a central notion in discursive practice.

My thesis is not intended to be a complete survey of the commons, but a reflection of the current status of the term through discursive practice. I believe that an understanding of the concept of the commons in relation to art is still in the early stages of development as is reflected in the recent selection of articles on the topic in art journals such as Open! *Commonist Aesthetics* (2015) and e-flux journal no. 17: *In Search of the Postcapitalist Self* (2010), but mostly in presentations at symposia organised by and in tangent to art institutions.

When I began my PhD, I believed that I would be relating the idea of the commons through a speculative methodology. It seemed that many of the papers and discussions which were happening in relation to the Occupy movement were trying to envision the development of new ways of living and an alternative to the austerity which was widely instituted by Western governments after the financial crash of 2008.

As I continued my studies and completed my initial literature survey, the response that I received from the board at my institution was 'this is all very interesting, but what does she mean by the commons?' I realised at this point that it was not enough to simply assume that the commons was something already in existence, that could be called to in order to fix the current state of things, but I must actually detail what I and other people meant when making this reference to the commons.

I also realised that ideas of the commons are extremely wide ranging and at times do not follow a coherent order. The UK is a good place to study the commons because we do have some forms of commons written into our laws in Scotland and England. However, the idea of the commons as a concept in law is not usually the thing that is being referred to when people call for the commons today. So, what is it that activists, theorists and cultural workers are referring to?

My own interest in the commons came out of my MA thesis in Contemporary Art Theory at Edinburgh College of Art (2011), which was in part a case study of the thwarted projects

Fig.1 Architectural rendering of Northern Lights at Union Terrace Gardens (2008)

Fig.2 Protest by citizens of Aberdeen against the Wood Group plan for city square (2011)

Fig.3 Occupy Stockholm poster (2012)

of Peacock Visual Arts and latterly The Wood Group to build on Union Terrace Gardens, a piece of common good land in the centre of Aberdeen. I had worked at Peacock in 2008 and wanted to make sense of what had happened when the Northern Lights project, for a new gallery space and workshops, was defeated.

At the point of writing that thesis, the Millbank student protests (see Hancox, 2011), Occupy movement and various other initiatives and protests were calling out for the commons as it related to the public realm and I realised that there must be some connection between the exploitation of a public garden in Aberdeen and the aftermath of the global economic crash in 2008 which led to these international protests and occupations. I made my PhD application with a digitisation of a protest placard from Occupy Stockholm as the cover: 'Equal access to our resources starts with making sure our commons remain common'.

My initial research questions were: If the Commons needs a community, how does the Commons relate to contemporary notions of Public Art and Engaged Practices? How might an engagement with the Commons be beneficial to the organisation of cultural spaces? Can the Commons project create a new space outwith existing paradigms of cultural organisation and practice? If this is not so, how does the Commons frame these existing practices differently than a neo-liberal approach?

In what ways might speculation on Commons and Commoning be productive towards creating a new constitution and cultural policy change? As a seemingly utopian project, is a consideration of Commons sufficient to affect the real change needed, to reverse capital-centric governmental attitudes to culture?

Today the questions have changed to be more specific: What is the concept of the commons when it is referred to in contemporary art? For what reasons is it being employed as a concept

in discursive practices? (You may notice through the thesis I have also dropped the capitalisation of Commons to commons to reflect its styling in general usage).

My submission takes the form of a combined portfolio and thesis, reflecting on the practice based research. This thesis draws together the literature survey which is needed to begin to understand the background of this topic. It then continues through a discussion of political philosophy, in particular, the notion of 'the common' as it relates to community. After which, there is a survey chapter on the role of the commons within art, followed by a chapter on the portfolio. Finally there is an analytical chapter reflecting on the practice based research undertaken. In addition to this I have created a suggested commons syllabus with the artistic-researcher in mind. The accompanying portfolio comes in two parts: a printed booklet of transcripts from a selection of projects which I variously organised and took part in through the course of my PhD research, which is partnered with a USB 'stick' containing the original audio from these projects and of second and third year progression presentations.

Chapter one is a literature survey of some of the key texts in commons theory, and also comprises some texts about neoliberalism and subjectivity such as Lazzarato's *The Making of Indebted Man* (2012). This chapter acts as a chronological perspective of the development of the concept of the commons as it relates to my research. Contemporary art is discussed in this chapter in the activities of 16 Beaver, David Joselit's book *After Art* and his position on Relational Aesthetics, a discussion of works on Greenham Common by female artists Condorelli, Margaret Harrison and Lucy Reynolds, and through Jodi Dean's critiques of art activism.

The second chapter is presented in two parts. The first section leans towards an analogy of the falsehood of 'the common' as necessarily good or utopian, and a demonstration that perversion and destruction is often in existence within iterations of the commons. The second section is an edit of the essay 'The commons subject/The subject of community' which was published by Camera Austria in 2015. The text deals with the notion of the individual who is subject to the relation of the commons and how this often sits either alongside or against an idea of community. This chapter considers contemporary art from a show and publication by Camera Austria, the writings of the artist and philosopher

Matteo Pasquinelli, a painted portrait of Jimmy Wales Portrait by the artist Pricasso, the MAP reading group Sick Sick Sick, and essays by the artist Celine Condorelli.

Chapter three is a contextual chapter on art and the commons, and in a sense this acts as a justification for my project. In this chapter I present other projects which have dealt with the commons in a discursive sense in the last few years and what themes were being investigated in this work. This is where I situate where my research questions came from and what the field looks like now. The artworks in this section are presented as a record of the commons in contemporary art history, rather than as a critical reflection on their merits. Due to the ongoing development of this topic within curation and art practices, I felt that this was the most appropriate way to document the use of the commons as a term within contemporary art at this time. The contemporary art in this section covers the curation of Biennales Documenta13 and KW at the Berlin Biennale and the Athens Biennale *Agora*, programming at Casco and BAK in Utrecht, the art of Amy Balkin and Clive Gilman, and curated programmes including *Atelier Public* and *Open Field*.

In the fourth chapter the background of the portfolio of practice is presented, with descriptions of how each event was organised and the context for each of these discussions. All of the portfolio — the projects Estovers Part 1 and 2, GoMA, Jupiter Artland, Collective and Transmission are detailed in this chapter. Contemporary art projects appear in this chapter with engagement in the work of artists including Tessa Lynch, Eastern Surf, Modern Edinburgh Film School, and Victor and Hester.

Chapter five presents an analysis of the practice and theoretical research. What did I learn about the concept of the commons as it is used in contemporary art while working on the projects presented in the practice portfolio, and what themes are represented in these discursive projects? From this point in the thesis, the art which is discussed here reflects primarily on the practice which I undertook, and which is documented in Chapter 4 and in the Portfolio.

Chapter six presents notes towards a suggested syllabus on the commons, which is intended as an extension to the contribution to knowledge. The contribution to knowledge is a representation of commons projects in relation to contemporary art, and the 'suggested

syllabus' reader which provides a context-specific route through a collection of texts about the commons. There is just one university which I have found to have begun to make space for theories and knowledge on the commons for students studying art and visual culture. This syllabus acts as a counter to what Goldsmiths created in 2014 to allow for more discussion of areas of study of the commons which lie closer to the concerns and output of practice and theory related to contemporary art, and focusing less on political economy and enclosures and more on a constructive depiction of the commons. I believe this is the most open and practical way I can give over the knowledge I have accrued.

Finally, the conclusion revisits the work undertaken: considers the scope of what has been included, how the notes toward a syllabus work as a means to allow for ongoing discursive practices related to the commons, and how I am developing some themes of the research through a collaboration with CCA with the group *Invisible Knowledge*. This submission is therefore a survey of what I have learned and over the course of three years of study and practice. It is my hope that each individual section of the project can stand alone as an informative element, but that together these sections can provide a general overview of the commons via a practice-based approach from within the research department of an art school.

Epistemology of the practice-based commons project

The theory of knowledge which this thesis embraces is that the commons itself is not only a descriptive term, but also a practice. The commons is something which exists as a production: to exist, it must be reiterated. So, the practice involved in the production of this thesis was about calling to this idea in public.

The concept of the commons is about providing space: in this case, for discussion. The projects which were undertaken were a practice engaged in a discussion of the commons through a form which relates the commons.

My practice has been one which has involved making space for discussion of the commons by others, something which was both an amelioration of the lack of discussion present in a

preliminary research on the commons, and also a means to reflect on the concept in public. Again, breaking open the process of research.

The thesis gave me a place to further develop discussions around philosophy and other existing artistic projects on the commons as a topic, while also reckoning with it *in practice* by creating space and accepting the creation of spaces by others which considered this topic. Further extension of the publicness of these projects came about through the publishing of the content which was created in these spaces.

My practice in the research process of this thesis was one of producing discursive projects which presented me with a jumping off point for my research but latterly also were reflections on research I was undertaking, in a non-linear process.

Throughout the course of the PhD, I have strived towards making my research as open as possible. I realized that this was not the norm during the research methods course, when an architecture professor told us how he had successfully hidden every part of his thesis writing from his studio mate by building a wall around himself and never speaking about his work to anyone in public. In hearing this, I knew that in my research I wanted to be true to the openness of the commons and that to do well by my topic, I needed to be out in public discussing and presenting ideas. Considering something which is often quite a grassroots concept within academic structures led me to constantly readdress my approach, looking at which parts of the research process should be modified or updated to deal with the ethics and open structural dynamic which comes from commons projects.

I believe that this particular combination of active practice-based projects and surveying the topic from an interdisciplinary perspective could form a new way forward for the academy. This kind of approach is something which I made a case for at the interview stage, and so I was pleased when I saw that the Universities of Stirling and Dundee would inaugurate the *Centre for Scotland's Land Futures*, bringing '…together perspectives from across the humanities – history, geography, economics, art, English, law and philosophy – in the process helping address a gap in the nation's knowledge and perception of the use of land.' (Isles 2015) While not strictly addressing all of the same issues as CSLF, it feels that there is a fledgling model of research being developed towards a new kind of study of concepts

related to land and living arrangements. I hope that the work I have undertaken in this thesis project can feed into such an approach.

I have a discursive practice of programme curation, producing public-facing events and working in collaboration with contemporary artists to articulate the aesthetic and political elements of their work. The rationale of my practice in this research is informed by the methodology of the Estover. This history of this concept is described in further detail in Chapter 1, but for the purposes of describing the methodology briefly here, the Estover is a means to open up the research process. It acts as a bridging point between practice-based research outside of the academy and the academic form of the PhD thesis, using active discussion in order to produce outcomes in practice which otherwise would not be available through traditional modes of archival research.

The concept of the commons is a relatively new concept within contemporary art and within it there is an existing methodological imperative for the commons to exist as an open platform for all to access. Allowing others into my research methodology breaks the primacy of the researcher and has allowed for a more open and interactive framework, taking account of a fluid research process. The practice would be driven by research and the research was informed by practice.

It was a process which fed itself and returned issues from within art to theory and from theory to art. Therefore, the progression of the practice happened in tandem with the production of the thesis. I worked as an organiser and a researcher, but also was present in other people's projects as a collaborator. (Note: While the production of practice for this project took place in collaboration with others, the production of the thesis was all of my own work!) This shifting position between individual study and collaboration is something which informs the approach and tone of the thesis and also ties into the methodological imperative of the Estover as a framing device.

Considering different registers

It is important to note here that the tone of this thesis differs according to the chapter and the stage of the PhD I was in while I was writing it. As a result, this thesis does not always use a traditional / authoritative academic tone, and the voice of the project differs greatly at times through different sections of the thesis. Each chapter reads differently: some are conversational, some are more theoretical, some are reflective. The relatively formal voice of the literature survey gives way to more experimental approaches of writing in the philosophy chapter. The analysis of practice is conversational, while the syllabus is in an embryonic form.

The structure of the finished thesis is a partially synthetic form. Throughout the time of writing the thesis, I was taking part in activities of practice. This is not to say the thesis doesn't follow the linear progress of work, but more that each chapter both consciously and unconsciously was affected in tone by the activities which happened alongside it. I also felt that the tone of the thesis should take on some feeling of the approaches which I had to undertake in order to write particular chapters. The concept of the commons is diverse, and so is the selection of expected academic presentations one must make on methodology, practice, theory, contribution to knowledge, literature survey and so on. The change of tone within the thesis is perhaps a result of this, and at times – particularly in Chapter 4, where I recount the practice undertaken – is tinged with discursive aspects of the projects which I was working on while I was writing.

Since each chapter has a different function and therefore presents differently, I have tried to link these chapters together as neatly as I can, but I think that some of the wildness of the activities does percolate through at times. Since part of the methodology of the Estover involves some existence both inside and outside of the structures that support it, each time I am required to be academic I also still have a foot outside in practice. Each time I am participating in practice I am thinking about how to process this information in relation to theory and contribution to knowledge. I would go as far as to consider that the tone changes in part to provide a reiteration of the methodology employed over the course of the thesis and portfolio.

The portfolio itself ranges between pre-scripted and unscripted presentations, performance, discussion and published essay. There is a looseness in this presentation of thoughts, and although the thesis takes more of an academic approach out of necessity, some of this looseness remains. The timing of the thesis and the way it has to draw on many different themes and disciplines is also reflected in this. It is my intention that it should come across as having energy and perhaps not too many ties to disciplinary expectations, while also fulfilling the expected function of a thesis of doctoral standard.

The Uncommonality of the Commons

Simon Yuill
Glasgow, 31st August 2013

So as Emma said I want to talk a bit about the complexities and contradictions of the commons and I'm also going to focus a bit more on specific historical commons in Scotland. To some extent the various definitions of the commons that we've heard today already to me suggest a problem in the concept. It's become so broad as to include everything and I would argue it's becoming almost like a constitutional equivalent of organic food or fair-trade coffee. It seems to be a good thing but yet it's so ... has little substance to it and to an extent a lot of the discourse around the commons is in danger of undermining what might be the actual possibilities for alternative or transformative politics that might come from that. And there's a real danger of this just becoming an empty talking point rather than any actual movement as such.

Part of my interest comes, and part of my more critical take on it, comes from the fact that I am a programmer as well as an artist. I've been involved in what's called Free/Libre Open Source Software[1] ... which is a kind of movement ... not really a movement at all ... a form of programming practice that emerged in the 80s, as a ... initially as a critical stand towards the commercialization of programming but which has become a widespread norm within software production and spreading towards other forms such as social media. There have been interesting developments in how that's evolved

[1]Free/Libre Open Source Software is normally abbreviated as FLOSS. In the late 1990's and early 2000's there was significant interest in FLOSS as a model for radical artistic practice often referring back to the strategies and practices of Situationism, Neoism, Conceptual Art and Mail Art. The emphasis within FLOSS upon programmers building their own tools and infrastructures, such as the GNU/Linux operating system, aligned well with the ideas of autonomous structure and self-institution within artist-run practice. Early examples of the overlap between FLOSS forms of production and artist-run practice include the Festival of Plagiarism events in London and Glasgow, 1989-1990 (Home 1989, Photostatic 1989 and Bloch 2008), the Copenhagen Free University, 2001-2007 (Heise and Jakobsen 2007), and the University of Openess, 2002-2006 (Albert 2007). These developed alongside the emerging hacklab scene which grew out of the conjoining of anarchist and Autonomist social centres with free public computing labs running on salvaged recycled equipment. As FLOSS became increasingly incorporated into mainstream computing business and the hacker ethos was appropriated as a means of branding various forms of exploitative volunteerism, the potential of FLOSS as a form of technologically enabled radical praxis largely evaporated. Essays on FLOSS and artist-run practice include Albert 1999 and Cramer 2000 – Cramer was also a participant in the Festival of Plagiarism. The political tensions and contradictions within FLOSS are discussed, by way of comparison with the politically informed Free Improvisation music ensembles of the late 1960's such as the Scratch Orchestra, in Yuill 2008. For a critique of exploitative volunteerism in digital culture as a form of 'free labour' see Terranova 2003.

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Available at: https://www.ssw.org.uk/simon-yuill/ and https://simonyuill.info/

and the contradictions within the politics of that arena. And it's been one of the main things that has stimulated my interest in this discourse of the commons.

The other thing is a long-standing interest in self-organisation and self-organised structures, particularly self-organised forms of production and that partly comes from as a teenager I was involved with anarchist groups in Edinburgh and was exposed to that form of politics from quite a young age and that informs some of my interests and to some extent is the starting point for projects I did recently looking into different forms of commons and different forms of self-organisation. These were three projects which exist as a kind of trilogy and some of them … or material from them was shown at an exhibition at the CCA back in 2010 called *Fields, Factories and Workshops*[2] which title comes from a work by Peter Kropotkin a 19th century anarchist philosopher. I tend to work quite slowly over a long period of time and show my work as it evolves, so that show back in 2010 was some of that material. One of the main parts of that project were interviews with different people which had been transcribed and published online and in the exhibition some of the transcriptions were shown in printed form.[3]

The three projects were *Stackwalker* which started off looking into the idea of self-organised rural production in Scotland. I ended up focusing from that broader topic particularly on crofting communities and migrant worker groups within the fishing industry in Scotland partly because these were two areas where, on the one hand, with crofting you had this long history of self-organisation and commoning, and then within migrant, contemporary migrant worker groups in fishing there was an interesting parallel in that historically the fishing industry in Scotland has always relied on large amounts of migrant labour and originally this was largely migrants from Ireland and Gaelic-speaking communities in the Western Isles. This internal migration was the basis of the fishing industry in Scotland and now that kind of migration is … or at the time I was doing the work which began in 2008, this was mostly migrant workers who were from Poland, Lithuania and Latvia.[4] And what I found were people who had set up groups to represent themselves because it's an area where unionisation is quite difficult. The interesting parallels are that historically with … how … not the crofting community as such, but how Gaelic-speaking Scots as an internal migrant labour force within Scotland in the 19th century had constituted themselves in, for example, cities like Glasgow where you've got smaller organisations who represented initially people in terms of their birthplace and home affini-

[2]Centre for Contemporary Arts, Glasgow, 7th August to 18th September 2010.

[3]The websites for the three projects discussed here are: `http://www.stackwalker.org`, `http://www.newcommon.org` and `http://www.giventothepeople.org`.

[4]Members from some of the contemporary migrant worker groups in Banff, Fraserburgh and Peterhead are interviewed in Yuill 2012.

ties, so you get associations based around people from Lewis, which evolved into more class-based organisations and ones that formed the basis of early 20th century and late 19th century workers movements led by figures like John Maclean, Ed McHugh.[5] So that project I interviewed … from the crofting areas I particularly looked at areas that had been sites of struggle. The interesting thing about crofting is not so much that it represents a timeless form of farming but rather that it was a site of struggle for land and political action around land in the late 19th century and I went to areas where there'd been various forms of struggle such as land raids and riots and stuff and spoke with people … in certain cases direct descendents of people who were involved in this. And these actions went right up to the 1950s. The contemporary follow-on from that has been the idea of the community buy-out in areas like Eigg and Assynt where they've bought out the land from private landowners. So that was that project. It touched on other issues such as land, law and language and where linguistic and ethnic differences were often used to normalise class differences and these are some of the legacies of the way crofting is a form that's been used to naturalise what are really artificial forms of class construction in Scotland … rather than an indigenous farming system.

The second project is called *New Common*. It's pulling together interviews from different smaller projects which had been both in England and in Scotland that cover areas like commons and the Common Good in Scotland as well. It includes Andrew Wightman's interview. It also includes interviews from communities around the outskirts of Bournemouth which were all built around … which were council estates built around common land. There is a connection between the commons as a kind of historical infrastructure with the idea of Estovers that Emma has touched upon, and then the Welfare State as a form of public provision which has to a certain extent replaced and absorbed aspects of the historical use of the commons. These included a place, one called West Howe, which is built next to a common called Turbary Common and Turbary is one of the rights of commoning similar to Estovers. A Turbary … the rights of Turbage are the rights to gather wood and heathland materials to use for fire and Turbary Common cites the idea of these rights into its name. There's also an interesting literary relationship there … this particular part of the country is where Thomas Hardy is from and Thomas Hardy's fictitious Egdon Heath maps across the same area so these are communities living in the same area as Thomas Hardy talks about in works such as *Return of the Native*. So the themes of class transformation that exist in

[5]For a study of the Gaelic-speaking organisations in 19th century Glasgow see Withers 1998 as well as Charlie Withers' interview in Yuill 2012. The relation of John Maclean and Ed McHugh to the struggles in the crofting areas is discussed in the interview with Allan Armstrong in Yuill 2012 and in Armstrong 2012.

Thomas Hardy's work are mapped to the contemporary experiences in these areas.

The project also included work in Hulme in Manchester where you have a contemporary example of the revival of the common idea. Hulme is most famous … it was built as an area of 1960s tower block housing that became derelict in the 1980s and became a large scale squat and it was famous for Manchester bands like Joy Division and Happy Mondays.[6] In Hulme the tower blocks were destroyed in the 1990s but many people that were part of the squatting movement in Hulme stayed on in the area and have run different projects. The house I was staying in is a place called Redbricks which was a set of council houses in Hulme that are run like a kind of unofficial housing cooperative, so the residents themselves set up a cooperative system within the council housing system as a form of self-representation. There was also efforts there to turn some of the land that had been designated for property development into a commons in order to block the property development on that area of land so that was an interesting contemporary variant on the commoning idea.

Woman in audience *Can I interject at this point and ask what's happening with the field in Maryhill?*

Sorry?

Woman *The field in Maryhill in that similar situation.*

Do you mean the Children's Wood field?

Woman *Yes*

That's … you shouldn't ask me (audience laughter), this person's more involved than I am. As far as I know that piece of land doesn't form any kind of Common Good designation because it was … I'll talk more on the detail later. At the moment that is, as far as I understand it, in bureaucratic limbo basically.

Woman *Cos I think the government … the Scottish Government said to the developers "you shouldn't really be pursuing this" basically but I haven't heard much since.*

No … my basic understanding is it's in bureaucratic limbo which will last until either the campaign loses strength and the council can push ahead with the building or the council give up and the land stays as it is.[7]

[6]For a history of Hulme and the squats see `http://exhulme.co.uk`.

[7]The Children's Wood is part of North Kelvin Meadow, an area of abandoned council land in Glasgow that was originally a sports area but has since become overgrown as a wild space. The local community have adopted the land as a public resource providing numerous events and establishing outdoor schooling and nursery projects. The council have sought to offer planning permission to developers to build private housing on the land, which to date the community have been successful in delaying. They have two websites, one for the main campaign, `http://northkelvinmeadow.com`, and one for the Children's Wood `http://thechildrenswood.com`.

There have been examples … There have been examples of where Common Good Law has been used as a way of preventing commercial planning in Scotland. Perhaps best known is the Botanics where there were plans to build a nightclub a few years ago and by identifying that land as Common Good land the local campaigners were able to prevent that.[8] Similarly the project to build a commercial adventure play park in Pollok was also stopped through invoking Common Good Law.[9]

The third project that covered these issues was called *Given To The People* which is about a thing called Pollok Free State and Pollok Free State was originally established as a local protest camp on a section of Pollok Park to prevent the M77 motorway being cut through that area. This was in the mid 90s … early to mid 90s. It was distinctive in that whilst many of the road protests of the 90s often connected with more liberal, middle class environmentalist politics, the Pollok Free State connected itself with working class politics and the issues of the Pollok housing estate itself and there's a strong correlation between the idea of self-determination and class politics over the use of ground in that area. And … it called itself the Free State, issued its own passports, it had its own constitution, set up its own university, established itself as a kind of autonomous republic.

One of the things I'm continuing to look at following from that project is some other forms of radical republicanism in Scotland which is quite an interesting … groups like the Army of Provisional Government who attempted to create an equivalent of the IRA in Scotland in the 1970s.[10] They were most famous for being linked to the bombing the Clyde Tunnel in 1975 and they were kind of a, if you like … they were portrayed as a kind of failed terrorist organisation and slightly as a sort of comical organisation but they're interesting in that … what I'm interested in is this idea in republicanism of the the equivalence of the citizen, the body of the citizen and the body of the state, and how this relates to the politics of the body as a kind of public politics.[11]

The last thing I started to look into are *Sioll Nan Gaidheal*, the Seed of the Gael, who are Gaelic nationalists, a republican organisation with … quite an interesting complex history. Began in the mid 70s as well and veered towards a form of neo-fascist politics. They were involved in a lot of the so-called 'anti white settler' demonstrations and actions in the 70s and have

[8] "Old land law may thwart nightclub in the Botanics", *Glasgow Herald*, Tuesday 20th November 2007, http://www.scottishcommons.org/docs/herald_20071120.pdf.

[9] "Omission of park in Common Good Fund may cost council dear", *Glasgow Herald*, Thursday 29th October 2009, http://www.heraldscotland.com/news/home-news/exclusive-omission-of-park-in-common-good-fund-may-cost-council-dear-1.929148.

[10] Scottish Republican Socialist Movement 2015.

[11] Agamben 1998 discusses the longer history of this idea. For a history of Scottish militant republicanism see Young 1996.

moved towards situating themselves as a green socialist group nowadays.[12] And this slide towards fascism within republicanism is, the danger of this is something I'm interested in exploring and I think it's also part of the spectrum of values of the commons as well. By fascism I'm not saying an idea of totalitarianism but rather a slide towards a politics that's based on mythology, spiritualism and a politics based on things that you cannot question.[13] And this generalisation of the commons has a danger to it that it becomes this principle that you cannot question. So it has a kind of … what I would call a quasi-fascist dimension to it which is something we have to be aware of and wary of. Also there are different politics of the commons so we have … again this is an area where if we have a tendency to homogenise things under this one label it leads to a blurring of distinctions which is problematic. It tends to create an homogenisation of quite distinct and arguably antagonistic political viewpoints. In that way I'm reminded of Stewart Home's critique of integralist anarchism where he argued that the different strands of anarchism seeking to integrate one another could never work because, as he put it, if you tolerate each other you'll tolerate anything (audience laughter).[14] It has an inbuilt failure within it …

Some of the distinctive strands of identifying the politics that claims the commons or makes a claim upon the commons. I think there are four in particular who have interesting historical significance. One is the idea of primitive communism and this very much relates to the early … so, for example, Peter Linebaugh's work.[15] He's looking into the Charter of the Forest located in historical forms of the commons that Emma was talking about earlier. And this relates to the idea of primitive communism … Commons and communism are from the same etymological roots.[16] They basically both refer back to a form of settlements and a management of the land based around the communes, the community. And this idea of commons as a primitive form of communism is found in the work of Marx. One of his first writings

[12]The distinction can be made between a militant republicanism that responds to the existing violence of the state and a 'fascist' republicanism that constructs a mythic violence of ethnic differentiation, see Scott and Macleay 1990. The 'fascism' of *Sioll Nan Gaidheal* should, of course, be understod in relation to the more everyday and insidious fascisms of the Orange Order, British Unionism, BNP, Scottish Defence League, and mainstream parliamentary counterparts, but the question remains as to how we define the commonality under which different collective politics are defined. For a discussion of the 'white settler' issue in Scotland see Jedrej and Nuttall 1996.

[13]A comparison to this is the relation between fascist political theory and environmental issues that emerges in 19th century movements celebrating folk culture and forms of nature-based spiritualism such as the *Völkische Bewegung*, see Mosse 1998, and has been mirrored in aspects of contemporary Deep Ecology and Primitivist Anarchism, see Biehl and Staudenmaier 1995. For the wider political-philosophical debate discussing this in relation to opposing politics of rationalism and irrationalism see Balibar 1978.

[14]Home 1997.

[15]Linebaugh 2008.

[16]Linebaugh 2010.

as a journalist was to write about woodsmen in the Rhineland who had been fined for gathering wood as their common rights to harvest wood from the forest had been withdrawn.[17] Similarly Engels discusses primitive communism in his book *The Origin of the Family, Private Property and the State* where he cites the forms of communal organisation that existed within German rural communities up until the 19th century.[18] In many respects crofting is seen as related to this idea of primitive communism.

And another strand, quite closely related, is that of anarchism and by anarchism I mean classical 19th century anarchism as defined principally by Peter Kropotkin. Kropotkin identified … who was also an anthropologist and who'd studied various forms of agricultural structure within areas around Russia and across Europe … identified this as a kind of model … as not only a prior form of property and labour organisation but also potentially the model for future organisation. In a sense the distinction between a communist take on the commons and the anarchist take is that 20th century communism in the form of state communism looks towards the construction of the state as the centralisation of all common property, the state becomes the guardian of the commons, whereas anarchism from the Kropotkin tradition looks at decentralised forms of commune as an actual political structure in its own right and seeks to build a new politics around that.[19]

Two other political strands very different from this are those of liberalism and use of the commons within liberal politics and this dates to the 17th and 18th century of thinkers like William Petty and Daniel Dafoe who talk about the need to create publicly funded infrastructures through which private enterprise could be supported and the modern equivalent of that is probably Lawrence Lessig who coined the phrase 'Creative Commons' and Lessig's take on the internet is very much similar to William Petty and Defoe's concepts of the common.[20] The example of liberal commons is something like the rail network when an infrastructure is built that would be too expensive and too risky for individual private enterprise and which would be prone to the market. So by making this a public commons structure the risks of private enterprise are shifted onto the shoulders of society, so it's a way of socializing risk. This is a key form of the commons that has emerged within

[17]The article is "Debate on the Thefts of Timber", *Rheinische Zeitung*, 1842, the significance of the article in relation to the formation of Marx's later ideas is discussed in McLellan 1980, p.95–99.

[18]Engels 1909, a digital version is available at `https://archive.org/details/originoffamilypr00enge`.

[19]It is worth noting however that Kropotkin was critical of experiments in Utopian communities that sought to set themselves apart from existing society, see his *Proposed Communist Settlement: A New Colony for Tyneside or Wearside* first published in The Newcastle Daily Chronicle, 20th February 1985, available online at `http://theanarchistlibrary.org/library/petr-kropotkin-proposed-communist-settlement-a-new-colony-for-tyneside-or-wearside`.

[20]Lessig 1999.

liberalism. A distinctive aspect of it is that whilst it is often defined as a public good and placed under the jurisdiction of public bodies such as the state, those who gain access to it and benefit from it are often quite unevenly distributed. So you'll see the creation of a public good but in terms of the benefits that come back from it they are unevenly distributed, so the rail companies benefit at the expense of passengers rather than a people's rail service that is based on an idea of the distribution of the means of travel. And to one extent that's demonstrated in the preference for the use of the word 'public' rather than 'common', which has a more institutional history behind it in terms of it's etymology in Roman law.[21]

A more recent development related to the liberal concept of the commons is a neo-Hayekian concept of commons which is related also to the neoliberal form. Hayek was an economic theorist of the 20th century who rejected what he saw as any form of socialist or collective economics, who believed in highly individualised economics. He even rejected the word 'economy' because the word economy in its origins means 'how to manage a household', as being too collective.[22] He believed in a highly individualised economic structure. Hayek was one of the key influences on the emergence of neoliberal thinking. What have been called neo-Hayekian elements of thinking that are represented by figures such as Elinor Ostrom whose *Governing the Commons*[23] draws upon Hayek's theories for explaining how commons-based systems worked. In particular she evokes Hayek's idea of an ad-hoc economy, the idea of individuals finding common needs and addressing them through a localized market system. Ostrom's concept of the commons interestingly, like Kropotkin, draws upon actual existing examples and even some of the same examples as Kropotkin, particularly the Swiss mountain farming systems are both invoked in Kropotkin's work *The Conquest of Bread*[24] and Ostrom's work *Governing the Commons*. The conclusions they draw are quite different.

One of the aspects that I think is quite distinctively different is that this idea of the commons within a kind of neoliberal and Hayekian tradition relates to a form of what's called domestic economy. The domestic economy is the … we come back to the idea of the economy of the household, it's a small-scale sphere of circulation that may be separate form the mainstream markets but which enables, for example, the way in which a family might provide food for itself through a process such as crofting. And that, rather

[21]For the longer history of this see Arendt 1998.

[22]Hayek preferred the term 'catallaxy' emphasizing the principle of exchange rather than that of collective responsibility suggested in the origins of the term 'economics'. For a concise history of the development of neoliberal ideas from Hayek and their application in current economic policy see Mirowski 2014.

[23]Ostrom 1990.

[24]Kropotkin 2008.

than being a removal from the market, it is a form of safety valve for the market. It's exploited by the markets as a form of safety valve. So, for example, domestic economy models can be used to justify the reduction of wages because the family provides it's own food and therefore it doesn't require to be paid this amount of wages.[25]

It's these different political strands or different political claims on the idea of the common, that we can identify and have to be brought into focus when discussing ideas of the common and not simply to take the common as an inherent good in its own right, but to question what the political trajectories cutting through it are.

So discussing in more detail some forms of the … forms of what might be called the actual existing commons within Scotland. There's crofting, the Common Good, and community buyouts and they each demonstrate some of the complexities and contradictions within the idea of the common and how it might be realised as a form of political activity, how they might support that.

Firstly, crofting. Crofting is often seen as a kind of timeless ancient indigenous farming method that's spread across the Highlands and Islands of Scotland. It's often portrayed like that, for example, in tourism and Scottish cultural production. This is not the case however. Crofting is really a product of the industrialisation of rural areas which came into being in the late 18th century and early 19th century. One meaning for the word 'croft' in Gaelic is 'allotment' and there's actually parallels between crofting in rural areas and allotments as they first emerged within urban centres as well.[26] Crofting carries on certain aspects of the earlier pre-industrial farming systems which are known as the township system but introduces certain forms of structure and particular dependency upon … upon the need to sell one's labour that were not there … that were not present in townships as such.

The relationship of the township system to the idea of primitive communism is actually interestingly put forward by Alexander Carmichael who was a 19th century folklorist and an amateur anthropologist who was most famous for gathering Gaelic songs and hymns from the islands.[27] Carmichael himself was not a proponent of communism but he was brought forward to

[25]"Capitalist accumulation is structurally dependent on the free appropriation of immense quantities of labour and resources that must appear as externalities to the market, like the unpaid domestic work that women have provided, upon which employers have relied for the reproduction of the workforce," Federici 2010. See also Dalla Costa and James 1972. Meillassoux 1981 applies the concept in relation to the division between rural and urban, indigenous and colonial labour.

[26]The term refers to the idea of a strip of land that was *allotted* to someone, see Hunter 2000. The Gaelic *lot* (plural *lotaichean*) can refer both to an allotment or to a croft. For a history of the politics of urban allotments see Ward and Crouch 1997.

[27]Carmichael's most famous work is *Carmina Gadelica* (1900) a collection of Gaelic hymns, folk song and poetical forms. For accounts of Carmichael's work in the Hebrides see Stiùbhart 2008.

the Napier Commission which was a government body set up in the 1880s to investigate the civil unrest within the Highlands and areas where crofting was established. In the opening words of his statement to the Napier Commission he writes … he spoke: "the word commune has unpleasant associations but being descriptive of the social economy of the Highlands I shall use it here."[28] And he goes on to explain how the township systems govern themselves and at the end argues that even though he is in no way a proponent of communism that these systems should be reintroduced and it's interesting that the conclusions of the Napier Commission were broadly in favour of that. The actual Crofting Act which came out in 1886, which is the legislation that applies to crofters to this day, rejected this idea and instead chose to maintain the new crofting system.[29]

The aspects of primitive communism that Carmichael identified included various forms of local governance and the use of common grazings and the idea of a kind of rotation of power within the community so rather than being … having a head of the community who … who remained in power from one year to the next there was a regular change — a bit like the Transmission Gallery committee in some ways (audience laughter). There was a conscious rotation of power within the community and also deliberate deferral of power. So he describes these events where people decided who'd be the head of the community for that year and usually these involved forms of random selection and a process where the first person would reject the offer until eventually no one was left to reject it and eventually the role was taken on. So there was a conscious deferral of power rather than an idea of acquiescing of power.[30] To an extent this represented a vestige of the hybrid nature of governance and jurisdiction that existed in Highland areas up until the 19th century, but to many extents crofting was one of the methods that actually brought that to an end rather than continuing it.

In the 18th century we had figures such Henry Home Lord Kames who was a Scottish legal theorist and mentor to figures such as Adam Smith, David Hume and John Millar who … one of his main contributions to Scottish law was to revise Scottish law in line with … what's called the institutional model which is to move away from a common law basis towards the idea of defined statue law following the model of Roman law developed in the Netherlands, towards a rationalistic logical model of law.[31] Kames …

[28]Carmichael's testimonies to the Napier Commission are available at: `http://www.alastairmcintosh.com/general/resources/2010-Carmichael.pdf`.

[29]The proper title for the act is *Crofters' Holdings (Scotland) Act 1886*. The current version is available online: `http://www.legislation.gov.uk/ukpga/Vict/49-50/29`. For an outline of current crofting law see Agnew of Lochnaw Bt QC 2000.

[30]The idea of deferral of power is discussed by anarchist anthropologist Harold Barclay, Barclay 1997.

[31]The relation of Scots law to Roman and Dutch law is analysed in Gordon 2007. For a more

whilst claiming to represent a universal abstract system of law nevertheless took the principles of mercantile capitalism as the basis for that and that relates to the stadial theory that Kames and Smith and Millar popularised in the 18th century.[32] This was the idea that society passed through stages of maturation from early nomadic cultures to early agricultural cultures to peasant communes to the mercantile society. Kames sought to make the mercantile society the basis of Scottish law.

Part of that was to reject feudal law. He was very much against the idea of lineal land ownership and existing feudal inheritance but for Kames this also meant doing away with common law and doing away with various forms of local law that existed in the areas that formed … that allowed forms of self-organised legal representation.[33] And he actively implemented these ideas. He was what's known as a 'circuit judge' and travelled around rural areas of Scotland arbitrating on disputes over land. He was well known for being incredibly severe with punishments towards people accused of stealing sheep or going on someone else's land.[34] So we had this movement towards a homogenization of law in Scotland happening in the 18th century which did away with much of what might have been existing forms of localised commons. So in the sense that it's different from what Peter Linebaugh describes in England where you have the Magna Carta and the Charter of the Forest which took some of these existing forms of common and gave them an institutional form.[35]

It was in that context that crofting came into being. Crofting is really a re-organisation of the land to maximise it for economic profit. One of the key distinctions between the crofting system and township system is that people are given fixed plots of land, so the allotment concept in the main. Whereas previously many township systems would rotate land ownership within the community in the crofting system people are given a regulated piece of land with a fixed size. This was introduced to enable taxation and to value … to see the community as a financial resource that could be tapped for

political reading see Caffentzis 1994.

[32]The most detailed presentation of this was Millar's *The Origin of the Distinction of Ranks*, 1771. For an historical analysis of the influence of Scottish Enlightenment thinking on the development of modern capitalism see Perelman 1984.

[33]It is notable that whilst the various localised forms of law and land rights which supported collective ownership were almost eradicated by the end of the 19th century, feudal law relating to private ownership continued in Scotland up to 2004. Commonty, the Scottish equivalent of the English commons land, had almost entirely disappeared by the end of the 19th century, so much so that the 1927 edition of the *Encyclopaedia of the Laws of Scotland* defines commonty as "a peculiar form of common property in land, of great antiquity, but now, by force of private arrangements or by stress of statute, nearly obsolete."

[34]For accounts of Kames as a judge see Walker 1985 and Ross 1972.

[35]Even if Magna Carta has had a more symbolic rather than practical legal influence in England it nevertheless provided a legal reference point from which opposition to the enclosure of common land could be substantiated.

land taxes or water taxes, building taxes and such. And the size of the land that was given to people was often deliberately restricted so a family could only feed itself from what it could produce on that land and not produce any excess produce and this compelled people … in order to pay the taxes it compelled them to take up labour which was set by the landowners so this would be things like the kelping industry or going into fishing and such like.[36] So it's a mechanism to force scarcity upon the communities and force people into waged labour. When the Crofting Act came into being towards the end of the 19th century rather than representing the emancipation of the Highland communities it's effect for them was as a kind of entrapment within a problematic system, a kind of legalistic gilded cage. The historian Allan Macinnes made an interesting point that whilst the Crofting Act is often celebrated as a being this emancipation or recognition of rights for Gaelic Scotland it actually brought about an exclusion of rights for many sections of the Gaelic community.[37] Many aspects of Gaelic life actually died as a result of the Crofting Act because they weren't given any kind of legal recognition at all. Issues such as communal squatting for example which … nowadays when you think of squatting you think of 'illegal' occupation of housing but up to the 19th century squatting was a way in which people who did not have access to property could be supported by their communities, a form of welfare … the way that housing was given to widows and such like this.[38] And this was illegalized by the Crofting Act so there's a … how squatting developed in the 20th century was very much affected by laws such as those for crofting.

What is interesting in the crofting communities however is the kind of growing rebellion against the system that emerged in the mid to late 19th century. So it's not the fact that crofting in itself which was significant, but rather the way the different communities rebelled against the system. This became, around the 1880s with the riots of Bearnaraidh and riots on Skye … this led to actions of large scale land grabs where people went back onto the land they'd been evicted from and claimed it back and this process went right up until the 1950s. It was this ongoing process of protest and land grabs which led to recognition and set up … which actually led to the Crofting Act. The Crofting Act was introduced by the Conservative government and very much followed the principle that had been applied to Ireland, peasant proprietorship as a way of tying people into property ownership so that

[36]The history of this process is charted in Hunter 2000.

[37]Macinnes 1987.

[38]In this way squatting relates to commoning rights such as Estovers as in Magna Carta, in which it states that the widow "shall have meanwhile her reasonable estovers of common," quoted in Linebaugh 2008, p.52. Ward 2002 presents an historical study of the role of squatting in this sense.

they may be made to feel … so that they are forced into having debts and dependencies. They will therefore be less likely to rebel in the future.

What the Crofting Act did … what crofting did continue were one of those aspects of commoning, the common grazings, so this was one aspect that did carry on through that. The space still exists where the common farming systems are still at play … this is very much, if you like, a kind of restricted part of the common.

So that's one history of commons in Scotland and you can see the … the picture's not quite as simple as you might think. There are complexities and contradictions within it. And interestingly, to some extent, crofting is often invoked as a model for how farming could develop and what might be a basis for a future commons-based farming system. Yet crofting itself is perhaps more symptomatic of the problems rather than the possible solution.[39]

Another historical example is the idea of the Common Good. Emma's already introduced the term at the beginning in the more general sense but it has a very particular history in Scotland. There is a law called Common Good Law in Scotland and this is a set of statutes that place particular goods into public ownership of a kind.[40] And it doesn't just mean land. There's a tendency to think of the commons as being land and everyone has the idea of the rural commons but Common Good is something that emerged within cities and it's any kind of asset or resource that might have a common benefit. So it includes land like Glasgow Green, that's part of Glasgow's Common Good. It also includes things like all the paintings in Kelvingrove Museum. It includes the city council buildings. It includes many of the public buildings in Glasgow and many of the cities across Scotland and it includes artefacts like the robes of the mayor, stuff like this. This is all Common Good. Common Good has an interesting history. It's origins lie within feudalism and the allocation of the commons as a feudal charter, but Common Good Law as it exists in Scotland now relates far more to the development of the burghs, so it comes from the urbanisation of Scotland. Also it is due to this tied in with the emergence of bourgeois culture in Scotland. Burghs … The French *bourge* … from which we have *bourgeois* is the French equivalent of burgh in Scots and we have the word 'burgess' in Scots which is the *bourgeoisie*. The Common Good is first defined in charters that were written up to define the powers of free trade centres … Glasgow, Edinburgh … Aberdeen is one and such. To some extent they're early forms of liberal commons. They provide an infrastructure for the towns people who do not have access to resources

[39]As Hunter 1991 discusses, what did lead to material improvement in the crofting communities was the establishment of the Scottish Crofters Union and organisation around collective community co-operatives, see also the interview with Kenny MacLennan of the Lewis Crofters Co-operative in Yuill 2012.

[40]A contemporary outline of Common Good Law is presented in Ferguson 2006.

so it enabled the concentration of power within the city.[41] Bob was talking about Glasgow Green earlier, that it was given over as a commons because the housing for workers in the city did not give adequate space for people to dry their clothing so a field was set aside for people to dry their clothing and do their washing and that's Glasgow Green. So it's this 'commoning' of living resources for the workers, which is used to justify lower wages again, but as in the case of Glasgow Green we can also see it as a resource claimed by the workers.[42]

Another aspect of the Common Good which very much relates to bourgeois principles of culture is also tied up in philanthropy. One of the key criteria for something to be Common Good is simply that … one criteria is that it is used as a public resource but the other is a gift given to the city and it very much was about the idea of philanthropy to generate the city and civic virtue. Some of the Common Good campaigners around today … see the need to preserve the Common Good as being far more about this idea of respecting philanthropy and respecting this idea of the rich people gifting to the city rather than it being the infrastructure for the common people. So there's this angle to it which has to be born in mind.

The interesting thing about the Common Good is arguably not the intrinsic nature of it in itself but rather the fact that it can be exploited in order to … as a kind of legal anachronism really, to bring about arguably to seek to transfer some power from councils back into communities. To that extent it has been effective in some of the campaigns that are going on which Bob has been involved in.[43] So the Common Good is … figures like Andy Wightman have been championing it to some extent and I think Andy Wightman actually has a more nuanced take on it.[44] One of the key things he puts forward is that Common Good Law needs to be radically transformed and that we have to see this as a kind of legacy that can be reinvented as something genuine rather than something that's just a quirk of our heritage.

Lastly, one of the more modern forms of what might be called a form of commoning in Scotland is the idea of community buyouts which relate both to crofting and to the Common Good in many ways. So when I was doing *Stackwalker* I went to the Isle of Eigg which was one of the first islands to be bought out by it's local community. I also went to an area on Lewis called Parc which in the 1890s was the site of major crofting rebellion. There was an incident known as the Parc Deer Raid where the crofters stormed the laird's deer forest and slaughtered his deer and it was staged as a media event.[45] This

[41]Dennison 1998.

[42]Taylor Caldwell 1988.

[43]See `http://citystrolls.com` and `https://commgood.wordpress.com`.

[44]Wightman 2011.

[45]The raid is described in Buchanan 1996. The raiders arranged for journalists to accompany them as 'embedded' reporters on the event ensuring it received detailed coverage, reproductions

will give you an idea of the kind of militancy of the crofting community in the 19th century. They were not people doing community petitions. There were often quite violent forms of protest.[46] That was the extent to which they were seen as a threat. Anyway, more recently Parc has been involved in what is known as an 'aggressive buyout' and they're attempting to buy back the common land, the grazing lands, of Parc for the community from the owner.

We also see a similar idea of proposing community buyouts in urban contexts so Govanhill Baths is a good example in Glasgow where it's been proposed that the building will be bought by the community and similarly it's been proposed that Kinning Park Complex buy back the building.[47] This however highlights what I regard as some of the problematic aspects of the community buyouts. Some of the community buyouts I'm very sympathetic to. The Eigg one was a case where you had a negligent landowner who deliberately treated the island basically as a kind of toy and … people had restricted access to … people were basically living in houses that had no central heating, with damp and such and the landowner … the landowner was deliberately restricting … preventing people from upgrading houses and such because he liked the quaint look of … this heritage feel of these damp houses with no heating and such and no toilets. So the community buyout, which happened at a very early stage of the introduction of the laws, was argued as a necessary means to address these issues and there were larger economic problems on Eigg as well.[48] And that led to the creation of a self-run island there.

What has become … as the community buyout idea has spread and become more commonplace is a pattern where rather than it being based upon the idea of the community becoming the governors of their own land it's more about the idea of the community becoming partners in a business and it's about turning the communities into business operations. The community buyout laws and the governance of how community buyouts are actually given to communities demand business plans that demonstrate the way in which the community generate profit from the process. And this in turn leads to communities often commodifying themselves and to come back to Parc … this is the kind of process you're seeing there where the community buyout is driven not so much by the desire to produce local governance or a

of some of the articles are included in Buchanan's account.

[46]Grigor 2000.

[47]In the case of Govanhill Baths the buyout was imposed on the campaigners as the only option Glasgow City Council would accept whereas the buyout at Kinning Park Complex has been promoted by members of management within the building who wish it to develop into a more commercial venture.

[48]See the interviews with Maggie Fyffe and Neil Robertson in Yuill 2012. The Assynt buyout was also related to housing issues and to a very deliberate claim to social and historical justice, see MacPhail 1999.

decentralization of politics but rather the idea of an economic venture that commodifies the community. It is also interestingly tied into the fact that this part of Lewis is where the major land connection for renewable energy from Lewis to distribute back to the mainland is going to be sited. So potentially the community will become the owners of … or the controllers of the gateway for this energy source going back to the mainland.[49] So really it's a business plan. It's got less to do with the idea of decentralization of politics, of empowerment of the community, and more to do with a business venture and this is very much the way the community buyout system has gone.

Within the urban context it creates a somewhat … in regard to places like Govanhill Baths or Kinning Park, the rather contradictory fact that you have … this is one of the key distinctions of rural and urban ones … whereas rural buyouts largely are based within communities buying land that is privately owned and bringing it to a form of public ownership, urban buyouts are usually based around buying property that is publicly owned already but putting it into non-council management. And that, for example, is what's proposed at Govanhill Baths and it's been proposed at Kinning Park. There's a contradiction because basically you have the public raising public funds to buy a public building to put it into public ownership and yet the building is public in the first place. So rather than being a solution to the problems of poor governance within councils or solution to problems of the mismanagement of finances … they're really symptomatic of it … and community buyouts in a sense are complicit with the privatisation of public resources. And in a way they come to epitomise that kind of neo-Hayekian model. It's a move towards privatisation, to a fragmentation of resources rather than providing a collective governance of resources.

We can see therefore that there's a need to be far more sceptical about the idea of the commons. Broadly there's many aspects of it that I support and am sympathetic to. My interest in looking into these things came from being attracted to many of these ideas … but there is a need not to take these things on superficial value, but to question the underlying structures and political trajectories that are running through them. Another aspect of this, which comes back to the idea of domestic economy, is the … socialization of risk and the exploitation of volunteerism which I think are also problems that haunt the idea of the commons.

I think there's several misconceptions in some of the ways people look at the common. One is to think of it in terms of assets rather than labour and I would argue that the commons should not be a thing that's thought of in terms of common assets but rather in terms of the labour that is used

[49]Community ownership is arguably preferable to private ownership under a landowner or corporate interest but it still follows a neoliberal model of marketization as the principle of governance rather than a commoning of power infrastructure for example.

to produce them, what the relation of labour and governance of assets is. Assets themselves are not the issue. This is something that Peter Linebaugh does talk about, the commons of activity: "To speak of the commons as if it were a natural resource is misleading at best and dangerous at worst — the commons is an activity and, if anything, it expresses relationships in society that are inseparable from relations to nature."[50] I think we need to be much more explicit about that. It's really about how the commons are produced and how they are reproduced from one day to the next and one year to the next, what sustains the commons. It's labour that sustains the commons. It's about the people. It's not about the fact that it's some kind of naturally given gift.

The other thing often related to it is that the commons is often seen … there was a picture up about the idea of alternative economies in relationship with things like barter economies and gift economies and this is a kind of rhetoric around the commons that has been quite strongly promoted within the Open Source sector. Open Source … a guy called Eric Raymond who is one of the definers of Open Source talks about it as a kind of gift economy, a gifting of code between programmers.[51] This is often presented as a kind of intrinsically altruistic act, as though somehow a gift economy itself is inherently not a form of capitalism and somehow it's inherently anti-capitalist. And yet the analysis of gift economies and work on economies that people like Marcel Mauss and his book *The Gift*, which is often cited as a source for this kind of idea, actually present gift economies not as a kind of emancipative form of free exchange but rather as a means through which hierarchies are structured and maintained.[52] Gift economies do not necessarily of themselves create a more equal society as such, they can be mechanisms of hierarchisation. Similarly, feminist anthropologists such as Marilyn Strathern and Lisette Josephides have talked about when there is a distinction between those who make the gifts and those who exchange them and in the studies they have conducted they looked at how women make the gifts or are the gifts and men benefit from the process of exchange. This creates an unevenness within the economy, a dependency which is very similar

[50]Linebaugh 2008, p. 279.

[51]Raymond 2000.

[52]Mary Douglas in her introduction to Mauss writes: "There are no free gifts; gift cycles engage persons in permanent commitments that articulate the dominant institutions." (Mauss 2002, p. xii) It is notable that Douglas goes on to present the gift not as the negation but rather the necessary complement to the market: "The gift echoes Adam Smith's invisible hand: gift complements market where the latter is absent. Like the market it supplies each individual with personal incentives for collaborating in the pattern of exchanges." (Mauss 2002, p. xviii) It is on this basis that Raymond relates Open Source programming to a gift economy model. The concept of the gift economy perfectly embodies the neoliberal project of extending market-like systems into every area of life, even where no money changes hands we are nevertheless inculcated to pursue every social interaction or deed as though it were a market transaction.

to that between the proletariat and the capitalist. So the gift economy is not intrinsically altruistic at all.[53]

The problem with a lot of the rhetoric of alternative economies is that it tends to confuse the mechanisms of exchange with the politics of exchange. So the belief is that money is inherently capitalistic, if we don't use money we've got rid of capitalism. But capitalism is not simply money, capitalism is a set of power relations around processes of exchange and those power relations can be structured around any process of exchange. Barter was the main means through which Western merchants spread capitalism to the world, as they began to colonize the Americas and such. So … again what we see here is the use of what seems like a superficially good idea (alternative economies) but one that hides the deeper political problems and you've got to bring these to the surface.[54]

And lastly, related to this is the fact that even though you may have spheres of circulation which internally seek to escape forms of capitalisation it does not mean that they're necessarily excluded from processes of capital. So where you have, for example, an idea of mutual help in order to create an alternative economy. This often defines the characteristic of the Open Source movement and also artist-run practice. Artists help one another freely to create a bit of work and to create the infrastructures to produce their work. This in itself does not necessarily mean exclusion from the problems of capital but rather it's maybe seen as a kind of resource that is exploited for capital, and it's a means through which risk is offset from the capitalisation itself. So within Open Source software one of the problematic points is that Open Source software frees the companies that use it from liability. There's no … the licensing of Open Source software means there's no liability for any problems within the software. The risk therefore of the software failing is projected … not taken by the company that is necessarily marketing it, as Apple have done in quite complex ways, but rather in

[53]Strathern argues that the concept of the gift is the construct of "a culture dominated by ideas about property ownership [which] can only imagine the absence of such ideas in specific ways … [and] sets up its own internal contrasts," Strathern 1988, p. 18. For Josephides the concept of the gift is a mystification that, rather than transcending relations of capital, merely hides actual existing forms of production: "… the egalitarianism of exchange is false, precisely because of its unacknowledged relationship to production; and the interdependence in production really supports hierarchical domestic relations," quoted in Strathern 1988, p. 147. Each gift given incurs a debt upon both the recipient and the producer, whilst those who perform the exchange accrue value.

[54]What benefits capital is the way in which money acts as an abstraction of value away from the processes that create it. Capitalist economic theory has consistently sought to deny the role of money within economics, and through the development of credit and financialisation, transcend money as a material store of value and transform it into a pure relation of power. This early insight of Marx (Marx 1975) has become all the more evident since the abolition of the gold standard in the Bretton Woods system in 1976, the growth of electronic commerce and the fallout of the 2007 economic crisis. See Lazzarato 2012.

the developer community who are a mix of paid and unpaid people volunteering their time to a project.[55] Similarly, within artist-run practice this is most endemic in situations like … well things like the Glasgow International and the way in which artist-run practice is used as a kind of fringe event to the main festival which creates this platform of activity that is capitalised as marketing for the city.[56] As such it represents a … is also used as a kind of talent pool to pick artists from. So artist-run practice, rather than being an alternative to a market-driven practice or to institutionally-driven arts practice, which is historically how it emerged in the early 70s, is nowadays often used as a pool, to pool talent, and for the risk of early development to be born by the artists themselves, rather than it being a distinct practice in its own right, rather than being a critical action against other forms of market-driven or state-driven art.[57]

This in a sense is an issue where the promotion of the idea of the commons within artistic practice needs to engage with the commons as a politics but often it does not. It often projects this idea of commons as an inherent good … of the creativity of the artists. It expresses itself as a selfless community but fails to recognise the ways in which that energy of creativity is tapped and exploited as a resource at other levels. Similarly because a resource in itself may be free or may be free of cost … presented as free, does not necessarily mean that it's free of capitalisation if the means to access it are controlled and capitalised. Now it's something we've seen both in the emergence of free resources on the internet and I would argue is also endemic to the nature of artist-run practice today.[58]

[55]For the individual programmer, working on a voluntary basis upon a Free Software project, the waiving of liability was a necessary precaution in protecting that programmer from aggressive legal action such as the US fondness for litigation encourages, however, when control over, or marketing of an Open Source project is undertaken by a major corporation, the balance of power changes and the benefits of off-setting risk are reaped by the company whilst the moral pressure to put right faulty code becomes a social obligation on the developer community. Whilst the issue of liability is perhaps not the most significant of complexities within the politics of FLOSS practice it is one which highlights the ways in which such practices come not only to normalise transfer of risk away from companies onto individuals but to even seemingly make a virtue of this.

[56]Whilst the Gi Festival was initially framed as a platform for artist-run practice nominally steered by a committee of artist-run groups it quickly transformed into a conventional curatorially-led biennale subsuming artist-run practice into the economic and managerial forms of the creative industries model, see Gordon-Nesbitt 2009.

[57]Artist-run practice becomes an equivalent of the unpaid internships and apprenticeships through which people enter into fields such as architecture and the media. The need for individuals to have a background resource of private capital, such as family wealth, on which they can draw to support themselves, or as a fallback against risk, limits those who can enter into these thereby turning such practices into vehicles to reinforce and extend existing class privilege.

[58]The distinction lies between a commons as collectivisation that can reduce necessary social labour and a commons as social investment underwriting self-enterprise. The emphasis upon a cultural commons in the absence of more substantive commonings will inevitably tend towards the latter.

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Common Good
A Quick Guide

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Common Good - A Quick Guide

Your Common Good

Community ownership is nothing new and it is not restricted to a few crofting communities in the far north west of Scotland. In your community you most probably have property that already belongs to you, the people. One important element of this is Common Good land and property, much of which was granted to the Burghs of Scotland in their original charters and gifted to the people in subsequent years.

This property represents a potential source of wealth and investment for the public good of your community. In recent years, however, a worrying trend of disappearing assets, shoddy accounting, poor record-keeping and lack of awareness has become evident.

Properly accounted for and properly managed, Scotland's Common Good can be used to revitalise communities and return to them the autonomy and initiative after years of municipal maladministration.

Read this Quick Guide and join the campaign to identify, document and restore your common heritage.

What is the Common Good?

One answer to this question is contained in Green's Encyclopædia of 1910;

The common good of a burgh consists of the entire property of the burgh which is held by the corporation for behoof of the community.
Green's Encyclopædia of the Law of Scotland Vol III, edited by John Chisholm. William Green and Sons, 1910

More recently, in a Scottish Parliamentary answer, a more nuanced definition was provided;

S2W-29685 - Campbell Martin (West of Scotland) (Ind) (Date Lodged 8 November 2006) : *To ask the Scottish Executive what constitutes a common good asset and how such assets differ from property or land owned by a local authority.*

Answered by Mr Tom McCabe (17 November 2006): *The Common Good originated as revenues from properties belonging to the early Burghs of Scotland. The Common Good, as these revenues were then termed, is of great antiquity and there is no equivalent in English local government although the term remains current in Scotland. Essentially, the Common Good denoted all property of a Burgh not acquired under statutory powers or held under special trusts.*

This latter definition reflects the case law definition provided by Lord Wark in the case of *The Provost, Magistrates and Councillors of the Royal Burgh of Banff and Others vs. Ruthin Castle Limited, 1943.* Note that property in this context should be read to mean both heritable and moveable property.

used for the "common good of the town". Up until the 19th century, when local government was more clearly organised and given specific statutory functions together with the statutory means to raise taxes, all burgh property and revenue was deemed common good. As statutes covering public health, police, housing, sanitation and other such matters emerged, local government grew in scale and raised a correspondingly greater proportion of its income from rates. Property acquired using statutory powers contained in specific Acts (for example, the Edinburgh Improvement Acts, Planning Acts and Housing Acts) did not form part of the common good. Thus over time as local government expanded, the Common Good Fund (which consisted of a range of moveable and heritable assets of the burgh), became a smaller and smaller element in the total finances of the burgh.

The 196 burghs specified in the Local Government (Scotland) Act 1947 and which survived until 1975 when their Town Councils were wound up, represent the most recent and well documented examples of burghs. Specific provisions were made in the Local Government (Scotland) Acts of 1973 and 1994 for these burghs' Common Good Funds to be transferred to District Councils and, later, Scotland's Unitary Authorities.

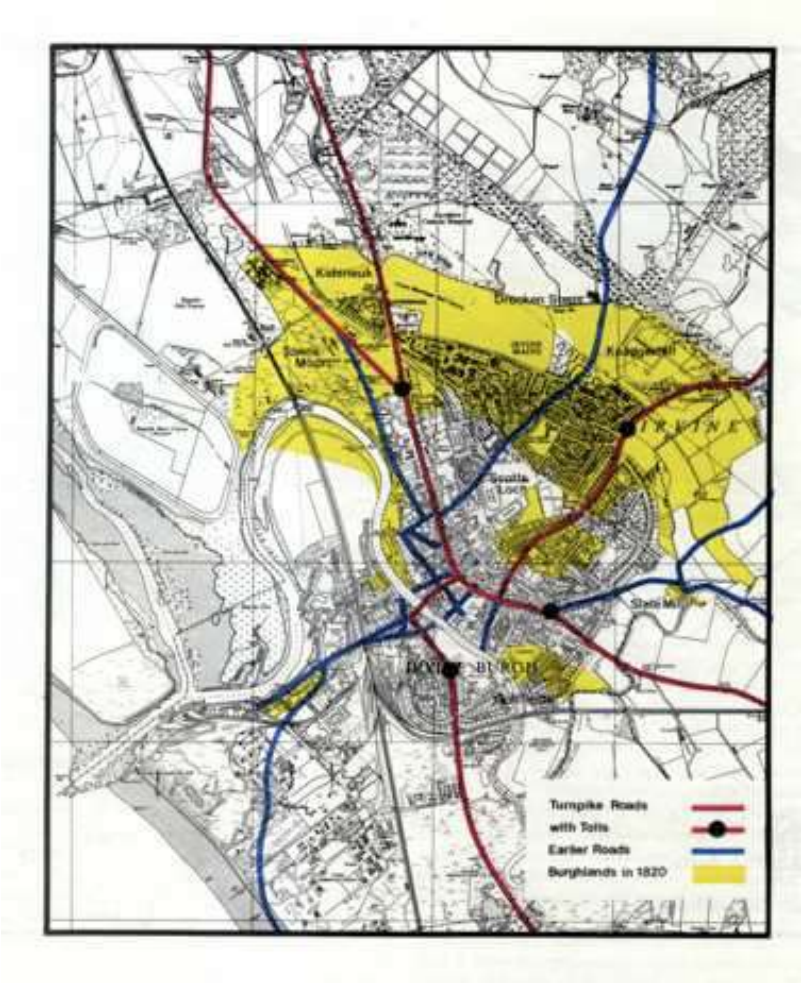
There is, however, other common good property owned by burghs which never had Town Councils and land owned by former Parish Councils and County Councils purchased or gifted for the benefit of a defined group of people (in a village or town). Such other classes, however, are far less clearly defined in either statute of case law. This Quick Guide concentrates on the 196 burghs which had Town Councils up until 1975.

Map showing land acquired by Edinburgh Common Good Fund to construct the New Town (yellow), Common Good land of Calton Hill (brown) and Royal Burgh (red hatch).

Origins

Common Good was a phrase coined as early as the 15th century to describe the purposes for which Burghs held assets and earned revenues under the terms of their Charters.

Common Good Funds emerged in the early development of burghs long before there was any statutory framework for local government. It was made clear in the Common Good Act of 1491 that the revenues from burgh property and various taxes and levies was to be



Map showing extent of Irvine's Common Good Land in 1820 (from The History of Irvine, Royal Burgh and New Town by John Strawhorn).

Who owns the assets of the Common Good Fund?

Legally, all the property of the Fund is owned by the local authority. In the case of land and buildings (heritable property), legal title is held by the authority and in the case of moveable assets (heirlooms, chains and robes of office, furnishings, cash and securities etc.) it is also the property of the authority. However, authorities are constrained in various ways in how they administer such property and in how they are permitted to dispose of it since it is held on behalf of the inhabitants of the burgh. In this sense it belongs to those inhabitants in the same way as property legally owned by a Trust belongs to the beneficiaries or a bank account held by a parent on behalf of a child belongs to the child.

How do I find out about the Common Good Fund?

If you live in any of the 196 burghs listed in Annex 1, your local authority should publish a set of Annual Accounts and should provide a list of assets owned by the Fund. Unfortunately, Councils vary widely in their ability to do this with any accuracy. Read *Common Good Land in Scotland. A Review and Critique* for evidence of this.

This means that if you wish to identify common good assets or enter into any discussions about how they are being used or the finances administered, you may have to do some research of your own. The following steps are designed to act as a guide for doing this.

THE BOTTOM LINE*.....is that you are looking for property which, on 15 May 1975,*

- *was owned by the Town Council (may be in name of Magistrates, Corporation etc.)*
- *had been acquired by them either by gift or acquisition*
- *had not been acquired using statutory powers (the title deeds will usually narrate if in fact it was).*
- *was not held by a constituted Trust (again the title deeds will reveal if this is the case)*

All *such property should have continued to be held in the Common Good Fund. If disposed of since 1975, the proper legal process should have been followed and financial receipts should have been credited to the Common Good Fund.*

Furthermore any property acquired ***at any time*** *and financed using the Common Good Fund forms part of the Common Good. For example, the land for the New Town of Edinburgh was acquired with money from the Common Good Fund and thus all land not subsequently disposed of remains part of the Common Good.*

1. Begin with what is admitted by the local authority. This may be nothing at all, a partial or incomplete list, or it may be quite a long list. It is useful to go back to the Annual Report and Accounts of the District Council of 1975 onwards since some Common Good property has "gone missing" since then.

2. Consult local history sources including books, individuals with knowledge (for example those who may have worked for the Town Council before 1975), local library collections and the works of local history societies.

The Market Square in Stonehaven. This should be recorded as part of the Common Good of Stonehaven but Aberdeenshire Council deny the existence of any Common Good land in the town.

3. Consult the burgh records. Many of these are held by local authority archive services. You can often find out about them on the Council's website or you can search a wide range of archival collections at www.nra.nationalarchives.gov.uk/nra. The National Archives of Scotland (www.nas.gov.uk) also hold some burgh records.

4. To identify the full legal history and status of specific properties, you will need to consult the Register of Sasines, the Land Register and the Burgh Registers (most of the latter were

discontinued around 1930). Searches here will allow you to locate the title deeds - the holy grail of property - and to find out exactly how and on what terms property was acquired (see example in Annex 2 about Laighills Park, Dunblane). The Registers of Scotland hold the Sasines and Land Registers (www.ros.gov.uk).

A full account of how to do this cannot be provided in this short guide but the author can provide professional assistance in this. Briefly, what one wants to do is find out as much as one can before consulting the Register of Sasines in terms of who owned land, who sold it, when, and by what name the property was known. If this is reasonably well known, you can consult the Minute Books in the National Archives of Scotland. If less is known about the property, it will be useful to obtain a copy of the Search Sheet for the burgh (this is a very useful investment in any event). It contains a sequential list of all property transactions of the Town Council.

Remember, that the Common Good Fund consists of moveable assets as well as heritable assets. Tracing the fate of moveable assets is a little bit more tricky. Probably the best place to concentrate is the records of the Town Council.

Remember also that it is important to trace the fate of such assets and the fate of the finances of the Common Good Fund since 1975 and this can best be done by consulting the Annual Reports of (first) the District Council from 1975 to 1996 and (second) of the current Local Authority since 1996. Is it clear that all assets are accounted for in the Accounts? Are there unexplained discrepancies from year to year?

Finally, the results of this research (which can be carried out by a team of people) should be compiled in a dossier of evidence. This can be shared with others in the community through a display or exhibition, articles in the local press, or published on the internet. It should be sent to your Local Authority to seek their view on its validity.

Ultimately, you should be seeking to assert and recover the assets and value of your Common Good Fund.

Useful Contacts

National Archives of Scotland
HM General Register House
2 Princes Street
Edinburgh
EH1 3YY
tel: 0131 535 1314
web: www.nas.gov.uk

.....

National Register of Archives

www.nationalarchives.gov.uk/nra

Registers of Scotland
Erskine House
68 Queen Street
Edinburgh
EH2 4NF
tel: 0845 607 0161

9 George Square
Glasgow
G2 1DY
tel: 0845 607 0164

web: www.ros.gov.uk

Further Information

For further information, see www.scottishcommons.org/commongood

A Research Guide to Community Land Rights is a much fuller and detailed guide to identifying, documenting and researching a range of community land rights. It will be available for sale around February 2008.

Annex 1

List of Burghs in First Schedule to the Local Government (Scotland) Act 1947

1. Aberchirder
2. Aberdeen
3. Aberfeldy
4. Aberlour
5. Abernethy
6. Airdrie
7. Alloa
8. Alva
9. Alyth
10. Annan
11. Arbroath
12. Ardrossan
13. Armadale
14. Auchterarder
15. Auchtermuchty
16. Ayr
17. Ballater
18. Banchory
19. Banff
20. Barrhead
21. Bathgate
22. Biggar
23. Blairgowrie and Rattray
24. Bo'ness
25. Bonnyrigg and Lasswade
26. Brechin
27. Bridge of Allan
28. Buckhaven and Methil
29. Buckie
30. Burghead
31. Burntisland
32. Callander
33. Campbeltown
34. Carnoustie
35. Castle Douglas
36. Clydebank
37. Coatbridge
38. Cockenzie and Port Seton
39. Coldstream
40. Coupar Angus
41. Cove and Kilcreggan
42. Cowdenbeath
43. Crail
44. Crieff
45. Cromarty
46. Cullen
47. Culross
48. Cumnock and Holmhead
49. Cupar
50. Dalbeattie
51. Dalkeith
52. Darvel
53. Denny and Dunipace
54. Dingwall
55. Dollar
56. Dornoch
57. Doune
58. Dufftown
59. Dumbarton
60. Dumfries
61. Dunbar
62. Dunblane
63. Dundee
64. Dunoon
65. Duns
66. Dunfermline
67. East Linton
68. Edinburgh
69. Elgin
70. Elie and Earlsferry
71. Ellon
72. Eyemouth
73. Falkirk
74. Falkland
75. Findochty
76. Forfar
77. Forres
78. Fortrose
79. Fort William
80. Fraserburgh
81. Galashiels
82. Galston
83. Gatehouse
84. Girvan
85. Glasgow
86. Gourock
87. Grangemouth
88. Grantown-on-Spey
89. Greenock
90. Haddington
91. Hamilton
92. Hawick
93. Helensburgh
94. Huntly

95. Innerleithen
96. Inveraray
97. Inverbervie
98. Invergordon
99. Inverkeithing
100. Inverness
101. Inverurie
102. Irvine
103. Jedburgh
104. Johnstone
105. Keith
106. Kelso
107. Kilmarnock
108. Kilrenny, Anstruther Easter & Wester
109. Kilsyth
110. Kilwinning
111. Kinghorn
112. Kingussie
113. Kinross
114. Kintore
115. Kirkcaldy
116. Kirkcudbright
117. Kirkintilloch
118. Kirkwall
119. Kirriemuir
120. Ladybank
121. Lanark
122. Langholm
123. Largs
124. Lauder
125. Laurencekirk
126. Lerwick
127. Leslie
128. Leven
129. Linlithgow
130. Loanhead
131. Lochgelly
132. Lochgilphead
133. Lochmaben
134. Lockerbie
135. Lossiemouth and Branderburgh
136. Macduff
137. Markinch
138. Maybole
139. Melrose
140. Millport
141. Milngavie
142. Moffat
143. Moniefieth
144. Montrose
145. Motherwell and Wishaw
146. Musselburgh
147. Nairn
148. Newburgh
149. New Galloway
150. Newmilns and Greenholm
151. Newport
152. Newton-Stewart
153. North Berwick
154. Oban
155. Oldmeldrum
156. Paisley
157. Peebles
158. Penicuik
159. Perth
160. Peterhead
161. Pitlochry
162. Pittenweem
163. Port Glasgow
164. Portknockie
165. Portsoy
166. Prestonpans
167. Prestwick
168. Queensferry
169. Renfrew
170. Rosehearty
171. Rothes
172. Rothesay
173. Rutherglen
174. St. Andrews
175. St. Monance
176. Saltcoats
177. Sanquhar
178. Selkirk
179. Stewarton
180. Stirling
181. Stonehaven
182. Stornoway
183. Stranraer
184. Stromness
185. Tain
186. Tayport
187. Thurso
188. Tillicoultry
189. Tobermory
190. Tranent
191. Troon
192. Turriff
193. Whitburn
194. Whithorn
195. Wick
196. Wigtown

Annex 2

Brief Case Study of Laighills Park, Dunblane

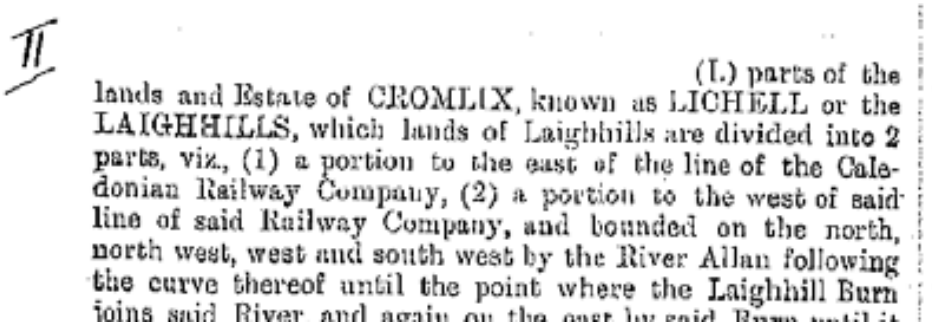
Stirling Council do not admit the existence of a Common Good Fund for Dunblane in the Annual Accounts for 2005-06. However, Dunblane is a Burgh and had a Town Council up until 1975. It is extremely unlikely that there is no property defined as Common Good in Dunblane. The following story demonstrates that this is indeed the case.

In early 2006, I met a resident of Dunblane and we got talking about the Common Good. His view was that the Laighills (a large area of parkland to the north west of Dunblane) belonged to the town. We decided to make some initial enquiries. To begin with, he uncovered a local history volume which reported that,

> The Laighills were the site of the town's first golf course, laid out as a nine hole course in 1892, and in use until the present course was built in 1923. The club house was at the foot of Laighill Loan.
>
> In 1909 Mr RH Martin of New York, a native of Dunblane, bought the Laighills for £1,000 from Cromlix Eatate, and presented them as a gift to the people of Dunblane. There had been earlier plans to build houses here.

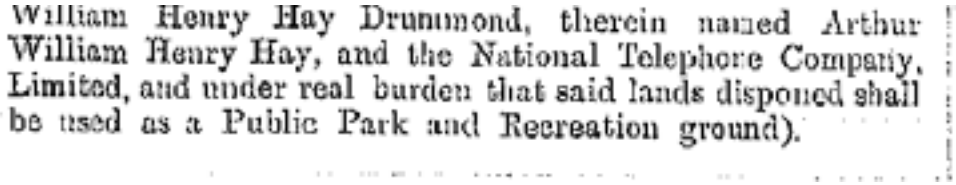
This extract demonstrated the usefulness of local history sources since it provided a name (Mr RH Martin), a year (1909) and a property (Cromlix Estate) that could be used to conduct further research in the Register of Sasines.

I then located the Search Sheet for the Burgh of Dunblane in the Register of Sasines (Search Sheet number 2122 in the County of Perthshire). On page 3 of the Search Sheet there is a Minute (a short extract of the full deed) referring to the subjects of "*Laighhills*", part of the "*lands and estate of Cromlix*" accompanied by a detailed description of the boundaries. The Minute begins thus,



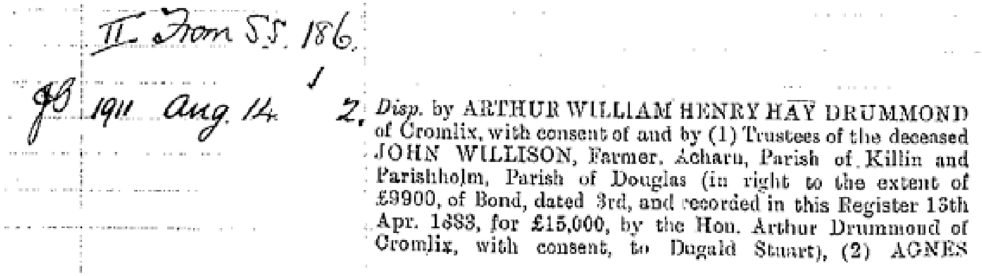
(I.) parts of the lands and Estate of CROMLIX, known as LICHELL or the LAIGHHILLS, which lands of Laighhills are divided into 2 parts, viz., (1) a portion to the east of the line of the Caledonian Railway Company, (2) a portion to the west of said line of said Railway Company, and bounded on the north, north west, west and south west by the River Allan following the curve thereof until the point where the Laighhill Burn joins said River and again on the east by said Burn until it

Then at the end of the Minute there is real burden narrated to the effect that the land shall be used as a Public Park and Recreation Ground, viz.



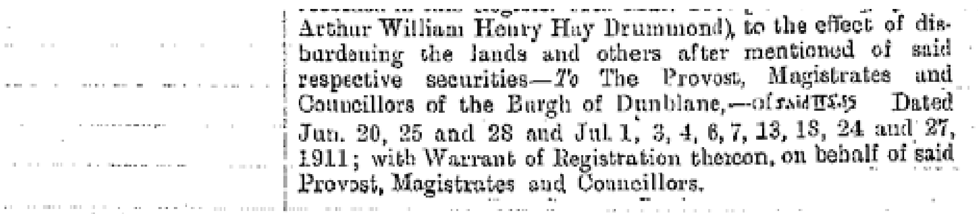
William Henry Hay Drummond, therein named Arthur William Henry Hay, and the National Telephone Company, Limited, and under real burden that said lands disponed shall be used as a Public Park and Recreation ground).

Following this is the Minute of the disposition or sale, from Arthur William Henry Hay Drummond of Cromlix (with consent of various third parties with an interest in the property) to Provost, Magistrates and Councillors of the Burgh of Dunblane. It begins thus,



II. From SS. 186.
98 1911 Aug. 14. 2. Disp. by ARTHUR WILLIAM HENRY HAY DRUMMOND of Cromlix, with consent of and by (1) Trustees of the deceased JOHN WILLISON, Farmer, Acharn, Parish of Killin and Parishholm, Parish of Douglas (in right to the extent of £9900, of Bond, dated 3rd, and recorded in this Register 13th Apr. 1883, for £15,000, by the Hon. Arthur Drummond of Cromlix, with consent, to Dugald Stuart), (2) AGNES

This Minute contains the evidence we were looking for, namely that the land was disponed to the Provost, Magistrates and Councillors of the Burgh of Dunblane.



Arthur William Henry Hay Drummond), to the effect of disburdening the lands and others after mentioned of said respective securities—To The Provost, Magistrates and Councillors of the Burgh of Dunblane,—of said II.S.S. Dated Jun. 20, 25 and 28 and Jul. 1, 3, 4, 6, 7, 13, 18, 24 and 27, 1911; with Warrant of Registration thereon, on behalf of said Provost, Magistrates and Councillors.

So it seemed that we had located the relevant deed. Our next step was to go to the National Archives of Scotland and obtain a copy of the full title deed (the extracts above are from the Minute or precis contained in the Search Sheet). This would hopefully explain what had happened to our friend Mr Martin who did not appear to be a party to the sale.

In the National Archives of Scotland, we found the deed which begins,

> Disposition by Arthur William Hay Drummond and others to The Provost, Magistrates and Councillors of the Burgh of Dunblane.

The Deed is 28 pages long deed and the first 12 pages are concerned with outlining the legal and financial positions of the seller, Trustees and others. The juicy bit (the dispositive clause) is at the foot of the reverse of Folio 44 (pages are numbered as physical pages with each page having a front and a reverse - a recto and a verso).

> "In consideration of the sum of Nine hundred and forty pounds Sterling instantly paid to me the said Honourable Arthur William Henry Hay Drummond by the Provost Magistrates and Councillors of the Burgh of Dunblane said sum being provided to the latter by Robert Hay Martin Asbestos Mine Owner New York United States of America a native of Dunblane as a gift for the purpose of enabling the said Provost Magistrates and Councillors to acquire the said lands and others for the public behoof as the price of the said lands and others and of......"

This provided the explanation we were looking for. Robert Hay Martin actually provided a gift of money to the Burgh to acquire the land.

Then the burdens are narrated beginning at the very foot of Folio 47 front,

> "....and under the special condition that the said lands hereby disponed shall be used as a Public Park and Recreation Ground for the public behoof and shall not be used for building dwelling houses thereon or for any other purposes than of a Public Park and Recreation Ground."

Thus the history book was a bit inaccurate since Martin gifted not the land but the money to acquire the land. Nevertheless it was clear that Laighill is unambiguously part of the Common Good of Dunblane. Our investigations ended there.

POSTSCRIPT

The story can be continued.

Among the next tasks still to be undertaken are to check whether there have been any breaches of these conditions since the time of the original acquisition and to check that the proceeds of any land subsequently sold were credited to the Common Good Fund. Given that Stirling Council do not admit to a Common Good Fund for Dunblane, there is still some further work to do!

This kind of research needs to be replicated (if not already done) in burghs across Scotland.

Andy Wightman
Addis Ababa
December 2007

This is your childrens future look after it

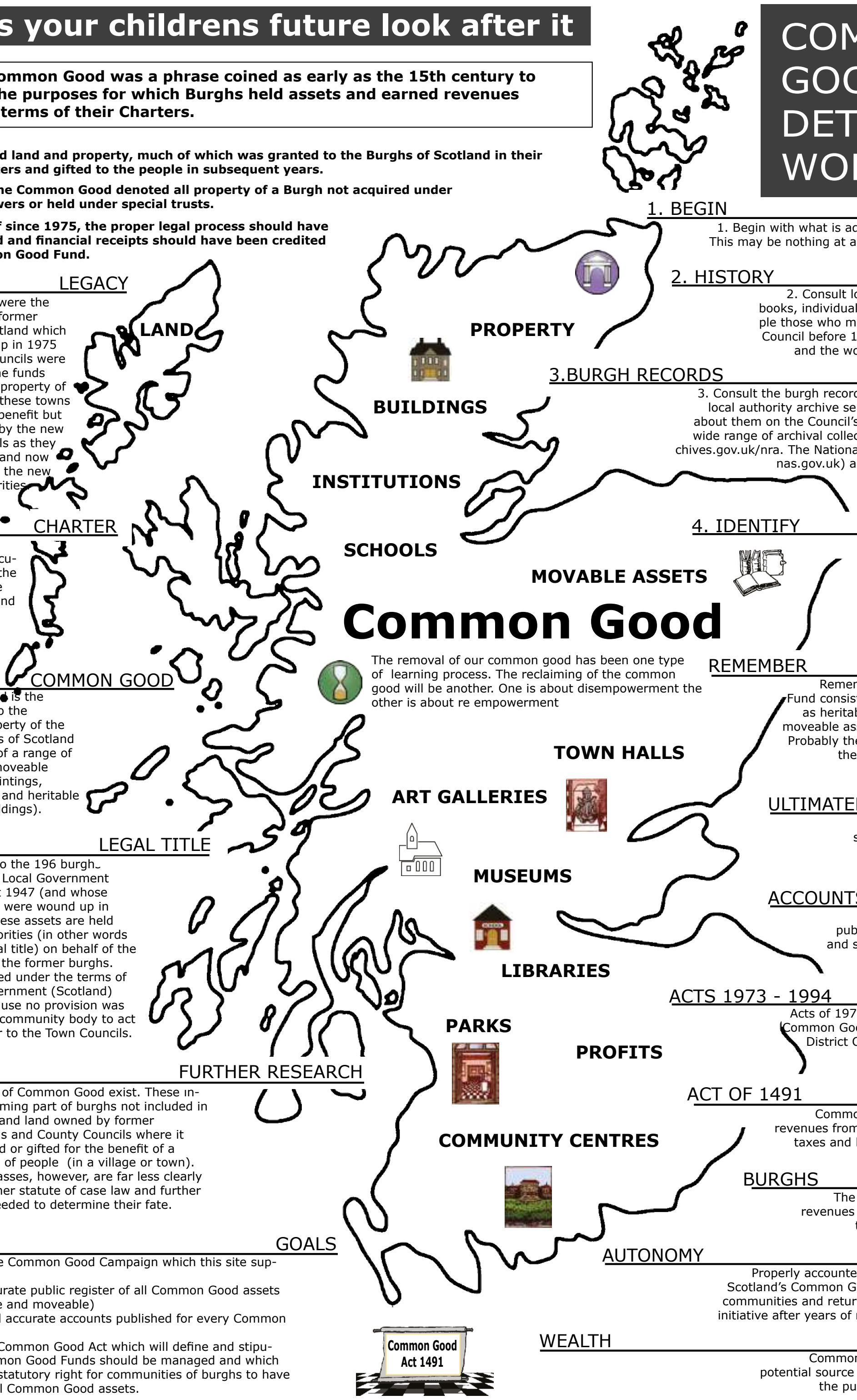
COMMON GOOD DETECTIVE WORK

Origins: Common Good was a phrase coined as early as the 15th century to describe the purposes for which Burghs held assets and earned revenues under the terms of their Charters.

Common Good land and property, much of which was granted to the Burghs of Scotland in their original charters and gifted to the people in subsequent years.

Essentially, the Common Good denoted all property of a Burgh not acquired under statutory powers or held under special trusts.

If disposed of since 1975, the proper legal process should have been followed and financial receipts should have been credited to the Common Good Fund.



Common Good

The removal of our common good has been one type of learning process. The reclaiming of the common good will be another. One is about disempowerment the other is about re empowerment

LEGACY

These assets were the legacy of the former burghs of Scotland which were wound up in 1975 when town councils were abolished - The funds remained the property of the people of these towns for their own benefit but administered by the new district councils as they were in 1975 and now since 1996 by the new unitary authorities.

CHARTER

Charter: This foundation document defines the purpose of the organization and how it will be structured

COMMON GOOD

Common Good is the name given to the inherited property of the former burghs of Scotland and consists of a range of assets both moveable (furniture, paintings, regaliva etc.) and heritable (land and buildings).

LEGAL TITLE

With respect to the 196 burghs defined in the Local Government (Scotland) Act 1947 (and whose Town Councils were wound up in May 1975), these assets are held by Local Authorities (in other words they have legal title) on behalf of the inhabitants of the former burghs. Title transferred under the terms of the Local Government (Scotland) Act 1973 because no provision was made for any community body to act as a successor to the Town Councils.

FURTHER RESEARCH

Other classes of Common Good exist. These include land forming part of burghs not included in the 1947 Act and land owned by former Parish Councils and County Councils where it was purchased or gifted for the benefit of a defined group of people (in a village or town). Such other classes, however, are far less clearly defined in either statute of case law and further research is needed to determine their fate.

GOALS

The goal of the Common Good Campaign which this site supports, is to
- have an accurate public register of all Common Good assets (both heritable and moveable)
- have full and accurate accounts published for every Common Good Fund
- have a new Common Good Act which will define and stipulate how Common Good Funds should be managed and which will provide a statutory right for communities of burghs to have legal title to all Common Good assets.

1. BEGIN

1. Begin with what is admitted by the local authority. This may be nothing at all, a partial or incomplete list,

2. HISTORY

2. Consult local history sources including books, individuals with knowledge (for example those who may have worked for the Town Council before 1975), local library collections and the works of local history societies.

3.BURGH RECORDS

3. Consult the burgh records. Many of these are held by local authority archive services. You can often find out about them on the Council's website or you can search a wide range of archival collections at www.nra.nationalarchives.gov.uk/nra. The National Archives of Scotland (www.nas.gov.uk) also hold some burgh records.

4. IDENTIFY

4. To identify the full legal history and status of specific properties, you will need to consult the Register of Sasines, the Land Register and the Burgh Registers

REMEMBER

Remember, that the Common Good Fund consists of moveable assets as well as heritable assets. Tracing the fate of moveable assets is a little bit more tricky. Probably the best place to concentrate is the records of the Town Council.

ULTIMATELY

Ultimately, you should be seeking to assert and recover the assets and value of your Common Good Fund.

ACCOUNTS

Your local authority should publish a set of Annual Accounts and should provide a list of assets owned by the Fund.

ACTS 1973 - 1994

Acts of 1973 and 1994 for these burghs' Common Good Funds to be transferred to District Councils and, later, Scotland's Unitary Authorities.

ACT OF 1491

Common Good Act of 1491 that the revenues from burgh property and various taxes and levies was to be used for the "common good of the town"

BURGHS

The Common Good originated as revenues from properties belonging to the early Burghs of Scotland.

AUTONOMY

Properly accounted for and properly managed, Scotland's Common Good can be used to revitalise communities and return to them the autonomy and initiative after years of municipal maladministration.

WEALTH

Common Good property represents a potential source of wealth and investment for the public good of your community.

Identifying
Restoring
Documenting

THE BOTTOM LINE.....is that you are looking for property which, on 15 May 1975,
- **was owned by the Town Council (may be in name of Magistrates, Corporation etc.)**
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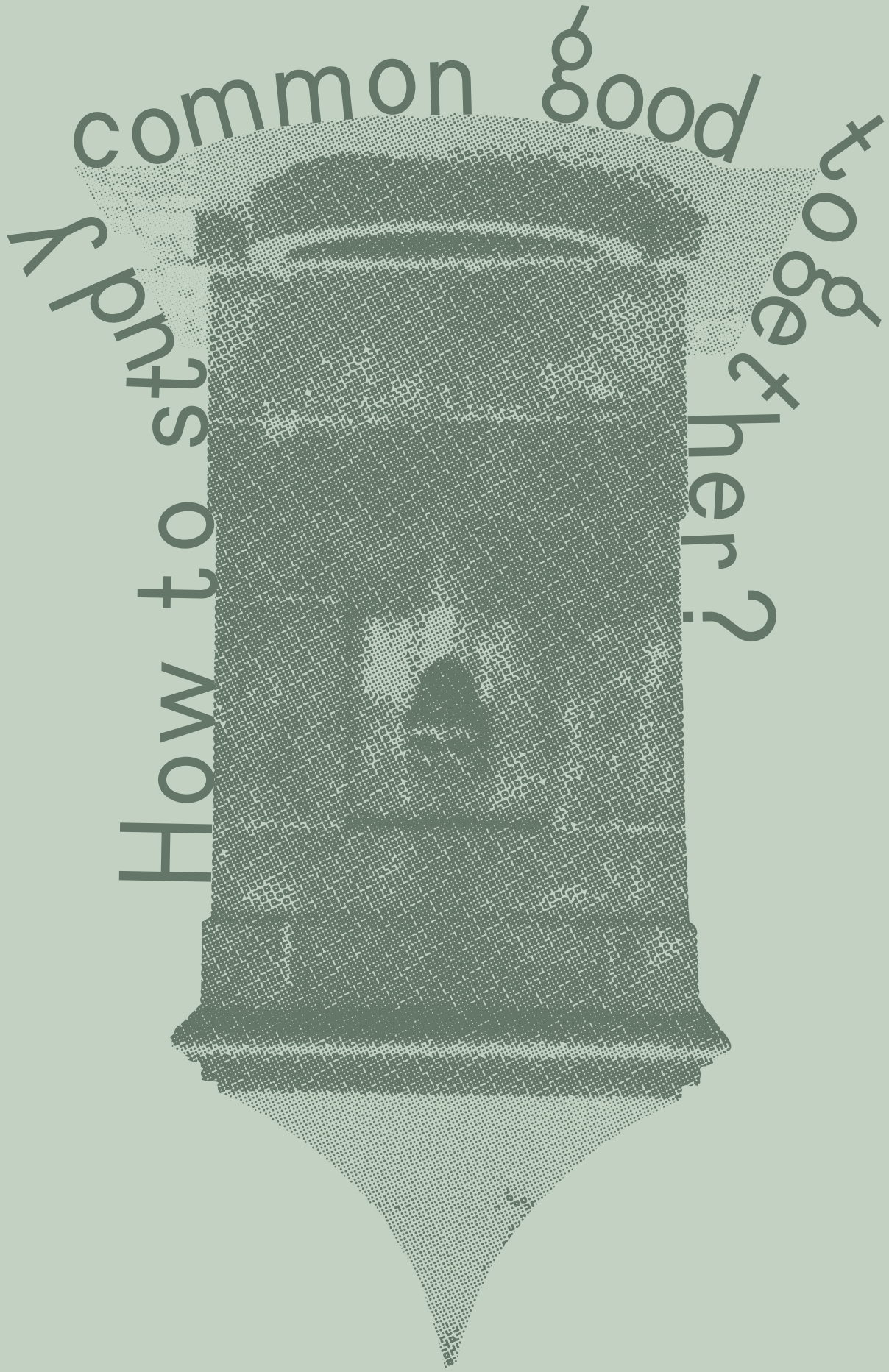
- **had not been acquired using statutory powers(the title deeds will usually narrate if in fact it was).**
- **was not held by a constituted Trust (again the title deeds will reveal if this is the case)**

Scottish Commons

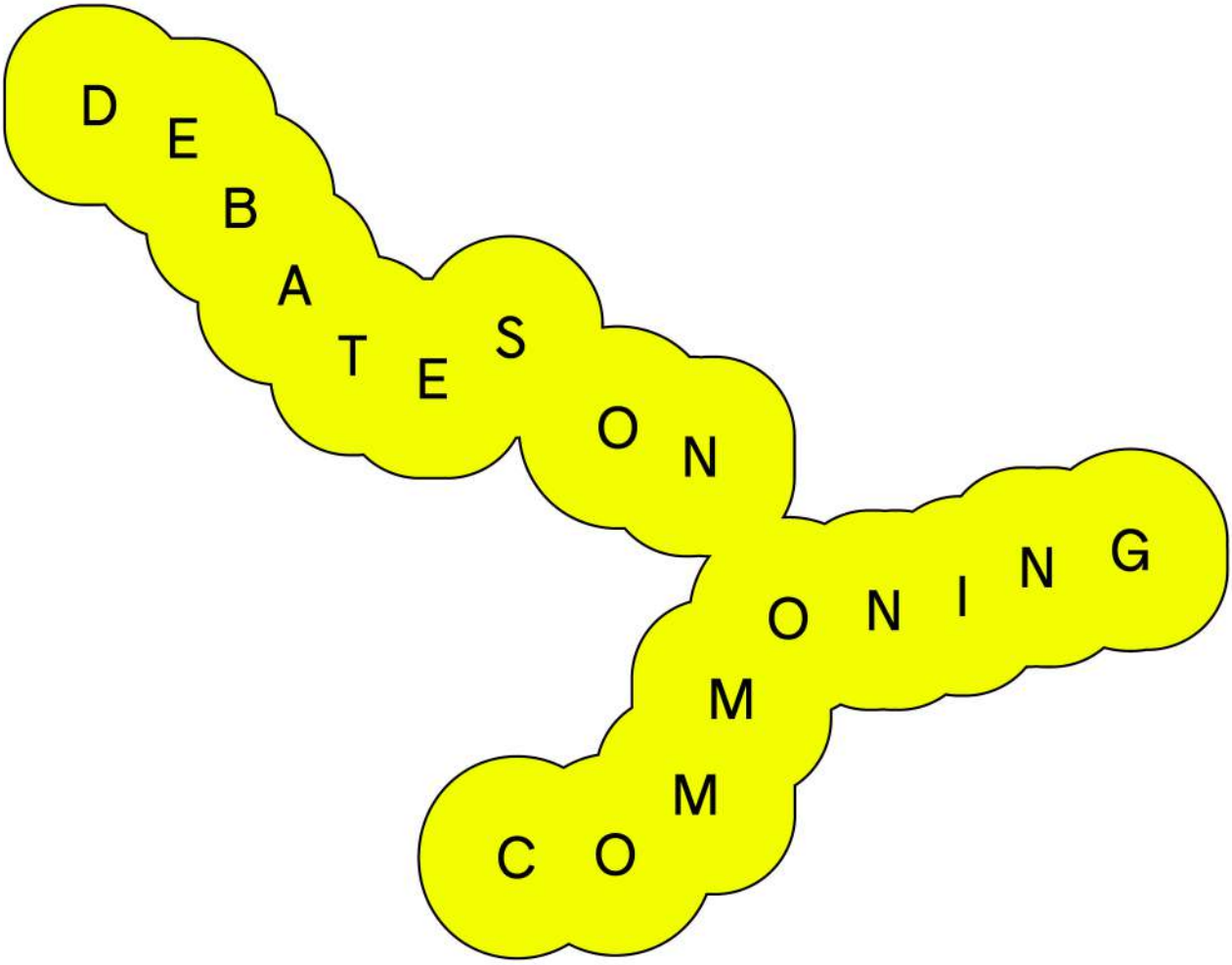
join the campaign to identify, document and restore your common heritage.

inthecommongood.org

Matter of Precedents, Upside down image of the Canongate Wellhead with text reading How to study common good together?. Design in collaboration with Benjamin Fallon, Romulus Studio, 2022



Matter of Precedents, Upside Down Sign_well



- An Architektur "On the Commons: A Public Interview with Missimo De Angelis and Stavros Stavrides" from e-flux Journal #17
- Anette Baldauf, Vladimir Miller, Annette Krauss, Mara Verlic, Moira Hille, Hong-Kai Wang, Mihret Kebede Alwabie, Julia Wieger, Tesfaye Beri Bekele, Stefan Gruber "Study of/as Commoning", (Journal for Artistic Research, Issue #19)
- Silvia Federici, "Feminism and the Politics of the Commons" from Re-enchanting the World

An Architektur

On the Commons: A Public Interview with Massimo De Angelis and Stavros Stavrides

An Architektur: The term "commons" occurs in a variety of historical contexts. First of all, the term came up in relation to land enclosures during pre- or early capitalism in England; second, in relation to the Italian *autonomia* movement of the 1960s; and third, today, in the context of file-sharing networks, but also increasingly in the alter-globalization movement. Could you tell us more about your interest in the commons?

Massimo De Angelis: My interest in the commons is grounded in a desire for the *conditions* necessary to promote social justice, sustainability, and happy lives for all. As simple as that. These are topics addressed by a large variety of social movements across the world that neither states nor markets have been able to tackle, and for good reasons. State policies in support of capitalist growth are policies that create just the opposite conditions of those we seek, since they promote the working of capitalist markets. The latter in turn reproduce socio-economic injustices and hierarchical divisions of power, environmental catastrophes and stressed-out and alienated lives. Especially against the background of the many crises that we are facing today – starting from the recent global economic crisis, and moving to the energy and food crises, and the associated environmental crisis – thinking and practicing the commons becomes particularly urgent.

Massimo De Angelis: Commons are a means of establishing a new political discourse that builds on and helps to articulate the many existing, often minor struggles, and recognizes their power to overcome capitalist society. One of the most important challenges we face today is, how do we move from movement to society? How do we dissolve the distinctions between inside and outside the movement and promote a social movement that addresses the real challenges that people face in reproducing their own lives? How do we recognize the real divisions of power within the "multitude" and produce new commons that seek to overcome them at different scales of social action? How can we reproduce our lives in new ways and *at the same time* set a limit to capital accumulation?

The discourse around the commons, for me, has the potential to do those things. The problem, however, is that capital, too, is promoting the commons in its own way, as coupled to the question of capitalist growth. Nowadays the mainstream paradigm that has governed the planet for the last thirty years – neoliberalism – is at an impasse, which may well be terminal. There are signs that a new governance of capitalism is taking shape, one in which the "commons" are important. Take for example the discourse of the environmental

"global commons," or that of the oxymoron called "sustainable development," which is an oxymoron precisely because "development" understood as capitalist growth is just the opposite of what is required by "sustainability." Here we clearly see the "smartest section of capital" at work, which regards the commons as the basis for new capitalist growth. Yet you cannot have capitalist growth without enclosures. We are at risk of getting pushed to become players in the drama of the years to come: capital will need the commons and capital will need enclosures, and the commoners at these two ends of capital will be reshuffled in new planetary hierarchies and divisions.

Massimo De Angelis: Let me address the question of the definition of the commons. There is a vast literature that regards the commons as a resource that people do not need to pay for. What we share is what we have in common. The difficulty with this resource-based definition of the commons is that it is too limited, it does not go far enough. We need to open it up and bring in social relations in the definition of the commons.

Commons are not simply resources we share – conceptualizing the commons involves three things at the same time. First, all commons involve some sort of common pool of resources, understood as non-commodified means of fulfilling peoples needs. Second, the commons are necessarily created and sustained by *communities* – this of course is a very problematic term and topic, but nonetheless we have to think about it. Communities are sets of commoners who share these resources and who define for themselves the rules according to which they are accessed and used. Communities, however, do not necessarily have to be bound to a locality, they could also operate through translocal spaces. They also need not be understood as "homogeneous" in their cultural and material features. In addition to these two elements – the pool of resources and the set of communities – the third and most important element in terms of conceptualizing the commons is the verb "to common" – the social process that creates and reproduces the commons. This verb was recently brought up by the historian Peter Linebaugh, who wrote a fantastic book on the thirteenth-century Magna Carta, in which he points to the process of commoning, explaining how the English commoners took the matter of their lives into their own hands. They were able to maintain and develop certain customs in common – collecting wood in the forest, or setting up villages on the

Image found on Wikicommons (searchword: IMF) "Monetary Fund Headquarters, Washington, DC."

king's land – which, in turn, forced the king to recognize these as rights. The important thing here is to stress that these rights were not "granted" by the sovereign, but that already-existing common customs were rather acknowledged as *de facto* rights.

The seal of *Magna Carta*.

An Architektur: We would like to pick up on your remark on the commons as a new political discourse and practice. How would you relate this new political discourse to already existing social or political theory, namely Marxism? To us it seems as if at least your interpretation of the commons is based a lot on Marxist thinking. Where would you see the correspondences, where lie the differences?

Massimo De Angelis: The discourse on the commons relates to Marxist thinking in different ways. In the first place, there is the question of interpreting Marx's theory of primitive accumulation. In one of the final chapters of volume one of *Capital*, Marx discusses the process of expropriation and dispossession of commoners, which he refers to as "primitive accumulation," understood as the process that creates the precondition of capitalist development by separating people from their means of production. In sixteenth- to eighteenth-century England, this process became known as "enclosure" – the enclosure of common land by the landed nobility in order to use the land for wool production. The commons in these times, however, formed an essential basis for the livelihood of communities. They were fundamental elements for people's reproduction, and this was the case not only in Britain, but all around the world. People had access to the forest to collect wood, which was crucial for cooking, for heating, for a variety of things. They also had access to common grassland to graze their own livestock. The process of enclosure meant fencing off those areas to prevent people from having access to these common resources. This contributed to mass poverty among the commoners, to mass migration and mass criminalization, especially of the migrants. These processes are pretty much the same today all over the world. Back then, this process created on the one hand the modern proletariat, with a high dependence on the wage for its reproduction, and the accumulation of capital necessary to fuel the industrial revolution on the other.

Marx has shown how, historically, primitive accumulation was a precondition of capitalist development. One of the key problems of the subsequent Marxist interpretations of primitive accumulation, however, is the meaning of "precondition." The dominant understanding within the Marxist literature – apart from a few exceptions like Rosa Luxemburg – has always involved considering primitive accumulation as a precondition fixed in time: dispossession happens *before* capitalist accumulation takes place. After that, capitalist accumulation can proceed, exploiting people perhaps, but with no need to enclose commons since these enclosures have already been established. From the 1980s onwards, the profound limitations of this interpretation became obvious. Neoliberalism was rampaging around the world as an instrument of global capital. Structural adjustment policies, imposed by the IMF (International Monetary Fund), were promoting enclosures of "commons" everywhere: from community land and water resources to entitlements, to welfare benefits and education; from urban spaces subject to new pro-market urban design and developments to rural livelihoods threatened by the "externalities" of environmentally damaging industries, to development projects providing energy infrastructures to the export processing zones. These are the processes referred to by the group Midnight Notes Collective as "new enclosures."

The identification of "new enclosures" in contemporary capitalist dynamics urged us to

reconsider traditional Marxist discourse on this point. What the Marxist literature failed to understand is that primitive accumulation is a continuous process of capitalist development that is also necessary for the preservation of advanced forms of capitalism for two reasons. Firstly, because capital seeks boundless expansion, and therefore always needs new spheres and dimensions of life to turn into commodities. Secondly, because social conflict is at the heart of capitalist processes – this means that people do reconstitute commons anew, and they do it all the time. These commons help to re-weave the social fabric threatened by previous phases of deep commodification and at the same time provide potential new ground for the next phase of enclosures.

Thus, the orthodox Marxist approach – in which enclosure and primitive accumulation are something that only happens during the formation of a capitalist system in order to set up the initial basis for subsequent capitalist development – is misleading. It happens all the time; today as well people's common resources are enclosed for capitalist utilization. For example, rivers are enclosed and taken from local commoners who rely on these resources, in order to build dams for fueling development projects for industrialization. In India there is the case of the Narmada Valley; in Central America there is the attempt to build a series of dams called the Puebla-Panama Plan. The privatization of public goods in the US and in Europe has to be seen in this way, too. To me, however, it is important to emphasize not only that enclosures happen all the time, but also that there is constant commoning. People again and again try to create and access the resources in a way that is different from the modalities of the market, which is the standard way for capital to access resources. Take for example the peer-to-peer production happening in cyberspace, or the activities in social centers, or simply the institutions people in struggle give themselves to sustain their struggle. One of the main shortcomings of orthodox Marxist literature is de-valuing or not seeing the struggles of the commoners. They used to be labeled as backwards, as something that belongs to an era long overcome. But to me, the greatest challenge we have in front of us is to articulate the struggles for commons in the wide range of planetary contexts, at different layers of the planetary wage hierarchy, as a way to overcome the hierarchy itself.

An Architektur: The notion of the commons

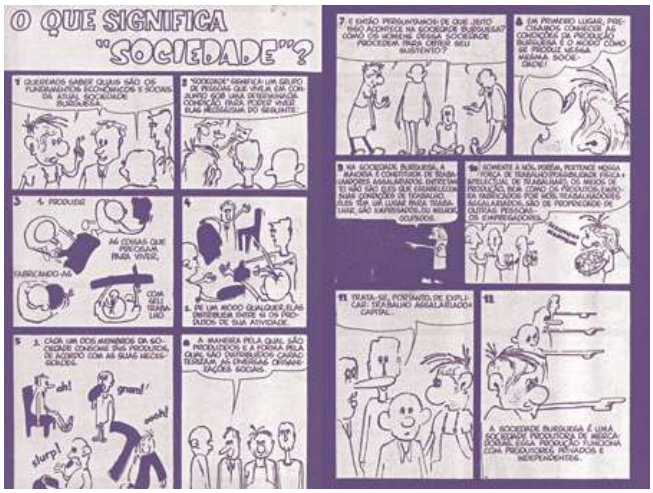
Image found on Wikicommons (searchword: commoners) "Wigpool Common.This was open land, grazed through commoner's rights."

as a pre-modern system that does not fit in a modern industrialized society is not only used by Marxists, but on the neoliberal side, too. It is central to neoliberal thinking that self-interest is dominant vis-à-vis common interests and that therefore the free market system is the best possible way to organize society. How can we make a claim for the commons against this very popular argument?

Massimo De Angelis: One of the early major pro-market critiques of the commons was the famous article "The Tragedy of the Commons" by Gerrit Hardin, from 1968. Hardin argued that common resources will inevitably lead to a sustainability tragedy because the individuals accessing them would always try to maximize their personal revenue and thereby destroy them. For example, a group of herders would try to get their own sheep to eat as much as possible. If every one did that then of course the resource would be depleted. The policy implications of this approach are clear: the best way to sustain the resource is either through privatization or direct state management. Historical and economic research, however, has shown that existing commons of that type rarely encountered these problems, because the commoners devise rules for accessing resources. Most of the time, developing methods of ensuring the sustainability of common resources has been an important part of the process of commoning.

There is yet a third way beyond markets or states, and this is community self-management and self-government. This is another reason why it is important to keep in mind that commons, the social dimension of the shared, are constituted by the three elements mentioned before: pooled resources, community, and commoning. Hardin could develop a "tragedy of the commons" argument because in his assumption there existed neither community nor commoning as a social praxis, there were only resources subject to open access.

Furthermore, it is important to note that the problem of the commons cannot be simply described as a question of self-interest versus common interests. Often, the key problem is how individual interests can be articulated in such a way as to *constitute* common interests. This is the question of commoning and of community formation, a big issue that leads to many open questions. Within Marxism, there is generally a standard way to consider the question of common interests: these are given by the "objective" conditions in which the "working class" finds itself vis-à-vis capital as the class of the exploited. A big limitation of this standard interpretation is that "objectivity" is always an inter-subjective agreement. The working class itself is fragmented into a hierarchy of powers, often in conflicts of interest with one another, conflicts materially reproduced by the workings of the market. This means that common interests cannot be postulated, they can only be constructed.



Comic strip of Marx's *Capital* explaining "What is Society?"

An Architektur: This idea of the common interest that has to be constructed in the first place – what consequences does it have for conceptualizing possible subjects of change? Would this have to be everybody, a renewed form of an avant-garde or a regrouped working class?

Massimo De Angelis: It is of course not possible to name *the* subject of change. The usefulness of the usual generalizations – "working class," "proletariat," "multitude," etc. – may vary depending on the situation, but generally has little analytical power apart from indicating crucial questions of "frontline." This is precisely because common interests cannot be postulated but can only be constituted through processes of commoning, and this commoning, if of any value, must overcome current material divisions within the "working class," "proletariat," or "multitude." From the perspective of the commons, the wage worker is not *the* emancipatory subject because capitalist relations also pass through the unwaged labor, is often feminized, invisible, and so on. It is not possible to rely on any "vanguard," for two reasons. Firstly, because capitalist measures are pervasive within the stratified global field of production, which implies that it hits everybody. Secondly, because the most "advanced" sections of the global "working class" – whether in terms of the level of their wage or in terms of the type of their labor (it does not matter if these are called immaterial workers or symbolic analysts) – can materially reproduce themselves only on the basis of their interdependence with the "less

Zapatista "rebel" territory. Photo: Hajor, 2005

advanced" sections of the global working class. It has always been this way in the history of capitalism and I have strong reasons to suspect it will always be like this as long as capitalism is a dominant system.

To put it in another way: the computer and the fiber optic cables necessary for cyber-commoning and peer-to-peer production together with my colleagues in India are predicated on huge water usage for the mass production of computers, on cheap wages paid in some export-processing zones, on the cheap labor of my Indian high-tech colleagues that I can purchase for my own reproduction, obtained through the devaluation of labor through ongoing enclosures. The subjects along this chain can all be "working class" in terms of their relation to capital, but their objective position and form of mutual dependency is structured in such a way that their interests are often mutually exclusive.

An Architektur: Stavros, what is your approach towards the commons? Would you agree with Massimo's threefold definition and the demands for action he derives from that?

Stavros Stavrides: First, I would like to bring to the discussion a comparison between the concept of the commons based on the idea of a community and the concept of the public. The community refers to an entity, mainly to a homogeneous group of people, whereas the idea of the public puts an emphasis on the relation between different communities. The public realm can be considered as the actual or virtual space where strangers and different people or groups with diverging forms of life can meet.

The notion of the public urges our thinking about the commons to become more complex. The possibility of encounter in the realm of the public has an effect on how we conceptualize commoning and sharing. We have to acknowledge the difficulties of sharing as well as the contests and negotiations that are necessarily connected with the prospect of sharing. This is why I favor the idea of providing ground to build a public realm and give opportunities for discussing and negotiating what is good for all, rather than the idea of strengthening communities in their struggle to define their own commons. Relating commons to groups of "similar" people bears the danger of eventually creating closed communities. People may thus define themselves as commoners by excluding others from their milieu, from their own privileged commons. Conceptualizing commons on the basis of the public, however, does not focus on similarities or commonalities but on the very differences between people that can possibly meet on a purposefully instituted common ground.

We have to establish a ground of negotiation rather than a ground of affirmation of what is shared. We don't simply have to raise the moral issues about what it means to share, but to discover procedures through which we can find out what and how to share. Who is this *we*? Who defines this sharing and decides how to share? What about those who don't want to share with us or with whom we do not want to share? How can these relations with those "others" be regulated? For me, this aspect of negotiation and contest is crucial, and the ambiguous project of emancipation has to do with regulating relationships between differences rather than affirming commonalities based on similarities.

An Architektur: How does this move away from commons based on similarities, towards the notion of difference, influence your thinking about contemporary social movements or urban struggles?

Stavros Stavrides: For me, the task of emancipatory struggles or movements is not only what has to be done, but also how it will be done and who will do it. Or, in a more abstract way: how to relate the means to the ends. We have suffered a lot from the idea that the real changes only appear after the final fight, for which we have to prepare ourselves by building some kind of army-like structure that would be able to effectively accomplish a change in the power relations. Focused on these "duties" we tend to postpone any test of our values until after this final fight, as only then we will supposedly have the time to create this new world as a society of equals. But unfortunately, as we know and as we have seen far too often, this idea has turned out to be a nightmare. Societies and communities built through procedures directed by hierarchical organizations, unfortunately, exactly mirrored these organizations. The structure of the militant avant-garde tends to be reproduced as a structure of social relations in the new community.

Thus, an essential question within emancipatory projects is: can we as a group, as a community or as a collectivity reflect our ideas and values in the form that we choose to carry out our struggle? We have to be very suspicious about the idea of the avant-garde, of those elected (or self-selected) few, who know what has to be done and whom the others should follow. To me, this is of crucial importance. We can no longer follow the old concept of the avant-garde if we really want to achieve something different from today's society.

Here are very important links to the discussion about the commons, especially in terms of problematizing the collectivity of the struggle. Do we intend to make a society of sharing by sharing, or do we intend to create this society after a certain period in which we do not

share? Of course, there are specific power relations between us, but does this mean that some have to lead and others have to obey the instructors? Commons could be a way to understand not only what is at stake but also how to get there. I believe that we need to create forms of collective struggle that match collective emancipatory aims, forms that can also show us what is worthy of dreaming about an emancipated future.

An Architektur: Massimo, you put much emphasis on the fact that commoning happens all the time, also under capitalist conditions. Can you give a current example? Where would you see this place of resistance? For Marx it was clearly the factory, based on the analysis of the exploitation of labor, which gave him a clear direction for a struggle.

Massimo De Angelis: The factory for Marx was a twofold space: it was the space of capitalist exploitation and discipline – this could of course also be the office, the school, or the university – but it was also the space in which *social cooperation of labor* occurred without the immediate mediation of money. Within the factory we have a non-commoditized space, which would fit our definition of the commons as the space of the "shared" at a very general level.

An Architektur: Why non-commoditized?

Massimo De Angelis: Because when I work in a capitalist enterprise, I may get a wage in exchange for my labor power, but in the moment of production I do not participate in any monetary transactions. If I need a tool, I ask you to pass me one. If I need a piece of information, I do not have to pay a copyright. In the factory – that we are using here as a metaphor for the place of capitalist production – we may produce commodities, but not by means of commodities, since goods stopped being commodities in the very moment they became inputs in the production process. I refer here to the classical Marxian distinction between labor power and labor. In the factory, labor power is sold as a commodity, and after the production process, products are sold. In the very moment of production, however, it is only labor that counts, and labor as a social process is a form of "commoning." Of course, this happens within particular social relations of exploitation, so maybe we should not use the same word, commoning, so as not to confuse it with the commoning made by people "taking things into their own hands." So, we perhaps should call it "distorted commoning," where the measure of distortion is directly proportional to the degree of the subordination of commoning to social measures coming from outside the commoning, the one given by management, by the requirement of the market, etc. In spite of its distortions, I think, it is important to consider what goes on inside the factory as also a form of commoning. This is an important distinction that refers to the question of how capital uses the commons. I am making this point because the key issue is not really how we conceive of commoning within the spheres of commons, but how we reclaim the commons of our production that are distorted through the imposition of capital's measure of things.

This capitalist measure of things is also imposed across places of commoning. The market is a system that articulates social production at a tremendous scale, and we have to find ways to replace this mode of articulation. Today, most of what is produced in the common – whether in a distorted capitalist commons or alternative commons – has to be turned into money so that commoners can access other resources. This implies that commons can be pitted against one another in processes of market competition. Thus we might state as a guiding principle that whatever is produced in the common must stay in the common in order to expand, empower, and sustain the commons independently from capitalist circuits.

Stavros Stavrides: This topic of the non-commodified space within capitalist production is linked to the idea of immaterial labor, theorized, among others, by Negri and Hardt. Although I am not very much convinced by the whole theory of "empire" and "the multitude," the idea that within the capitalist system the conditions of labor tend to produce commons, even though capitalism, as a system acts against commons and for enclosures, is very attractive to me. Negri and Hardt argue that with the emergence of immaterial labor – which is based on communicating and exchanging knowledge, not on commodified assets in the general sense, but rather on a practice of sharing – we have a strange new situation: the change in the capitalist production from material to immaterial labor provides the opportunity to think about commons that are produced in the system but can be extracted and potentially turned against the system. We can take the notion of immaterial labor as an example of a possible future beyond capitalism, where the conditions of labor produce opportunities for understanding what it means to work in common but also to produce commons.

Of course there are always attempts to control and enclose this sharing of knowledge, for example the enclosure acts aimed at controlling the internet, this huge machine of sharing knowledge and information. I do not want to overly praise the internet, but this spread of information to a certain degree always contains the seed of a different commoning

against capitalism. There is always both, the enclosures, but also the opening of new possibilities of resistance. This idea is closely connected to those expressed in the anti-capitalist movement claiming that there is always the possibility of finding within the system the very means through which you can challenge it. Resistance is not about an absolute externality or the utopia of a good society. It is about becoming aware of opportunities occurring within the capitalist system and trying to turn them against it.

Massimo De Angelis: We must, however, also make the point that seizing the internal opportunities that capitalism creates can also become the object of co-optation. Take as an example the capitalist use of the commons in relation to seasonal workers. Here commons can be used to undermine wages or, depending on the specific circumstances, they can also constitute the basis for stronger resistance and greater working-class power. The first case could be seen, for example, in South African enclaves during the Apartheid regime, where lower-level wages could be paid because seasonal workers were returning to their homes and part of the reproduction was done within these enclaves, outside the circuits of capital. The second case is when migrant seasonal workers can *sustain* a strike precisely because, due to their access to common resources, their livelihoods are not completely dependent on the wage, something which happened, for example, in Northern Italy a few decades ago. Thus, the relation between capitalism and the commons is always a question of power relations in a specific historic context.

An Architektur: How would you evaluate the importance of the commons today? Would you say that the current financial and economic crisis and the concomitant delegitimation of the neoliberal model brought forward, at least to a certain extent, the discussion and practice of the commons? And what are the respective reactions of the authorities and of capitalism?

Massimo De Angelis: In every moment of crisis we see an emergence of commons to address questions of livelihood in one way or the other. During the crisis of the 1980s in Britain there was the emergence of squatting, alternative markets, or so called Local Exchange Trading Systems, things that also came up in the crisis in Argentina in 2001.

Regarding the form in which capitalism reacts and reproduces itself in relation to the emergence of commoning, three main processes

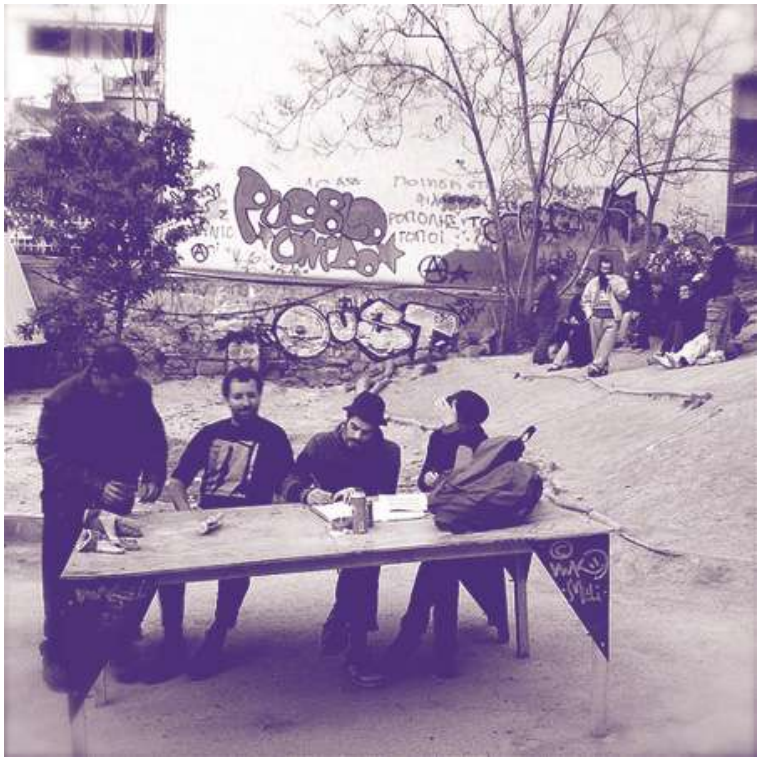
Image found on Wikicommons (searchword: money) "English 'Money-tree' near Bolton Abbey, North Yorkshire, Papa November (cc)"

can be observed. First, the criminalization of alternatives in every process of enclosure, both historically and today. Second, a temptation of the subjects fragmented by the market to return to the market. And third, a specific mode of governance that ensures the subordination of individuals, groups and their values, needs and aspirations under the market process.

An Architektur: But then, how can we relate the commons and commoning to state power? Are the commons a means to overcome or fight the state or do you think they need the state to guarantee a societal structure? Would, at least in theory, the state finally be dissolved through commoning? Made useless, would it thus disappear? Stavros, could you elaborate on this?

Stavros Stavrides: Sometimes we tend to ignore the fact that what happens in the struggle for commons is always related to specific situations in specific states, with their respective antagonisms. One always has to put oneself in relation to other groups in the society. And of course social antagonisms take many forms including those produced by or channeled through different social institutions. The state is not simply an engine that is out there and regulates various aspects of production or various aspects of the distribution of power. The state, I believe, is part of every social relation. It is not only a regulating mechanism but also produces a structure of institutions that mold social life. To be able to resist these dominant forms of social life we have to eventually struggle against these forces which make the state a very dominant reality in our societies.

In today's world, we often interpret the process of globalization as the withering away of states, so that states are no longer important. But actually the state is the guarantor of the necessary conditions for the reproduction of the system. It is a guarantor of violence, for example, which is not a small thing. Violence, not only co-optation, is a very important means of reproducing capitalism, because by no means do we live in societies of once-and-for-all legitimated capitalist values. Instead, these values must be continuously imposed, often by force. The state is also a guarantor of property and land rights, which are no small things either, because property rights establish forms of control on various aspects of our life. Claims of property rights concern specific places that belong to certain people or establishments, which might also be international corporations. The state, therefore, is not beyond globalization; it is in fact the most specific arrangement of



The Navarinou Park in Exarcheia, Athens

powers against which we can struggle.

Stavros Stavrides: I am thus very suspicious or reserved about the idea that we can build our own small enclaves of otherness, our small liberated strongholds that could protect us from the power of the state. I don't mean that it is not important to build communities of resistance, but rather than framing them as isolated enclaves, we should attempt to see them as a potential network of resistance, collectively representing only a part of the struggle. If you tend to believe that a single community with its commons and its enclosed parameter could be a stronghold of liberated otherness, then you are bound to be defeated. You cannot avoid the destruction that comes from the power of the state and its mechanisms. Therefore, we need to produce collaborations between different communities as well as understand ourselves as belonging to not just one of these communities. We should rather understand ourselves as members of different communities in the process of emerging.

An Architektur: But how can it be organized? What could this finally look like?

Stavros Stavrides: The short answer is a federation of communities. The long answer is that it has to do with the conditions of the struggle. I think that we are not for the replacement of the capitalist state by another kind of state. We come from long traditions, both communist and anarchist, of striving for the destruction of the state. I think we should find ways in today's struggles to reduce the presence of the state, to oblige the state to withdraw, to force the state to be less violent in its responses. To seek liberation from the jurisdiction of the state in all its forms, that are connected with economical, political, and social powers. But, for sure, the state will be there until something – not simply a collection of struggles, but something of a qualitatively different form – happens that produces a new social situation. Until then we cannot ignore the existence of the state because it is always forming its reactions in terms of what we choose to do.

Massimo De Angelis: Yes, I agree that is crucial. The state is present in all these different processes, but it is also true that we have to find ways to disarticulate these powers. One example is the occupied park in Exarcheia, a parking lot that was turned into a park through an ongoing process of commoning. The presence of the state is very obvious, just fifty meters around the corner there is an entire bus full of riot police and rows of guards. One of the problems in relation to the park is the way in which the actions of the police could be legitimized by making use of complaints about the park by its neighbors. And there are of course reasons to complain. Some of the park's organizers told me that apparently every night some youth hang out there, drinking and trashing the place, making noise and so on. The organizers approached them, asking them not to do that. And they replied "Oh, are you the police?" They were also invited to participate in the assembly during the week, but they showed no interest. According to some people I have interviewed, they were showing an individualistic attitude, one which we have internalized by living in this capitalist society; the idea that this is my space where I can do whatever I want – without, if you like, a process of commoning that would engage with all the issues of the community. But you have to somehow deal with this problem, you cannot simply exclude those youngsters, not only as a matter of principle, but also because it would be completely deleterious to do so. If you just exclude them from the park, you have failed to make the park an inclusive space. If you do not exclude them and they continue with their practices, it would further alienate the local community and provide an opening for the police and a legitimization of their actions. So in a situation like this you can see some practical answers to those crucial questions we have discussed – there are no golden rules.

Stavros Stavrides: I would interpret the situation slightly differently. Those people you refer to were not saying that they have a right as individual consumers to trash the park. They were saying that the park is a place for their community, a place for alternative living or for building alternative political realms. They certainly refer to some kind of commoning, but only to a very specific community of commoners. And this is the crucial point: they did not consider the neighbors, or at least the neighbors' habitude, as part of their community. Certain people conceive of this area as a kind of liberated stronghold in which they don't have to think about those others outside. Because, in the end, who are those others outside? They are those who "go to work everyday and do not resist the system."

To me, these are cases through which we are tested, through which our own ideas about what it means to share or what it means to live in public are tested. We can discuss the park as a case of an emergent alternative public space. And this public space can be constituted only when it remains contestable in terms of its use. Public spaces which do not simply impose the values of a sovereign power are those spaces produced and inhabited through negotiating exchanges between different groups of people. As long as contesting the specific character and uses of alternative public spaces does not destroy the collective freedom to negotiate between equals, contesting should be welcome.

You have to be able to produce places where different kinds of lives can coexist in terms of mutual respect. Therefore any such space cannot simply belong to a certain community that defines the rules; there has to be an ongoing, open process of rulemaking.

Massimo De Angelis: There are two issues here. First of all, I think this case shows that whenever we try to produce commons, what we also need is the production of the respective community and its forms of commoning. The Navarinou Park is a new commons and the community cannot simply consist of the organizers. The organizers I have talked to act pretty much as a sort of *commons entrepreneurs*, a group of people who are trying to facilitate the meeting of different communities in the park, to promote encounters possibly leading to more sustained forms of commoning. Thus, when we are talking about emergent commons like these ones, we are talking about spaces of negotiation across diverse communities, the bottom line of what Stavros referred to as "public space." Yet, we also cannot talk about the park as being a "public space" in the usual sense, as a free-for-all space, one for which the individual does not have to take responsibility, like a park managed by the local authority.

The second point is that another fundamental aspect of commoning can be exemplified by the park – the role of reproduction. We have learned from feminists throughout the last few decades that for every visible work of production there is an invisible work of reproduction. The people who want to keep the park will have to work hard for its reproduction. This does not only mean cleaning the space continuously, but also reproducing the legitimacy to claim this space vis-à-vis the community, vis-à-vis the police and so on. Thinking about the work of reproduction is actually one of the most fundamental aspects of commoning. How will the diverse communities around this park come together to *share* the work of reproduction? That is a crucial test for any commons.

An Architektur: But how can we imagine this constant process of negotiation other than on a rather small local level?

Stavros Stavrides: To me this is not primarily a question of scale, it is more a fundamental question of how to approach these issues. But if you want to talk about a larger-scale initiative, I would like to refer to the Zapatista movement. For the Zapatistas, the process of negotiation takes two forms: inter-community negotiation, which involves people participating in assemblies, and negotiations with the state, which involves the election of representatives. The second form was abruptly abandoned as the state chose to ignore any agreement reached. But the inter-community negotiation process has evolved into a truly alternative form of collective self-government. Zapatistas have established autonomous regions inside the area of the Mexican state in order to provide people with the opportunity to actually participate in self-governing those regions. To not simply participate in a kind of representative democracy but to actually get involved themselves. Autonomous communities established a rotation system that might look pretty strange to us, with a regular change every fifteen or thirty days. So, if you become some kind of local authority of a small municipality, then, just when you start to know what the problems are and how to tangle with them, you have to leave the position to another person. Is this logical? Does this system bring about results that are similar to other forms of governing, or does it simply produce chaos? The Zapatistas insist that it is more important that all the people come into these positions and get trained in a form of administration that expresses the idea of "governing by obeying the community" (*mandar obedeciendo*). The rotation system effectively prevents any form of accumulation of individual power. This system might not be the most effective in terms of administration but it is effective in terms of building and sustaining this idea of a community of negotiation and mutual respect.

Yes, establishing rules and imposing them is more effective, but it is more important to collectively participate in the process of creating and checking the rules, if you intend to create a different society. We have to go beyond the idea of a democracy of "here is my view, there is yours – who wins?" We need to find ways of giving room to negotiate the differences. Perhaps I tend to overemphasize the means, the actual process, and not the effective part of it, its results. There are of course a lot of problems in the Zapatista administration system but all these municipalities are more like instances of a new world trying to emerge and not prototypes of what the world should become.

We can also take as an example the Oaxaca rebellion, which worked very well. Those people have actually produced a city-commune, which to me is even more important than the glorious commune of Paris. We had a very interesting presentation by someone from Oaxaca here in Athens, explaining how during those days they realized that "they could do without them" – *them* meaning the state, the power, the authorities. They could run the city collectively through communal means. They had schools, and they had captured the radio and TV station from the beginning. They ran the city facing all

the complexities that characterize a society. Oaxaca is a rather small city of around 600,000 inhabitants and of course it is not Paris. But we had the chance to see these kind of experiments, new forms of self-management that can produce new forms of social life – and as we know, the Oaxaca rebellion was brutally suppressed. But, generally speaking, until we see these new forms of society emerging we don't know what they could be like. And I believe we have to accept that!

An Architektur: Stavros, you mentioned that the administration and rotation system of the Zapatistas should not be taken as a prototype of what should come. Does this mean that you reject any kind of idea of or reflection about models for a future society?

Stavros Stavrides: I think it is not a question of a model. We cannot say that some kind of model exists, nor should we strive for it. But, yes, we need some kind of guiding principles. For me, however, it is important to emphasize that the commons cannot be treated only as an abstract idea, they are inextricably intertwined with existing power relations. The problem is, how can we develop principles through which we can judge which communities actually fight for commons? Or, the other way round, can struggles for commons also be against emancipatory struggles? How do we evaluate this? I think in certain historical periods, not simply contingencies, you can have principles by which you can judge. For example, middle-class neighborhoods that tend to preserve their enclave character will produce communities fighting for commons but against the idea of emancipation. Their notion of commons is based on a community of similar people, a community of exclusion and privilege.

Principles are however not only discursive gestures, they have to be seen in relation to the person or the collective subject who refers to these principles in certain discourses and actions. Therefore, reference to principles could be understood as a form of performative gesture. If I am saying that I am for or against those principles what does this mean for my practice? Principles are not only important in judging discursive contests but can also affect the way a kind of discourse is connected to practice. For example, if the prime minister of Greece says in a pre-election speech that he wants to eradicate all privileges we of course know he means only certain privileges for certain people. So, what is important is not only the stating of principles, but also the conditions under which this statement acquires its meaning. That is why I am talking about principles presuming that we belong to the same side. I am of course also assuming that we enter this discussion bearing some marks of certain struggles, otherwise it would be a merely academic discussion.

An Architektur: Let's imagine that we were left alone, what would we do? Do we still need the state as an overall structure or opponent? Would we form a state ourselves, build communities based on commons or turn to egoistic ways of life? Maybe this exercise can bring us a little further . . .

Massimo De Angelis: I dare to say that "if we are left alone" we may end up doing pretty much the same things as we are now: keep the race going until we re-program ourselves to sustain different types of relations. In other words, you can assume that "we are left alone" and still work in auto-pilot because nobody knows what else to do. There is a lot of learning that needs to be done. There are a lot of prejudices we have built by becoming – at least to a large extent – homo economicus, with our cost-benefit calculus in terms of money. There is a lot of junk that needs to be shed, other things that need to be valorized, and others still that we need to just realize.

Yet auto-pilots cannot last forever. In order to grow, the capitalist system must enclose, but enclosures imply strategic agency on the part of capital. Lacking this under the assumption that "we are left alone," the system would come to a standstill and millions of people would ask themselves: What now? How do we reproduce our livelihoods? The question that needs to be urgently problematized in our present context would come out naturally in the (pretty much absurd) proposition you are making. There is no easy answer that people could give. Among other things, it would depend a lot on power relations within existing hierarchies, because even if "we are left alone" people would still be divided into hierarchies of power. But one thing that is certain to me is that urban people, especially in the North, would have to begin to grow more food, reduce their pace of life, some begin to move back to the countryside, and look into each other's eyes more often. This is because "being left alone" would imply the end of the type of interdependence that is constituted with current states' policies. What new forms of interdependence would emerge? Who knows. But the real question is: what new forms of interdependence can emerge *given the fact* that we will never be left alone?

Concerning the other part of your question, yes, we could envisage a "state," but not necessarily in the tragic forms we have known. The rational kernel of "the state" is the realm of context – the setting for the daily operations of commoners. From the perspective of nested systems of commons at larger and larger scales, the state can be conceptualized as the bottom-

up means through which the commoners establish, monitor, and enforce their basic collective and inter-commons rules. But of course the meaning of establishing, monitoring, and – especially – enforcing may well be different from what is meant today by it.

Stavros Stavrides: Let's suppose that we have been left alone, which I don't think will ever be the case. But anyway. Does that mean that we are in a situation where we can simply establish our own principles, our own forms of commons, that we are in a situation where we are equal? Of course not!

A good example is the case of the occupied factories in Argentina. There, the workers were left alone in a sense, without the management, the accountants, and engineers, and without professional knowledge of how to deal with various aspects of the production. They had to develop skills they did not have before. One woman, for example, said that her main problem in learning the necessary software programs to become an accountant for the occupied factory, was that she first had to learn how to read and write. So, imagine the distance that she had to bridge! And eventually, without wanting it, she became one of the newly educated workers that could lead the production and develop strategies for the factory. Although she would not impose them on the others, who continued to work in the assembly line and did not develop skills in the way she did, she became a kind of privileged person. Thus, no matter how egalitarian the assembly was, you finally develop the same problems you had before. You have a separation of people, which is a result of material circumstances. Therefore, you have to develop the means to fight this situation. In addition to producing the commons, you have to give the power to the people to have their own share in the production process of these commons – not only in terms of the economic circumstances but in terms of the socialization of knowledge, too. You have to ensure that everybody is able to speak and think, to become informed, and to participate. All of these problems have erupted in an occupied factory in Argentina, not in a future society.

Anthropological research has proved that there have been and still exist societies of commoning and sharing and that these societies – whether they were food gatherers or hunters – do not only conceive of property in terms of community-owned goods, but that they have also developed a specific form of eliminating the accumulation of power. They have actively produced forms of regulating power relations through which they prevent someone from becoming a leader. They had to acknowledge the fact that people do not possess equal strength or abilities, and at the same time they had to develop the very means by which they would collectively prevent those differences from becoming separating barriers between people, barriers that would eventually create asymmetries of power. Here you see the idea of commons not only as a question of property relations but also as a question of power distribution.

So, coming back to your question, when we are left alone we have to deal with the fact that we are not equal in every aspect. In order to establish this equality, we have to make gestures – not only rules – but gestures which are not based on a zero-sum calculus. Sometimes somebody must offer more, not because anyone obliges him or her but because he or she chooses to do so. For example, I respect that you cannot speak like me, therefore I step back and I ask you to speak in this big assembly. I do this knowing that I possess this kind of privileged ability to talk because of my training or talents. This is not exactly a common, this is where the common ends and the gift begins – to share you have to be able to give gifts. To develop a society of equality does not mean leveling but sustaining the ability of everybody to participate in a community, and that is not something that happens without effort. Equality is a process not a state. Some may have to "yield" in order to allow others – those more severely underprivileged – to be able to express their own needs and dreams.

Massimo De Angelis: I think that the gift and the commons may not be two modalities outside one another. "Gift" may be a property of the commons, especially if we regard these not as fixed entities but as processes of commoning. Defining the "what," "how," and "who" of the commons also may include acts of gifts and generosity. In turn, these may well be given with no expectation of return. However, as we know, the gift, the act of generosity, is often part of an exchange, too, where you expect something in return.

Massimo De Angelis: The occupied factory we just talked about exemplifies an arena in which we have the opportunity to produce commons, not only through making gift gestures but also by turning the creative iteration of these gestures into new institutions. And these arenas for commoning potentially exist everywhere. Yet every arena finds itself with particular boundaries – both internal and external ones. In the case of the occupied factory, the internal boundaries are given by the occupying community of workers, who have to consider their relation to the outside, the unemployed, the surrounding communities, and so on. The choices made here will also affect the type of

relations to and articulation with other arenas of commoning.

Another boundary that comes up in all potential arenas of commoning, setting a limit to the endeavors of the commoners, is posited *outside* them, and is given by the pervasive character of capitalist measure and values. For example, the decision of workers to keep the production going implies to a certain extent accepting the measuring processes given by a capitalist market which puts certain constraints on workers such as the need for staying competitive, at least to some degree. All of a sudden they had to start to self-organize their own exploitation, and this is one of the major problems we face in these kind of initiatives, an issue that can only be tackled when a far higher number of commoning arenas arise and ingenuity is applied in their articulation.

But before we reach that limit posed by the outside, there is still a lot of scope for constitution, development, and articulation of subjectivities within arenas of commoning. This points to the question of where our own responsibility and opportunity lie. If the limit posed from the outside on an arena of commoning is the "no" that capital posits to the commons "yes," to what extent can our constituent movement be a positive force that says no to capital's no?

An Architektur: But then, when will a qualitative difference in society be achieved such that we are able to resist those mechanisms of criminalization, temptation, and governance Massimo spoke about before? What would happen if half of the factories were self-governed?

Stavros Stavrides: I don't know when a qualitative difference will be achieved. 50% is a very wild guess! Obviously that would make a great difference. But I think a very small percentage makes a difference as well. Not in terms of producing enclaves of otherness surrounded by a capitalist market, but as cases of collective experimentation through which you can also convince people that another world is possible. And those people in the Argentinean factories have actually managed to produce such kind of experiments, not because they have ideologically agreed on the form of society they fight for, but because they were authentically producing their own forms of everyday resistance, out of the need to protect their jobs after a major crisis. Many times they had to rediscover the ground on which to build their collectively sustained autonomy. The power of this experiment, however, lies on its possibility to spread – if it keeps on enclosing itself in the well-defined perimeter of an "alternative enclave," it is bound to fail.

I believe that if we see and experience such experiments, we can still hope for another world and have glimpses of this world today. It is important to test fragments of this future in our struggles, which is also part of how to judge them – and I think these collective experiences are quite different from the alternative movements of the 1970s. Do we still strive for developing different life environments that can be described as our own "Christianias"? To me, the difference lies in the porosity, in the fact that the areas of experiment spill over into society. If they are only imagined as liberated strongholds they are bound to lose. Again, there is something similar we could learn from the Zapatista movement that attempted to create a kind of hybrid society in the sense that it is both pre-industrial and post-industrial, both pre-capitalist and post-capitalist at the same time. To me, this, if you want, unclear situation, which of course is only unclear due to our frozen and limited perception of society, is very important.

An Architektur: How would you describe Athens' uprising last December in this relation? At least in Germany much focus was put on the outbreak of violence. What do you think about what has happened? Have things changed since then?

Stavros Stavrides: One of the things that I have observed is that at first both the leftists and the anarchists didn't know what to do. They were not prepared for this kind of uprising which did not happen at the very bottom of the society. There were young kids from every type of school involved. Of course there were immigrants taking part but this was not an immigrant revolt. Of course there were many people suffering from deprivation and injustice who took part but this was not a "banlieue type" uprising either. This was a peculiar, somehow unprecedented, kind of uprising. No center, just a collective networking without a specific point from which activities radiated. Ideas simply criss-crossed all over Greece and you had initiatives you couldn't imagine a few months ago, a lot of activities with no name or with improvised collective signatures. For example, in Syros, an island with a long tradition of working-class struggles, the local pupils surrounded the central police station and demanded that the police officers come outside, take off their hats and apologize for what happened. And they did it. They came out in full formation. This is something that is normally unimaginable.

This polycentric eruption of collective action, offering glimpses of a social movement, which uses means that correspond to emancipating "ends," is, at least to my mind, what is new and what inspired so many people all over the world. I tend to be a bit optimistic

about that. Let me not overestimate what is new, there were also some very unpleasantly familiar things happening. You could see a few "Bonapartist" groups behaving as if they were conducting the whole situation. But this was a lie, they simply believed that.

What is also important is that the spirit of collective, multifarious actions did not only prevail during the December days. Following the December uprising, something qualitatively new happened in various initiatives. Take the initiative of the Navarinou Park in Exarcheia. This would not have been possible without the experience of December. Of course, several anarchist and leftist projects around Exarcheia already existed and already produced alternative culture and politics, but never before did we have this kind of initiative involving such a variety of people in such different ways. And, I think, after December various urban movements gained a new momentum, understanding that we weren't simply demanding something but that we had a right to it. Rejecting being governed and taking our lives into our own hands, no matter how ambiguous that may be, is a defining characteristic of a large array of "after December" urban movement actions.

An Architektur: We have discussed a large variety of different events, initiatives, and projects. Can we attempt to further relate our findings to their spatial and urban impacts, maybe by more generally trying to envision a city entirely based on the commons?

Stavros Stavrides: To think about a city based on commons we have to question and conceptualize the connection of space and the commons. It would be interesting to think of the production of space as an area of commons and then discuss how this production has to be differentiated from today's capitalist production of space. First of all, it is important to conceive space and the city as not primarily quantities – which is the dominant perception – the quantified space of profit-making, where space always has a value and can easily be divided and sold. So, starting to think about space as related to the commons means to conceptualize it as a form of relations rather than as an entity, as a condition of comparisons instead of an established arrangement of positions. We have to conceive space not as a sum of defined places, which we should control or liberate but rather as a potential network of passages linking one open place to another. Space, thus, becomes important as a constitutive dimension of social action. Space indeed "happens" as different social actions literally produce different spatial qualities. With the prospect of claiming space as a form of commons, we have to oppose the idea that each community exists as a spatially defined entity, in favor of the idea of a network of communicating and negotiating social spaces that are not defined in terms of a fixed identity. Those spaces thus retain a "passage" character.

Once more, we have to reject the exclusionary gesture which understands space as belonging to a certain community. To think of space in the form of the commons means not to focus on its quantity, but to see it as a form of social relationality providing the ground for social encounters. I tend to see this kind of experiencing-with and creation of space as the prospect of the "city of thresholds." Walter Benjamin, seeking to redeem the liberating potential of the modern city, developed the idea of the threshold as a revealing spatiotemporal experience. For him, the *flaneur* is a connoisseur of thresholds: someone who knows how to discover the city as the locus of unexpected new comparisons and encounters. And this awareness can start to unveil the prevailing urban phantasmagoria which has reduced modernity to a misfired collective dream of a liberated future. To me, the idea of an emancipating spatiality could look like a city of thresholds. A potentially liberating city can be conceived not as an agglomerate of liberated spaces but as a network of passages, as a network of spaces belonging to nobody and everybody at the same time, which are not defined by a fixed-power geometry but are open to a constant process of (re)definition.

There is a line of thinking that leads to Lefebvre and his notion of the "right to the city" as the right that includes and combines all rights. This right is not a matter of access to city spaces (although we should not underestimate specific struggles for free access to parks, etc.), it is not simply a matter of being able to have your own house and the assets that are needed to support your own life, it is something which includes all those demands but also goes beyond them by creating a higher level of the commons. For Lefebvre the right to the city is the right to create the city as a collective work of art. The city, thus, can be produced through encounters that make room for new meanings, new values, new dreams, new collective experiences. And this is indeed a way to transcend pure utility, a way to see commons beyond the utilitarian horizon.

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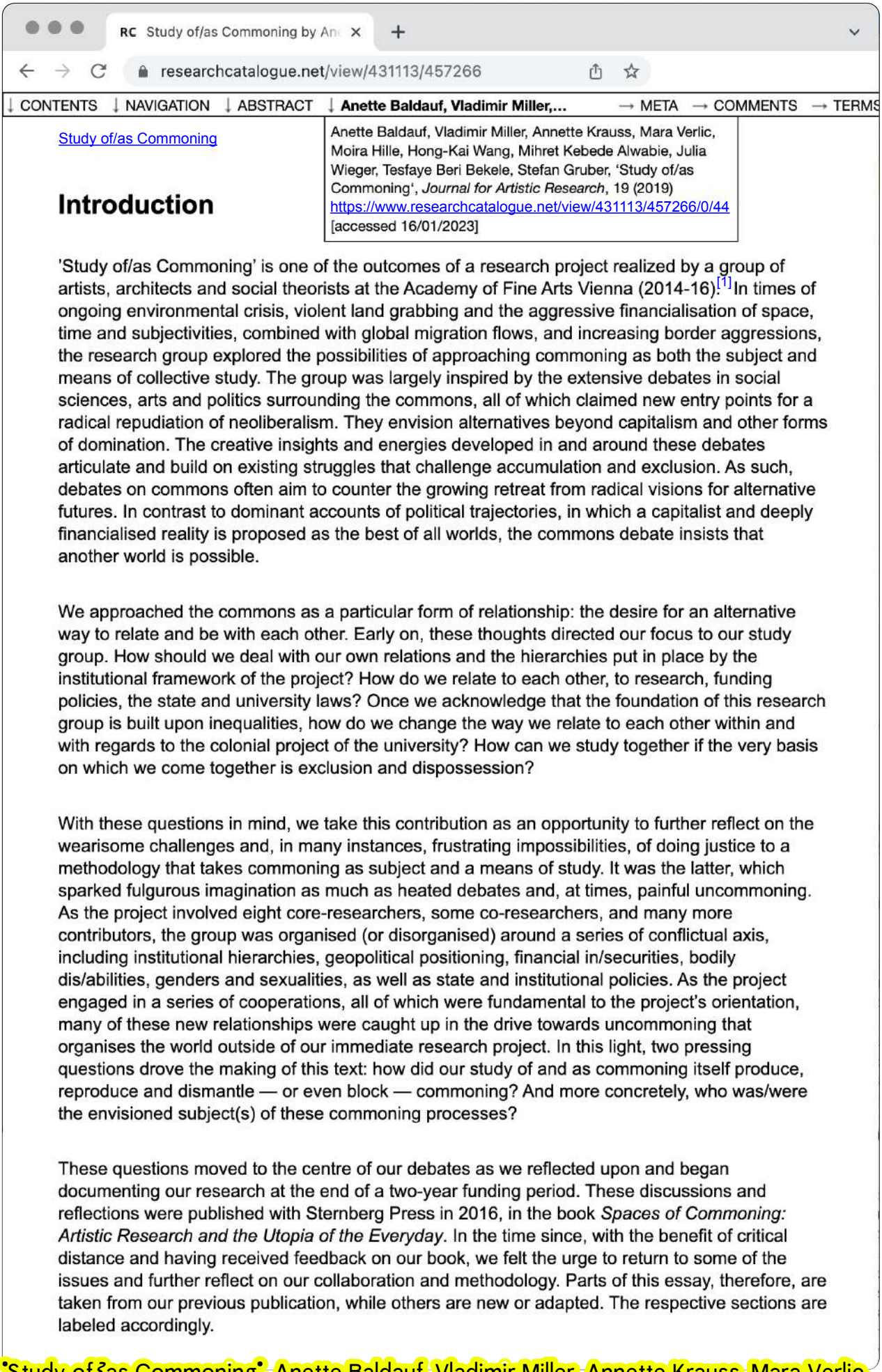

Introduction

'Study of/as Commoning' is one of the outcomes of a research project realized by a group of artists, architects and social theorists at the Academy of Fine Arts Vienna (2014-16).[1] In times of ongoing environmental crisis, violent land grabbing and the aggressive financialisation of space, time and subjectivities, combined with global migration flows, and increasing border aggressions, the research group explored the possibilities of approaching commoning as both the subject and means of collective study. The group was largely inspired by the extensive debates in social sciences, arts and politics surrounding the commons, all of which claimed new entry points for a radical repudiation of neoliberalism. They envision alternatives beyond capitalism and other forms of domination. The creative insights and energies developed in and around these debates articulate and build on existing struggles that challenge accumulation and exclusion. As such, debates on commons often aim to counter the growing retreat from radical visions for alternative futures. In contrast to dominant accounts of political trajectories, in which a capitalist and deeply financialised reality is proposed as the best of all worlds, the commons debate insists that another world is possible.

We approached the commons as a particular form of relationship: the desire for an alternative way to relate and be with each other. Early on, these thoughts directed our focus to our study group. How should we deal with our own relations and the hierarchies put in place by the institutional framework of the project? How do we relate to each other, to research, funding policies, the state and university laws? Once we acknowledge that the foundation of this research group is built upon inequalities, how do we change the way we relate to each other within and with regards to the colonial project of the university? How can we study together if the very basis on which we come together is exclusion and dispossession?

With these questions in mind, we take this contribution as an opportunity to further reflect on the wearisome challenges and, in many instances, frustrating impossibilities, of doing justice to a methodology that takes commoning as subject and a means of study. It was the latter, which sparked fulgurous imagination as much as heated debates and, at times, painful uncommoning. As the project involved eight core-researchers, some co-researchers, and many more contributors, the group was organised (or disorganised) around a series of conflictual axis, including institutional hierarchies, geopolitical positioning, financial in/securities, bodily dis/abilities, genders and sexualities, as well as state and institutional policies. As the project engaged in a series of cooperations, all of which were fundamental to the project's orientation, many of these new relationships were caught up in the drive towards uncommoning that organises the world outside of our immediate research project. In this light, two pressing questions drove the making of this text: how did our study of and as commoning itself produce, reproduce and dismantle — or even block — commoning? And more concretely, who was/were the envisioned subject(s) of these commoning processes?

These questions moved to the centre of our debates as we reflected upon and began documenting our research at the end of a two-year funding period. These discussions and reflections were published with Sternberg Press in 2016, in the book *Spaces of Commoning: Artistic Research and the Utopia of the Everyday*. In the time since, with the benefit of critical distance and having received feedback on our book, we felt the urge to return to some of the issues and further reflect on our collaboration and methodology. Parts of this essay, therefore, are taken from our previous publication, while others are new or adapted. The respective sections are labeled accordingly.

"Study of/as Commoning", Anette Baldauf, Vladimir Miller, Annette Krauss, Mara Verlic, Moira Hille, Hong-Kai Wang, Mihret Kebede Alwabie, Julia Wieger, Tesfaye Beri Bekele, Stefan Gruber (Journal for Artistic Research, Issue 19).
Available at: https://doi.org/10.22501/jar.431113

A Struggle Called Commoning

In contrast to the more general debates surrounding the commons, this project asserts that the promise of the commons does not imply that coming together will be free from friction. On the contrary, commons are made against, as well as within, a multiplicity of existing fields of power, so that power relations may be negotiated rather than simply reproduced. As different dimensions of power organise the overdetermined terrain of the social, social movements are often caught between competing agendas, as well as in the gap between their declared aims and the complexity of everyday life. In our research, we called this struggle commoning. This understanding of commoning is based on the premise that commons are most productively considered a triad: as shared resources, as a community of commoners, and finally as a process of actively engaging in the negotiation of rules of access[2] and use. As Peter Linebaugh argues, commoning is a verb, a social practice: commons are not yet made but always in the making; they are a product of continuous negotiation and reclamation.[3]

For two years, members of the research group spent many days sitting around a table discussing commons and their manifold potentialities and limitations. We organised a wide range of events, including an international summer school called “Commoning the City”[4], where we tried to collect and debate the experiences of commoning in different geographic, cultural and political settings, while at the same time engaging in a process of coming together. In the context of these projects, we tried to counter an often-too-cerebral approach to commoning by bringing affective experience and our bodies into contact with our thoughts and ideas. To this end, we embarked on collective journeys that included walking forward and backward, listening in common, joining guided tours, building fragile stick constructions, experimenting with reading, making zines, cooking, learning and unlearning. Soon after this event, thousands of people seeking refuge from war, persecution and poverty started to arrive in or near to the city of Vienna. In the public perception, an ostentatious ‘culture of welcoming’ slowly turned into a decisive anti-immigration stance supported by a political system that thrived on populism and racism. Our theoretical and artistic reflections on commoning were now forced to confront the effects of aggressive un-commoning. As global economic discrepancies accelerated in the aftermath of the 2008 financial crisis, and as the city of Vienna, itself deeply implicated in the growing divide between the Global North and South, East and West, we had to face disturbing questions about the relationship between our privileges, the rhetoric of commoning and the persistent conditions of colonality. What was the meaning of a study on commoning in the light of such aggressive forces of division, violence and domination?

Once these questions were raised, many of the tensions shaking the constituency of the world around us also began intruding upon the everyday of our research. Who were we as a group? The project was supported by public funding from the City of Vienna (WWTF) and was situated in a public art university, the Academy of Fine Arts Vienna. How could we possibly engage in a debate on commoning from this position of privilege, relying on benefits which fed visibly and invisibly on the distress of others? How could we deal with the uneven distribution of resources and privileges within our group, the anger and frustration with the precarity of some and the affluence of others, different immigration statuses and abled versus disabled bodies?

We steered our study discussing the commons as a pool of shared resources, having in mind Marx’s account of primitive accumulation and the massive waves of enclosure in the woods of London, as well as David Harvey’s contemporary variation poignanty called “accumulation through dispossession”[5]. We discussed Silvia Federici’s manifesto ‘Wages Against Housework’. (‘They say it is love. We say it is unwaged work’)[6] co-published in the 1970s. The essay questions the Marxist basis of political economy and insisted on the necessity to expand the concept of primitive accumulation to include not just the appropriation of land but also of women’s bodies and their reproductive labor.[7] We recognized the necessity of linking discussions on commoning to the long history of colonised lands and bodies, as well as how accumulation in global capitalism has always relied on the social production of race.[8] Just as important, we agreed that the commons cannot be reduced to a physical space, and that establishing the commons as a viable discourse and form of living means embracing the day-to-day negotiation of social relations. Building on these premises, we wanted to explore what it means to common; in other words, to come together as an equivocal, nonessentialist, and highly unstable ‘we’.

The Commons Within the Arts

Looking back upon the genealogy of the concept of the commons within the context of the arts, we came to realise that in the course of the last decade the commons had become a central reference in the programming of alternative project spaces (e.g., Casco Art Institute: Working for the Commons, Utrecht[9]) and also major institutions (e.g., ifa[10]) or mainstream art events (Vienna, Art Week). In the context of extensive cuts to state funding and many art institutions' uninterrupted politics of colonial acquisition, the interest in the commons in the arts risked perpetuating exploitative work relations in the name of the commons (and its alleged political high stakes). With these pitfalls in mind, the research project defined commoning the subject as well as the intended means of our study. We approached commoning as a possible methodology, a modality of social relations, and a collective state of mind that framed our working together. As such, the research confronted the complex double tension between the study of commoning and study as commoning. While the study of commoning explores more or less conventional paths of research, the latter calls for their undoing. Study as commoning challenges the dominant division of subject/object that continues to structure the foundation of Western thought. It reflects on the challenge of allowing ourselves be dispossessed and repossessed by the ideas and actions of others as we study in common.

Study and Commoning

Our reflection on the many elements, dynamics and effects of study as commoning focuses on a series of crystallisation points with the potential for movement and transformation, as much as for conflict and uncommoning. In this contribution, these reflections manifest themselves in the format of a homonymous series of fragmented conversations titled Study as Commoning. These conversations (reproduced here, with yellow background) provide a self-reflective perspective on a group's attempts to engage in commoning. These fragmented conversations and disjointed exchanges illustrate how eight researchers from different disciplines reflect on and work through the conditions, modalities and implications of a group's multiple attempts, and failures, to come and study together.

In The Undercommons: Fugitive Planning and Black Studies (2013), Fred Moten and Stefano Harney propose and develop the concept of study as a mode of thinking and doing with others, located outside of the thinking and doing that the institution requires. They explore a being-in-common that seeks refuge in the institution's basement, in its hidden, unreachable corners, the so-called undercommons.[11] Affected by the book's claim of an expanded notion of sociality, we approached Harney in an early phase of the research to walk with us into what Jack Halberstam, in the introduction of their book calls 'a wild place'.[12] As Moten and Harney's writing asks us to pay attention to the conditions under which we live and work, including the condition of academic labor in institutions (such as their distinct politics of indebtedness and 'calls to order'), Harney became an important witness to our many attempts to work with and against the conditions of coming together. 'To become the site for collection, to be collective by collection is to cease to be the collector; that is, to cease to be the collector of oneself as the pretense for collecting other', Stefano Harney wrote in his generous introduction to our book, Spaces of Commoning. Artistic Research and Making of the Utopia of the Everyday.[13]

During our collective studies, we continuously made use of artistic practices to explore the connection between commoning and the utopia(s) of the everyday. Utopia, as the Western modernist projection of absolute difference, is often used to mark an innocent beginning, where society can start again from scratch. Yet this notion of utopia as radical difference and absolute beginning conceals the presence of many violent inscriptions, including that of settler colonialism, and it enables what Karl Hardy describes as the refusal to become unsettled by the accountability to anticolonial critique.[14] By contrast, the concept of a 'cruising utopia', as proposed by José Esteban Muñoz, suggests that we ought to emphasize movement and deferral. Following on from this idea, the utopia(s) of the everyday offers neither an always-delayed future nor a coming together in an idealised space — rather it is a relentless challenge to the everyday. It is within this tension that we hope to find guidance for the practices of commoning. This is closer to what feminist scholar and activist Silvia Federici calls a 'commoning with a small c'[15] — the often invisible everyday gestures, sonic registers, and visual cues involved in relating. As such, the utopia(s) of the everyday also provides an analytical and artistic approach for reflecting

on our own attempts to come together — the aims, the longings and frustration.

In addition, ‘Study Across Time’ and ‘Study Across Borders’ can be read as a documentation of our study process and our endeavour to come to terms with the challenges of commoning in specific social, space and time-bound situations. Trying to compensate for the project’s more homogenous social composition, the group engaged in longer-term cooperations with a range of different groups and individuals from different fields and geopolitical settings. In an attempt to cross time, our speculations were guided, sparked and also tamed by the generous input of different historians and activists. When attempting to study across borders, we were generously invited to engage with students and staff members of the Alle School of Fine Arts in Addis Ababa, Ethiopia. Working along the fault lines of these cooperations and encounters, these subchapters are a modest attempt to address the insufficiency and also indispensability of commoning in our search for how to relate differently.

Methodology

‘Study Across Time’ and ‘Study Across Borders’, along with documentation of our fragmented conversations, illustrate the limitations of commoning as a methodology when transferred across time and space. They demonstrate the necessity to acknowledge the specificities and situatedness of the ‘commoners’ involved. While in conventional sociological research the first two studies might be referred to as case studies and the third one as self-study, we don’t consider them to be self-contained cases; rather, they document very concrete attempts to tackle the methodological challenges deriving from the manifold crises we are confronted with. As such, they illustrate an endeavour of study that was imbued with omission, projection, miscommunication, underscored by Eurocentrism and epistemicide, and marked by the violence of making and remaking of borders, exclusions and dispossion.[1]

In addition, our research taught us the importance of acknowledging the materiality of the commons — the contestation over, extraction from and theft of land, water and resources. The question about land and water was with us all the time, in Vienna as much as in Addis Ababa, albeit under radically different conditions. Questions of enclosure were with us when we were in the kitchen, in the condominium, on the ocean or in the woods. These sites also allowed us to explore the connection between the material and the immaterial scopes of the commons. Our various attempts to practice commoning raised questions on how to relate to and learn from each other, how to understand knowledge not as something that can be possessed or acquired but as a constant process of exchange, engagement and collectivity — a modality of dispossession, to reference Moten and Harney again.[2] As such we tried to engage in a process of “learning to un/learn” and what Rauna Kuokkanen calls “multiepistemic literacy”[3]. Coming from a European art institution that — like most Euroepan institutions — is built on a solid history of colonial theft and a continuing legacy of the violent appropriation of bodies, resources, social relations that are rarely acknowledged and hardly ever discussed in depth, any claim to commoning necessitates both learning and unlearning. It necessitates a reflection on what is understood as knowledge exchange, engagement and collectivity.

Commons and Western Knowledge Production

Thinking of commoning as a way of un/doing social relation indicates a condition as much as an ideality that can never be fully realised. As the commons are built within and around, but also against, Western ideologies, social relations remain caught between the antagonisms of identity and difference. The commons serve as a guiding horizon, often within a Western context of liberation, composed of a cluster of imaginations on how we would like to work together, live together or be together. Our engagement with the commons illustrated that, as commoners are guided by the worldly, situated, and embodied practice of commoning, the commons in the making depend on the continuous commitment to scrutiny, so that we may challenge the reproduction of hierarchisation and exclusion. In other words, it relies, paradoxically, on our willingness to acknowledge the uncommon premises of coming together.

The commons and commoning are therefore far from all-world concepts; they are, rather, based on ideas and practices that have been circulating within Western critical theory and social justice

movements. And as capitalism and imperialism operate as violent global forces, the vocabulary of resistance thrives on accounts that go far beyond those imposed and lived by the West. The lived experiences of indignation, encroachment, sovereignty and world-making articulated by different Indigenous and Black scholars, as well as many more from the so-called margins, continue to explore how to relate, organise and conceptualise living together, in and with the world. Any investigation into the commons cannot do away with the discursive context (the discursive framework that embeds debates on the commons) and the addressee (for whose liberation do the claims to the commons fight for). If the concept of the commons is the result of our ongoing negotiation, we must ask ourselves how we can intervene in the making of the commons, and, even more pressing, who are 'we' to intervene.

Commons and (Settler) Colonialism

The question of the commons and commoning — its aim, orientation and benefits — also arise in the course of writing of this article. Who, we ask ourselves, are we, and who is our audience, to whom do we address our writing? We are a group of researchers located at a Western university. This journal, JAR, addresses readers primarily residing in the West, as discussion on artistic research largely takes place at Western universities. It connects this particular debate to a long history of separating disciplines, the hierarchisation and colonisation of knowledge and practices that simmer beneath art, knowledge production and structures of power. Art as a discipline encloses and defines certain creative practices, adding value as it devalues. It is intimately entangled with the colonial condition of modern art academies. Humanist research divides subject and object, coloniser and colonised. The latter tends to be displayed, collected and interpreted. Following Linda Tuhiwai Smith's powerful account that 'research' is one of the dirtiest words in the indigenous world's vocabulary, what does it possibly mean to 'do research' about the commons in light of the troubled history of Western epistemologies, their history of speaking and acting in the name of the privileged?[4]

Rauna Kuokkanen suggests that to start the process, it is the (Western) academy's responsibility to 'do one's homework'. She writes:

> (T)he academic responsibility for doing homework on indigenous epistemes has to begin from even a more elemental level than examining one's beliefs, biases and assumptions. It has to start from acknowledging the existence of 'the indigenous' whether the peoples, their epistemes or how they are configured both in the geo-political past and present. This necessarily includes recognizing how the global political economy is fuelled by accumulation of capital extracted from indigenous peoples' territories.[5]

Many Marxist and Post-Marxist theorists at Western academic institutions continue to discuss the concept of the commons as a thriving alternative to aggressive enclosure. Yet scholars of indigenous studies expressed their frustration with the framing of the commons within leftist Marxist politics. Sandy Grande, Eve Tuck, K. Wayne Yang and Glen Coulthard, to name a few, argue that Marxist frameworks, and along with them, the so-called 'return of the commons'[6], continue to posit land as property, and therefore never escape the fact of dispossession. As a consequence, these scholars ask, what do claims for the commons and the practices of commoning mean on land that is stolen? Moreover, what do these claims obscure in the context of settler colonial nation-states?

According to Greg Fortier, this tension became most obvious in the commons of the Occupy Movement. For Fortier, "the problem with the idea of the commons in settler states is that it evades the question of ongoing settler complicity in the project of genocide, land theft, assimilation, and occupation."[7] Critiques from indigenous scholars therefore evoke the question of how to think of the commons as it exists in the very centre of Europe, built on and sustained by dispossession, colonialism and racist violence at Europe's outer borders.

Complementing the critique of settler colonialism put forth by indigenous scholars, postcolonial scholars have addressed the commons alongside the history of colonialism as dispossession of land, bodies and social relations. Following Franz Fanon, many postcolonial theorists insist that, in Europe, primitive accumulation initiated the devastating long-term effects of proletarisation, whereas in the colonies, it manifested itself predominantly in the dispossession of land. Peter

Kulchyski argues in his study on Indigenous cultural politics, 'what distinguishes anti-colonial struggles from the classic Marxist accounts of the working class is that oppression for the colonised is registered in the spatial dimension — as dispossession — whereas for workers, oppression is measured as exploitation, as the theft of time.'[8]

With a few exceptions — e.g., Silvia Federici, whose work rethinks women's investment in the commons beyond the boundaries of Europe and the Western idea of land enclosure[9] — the political claims for the commons often fail to address the continuities of the colonial condition. They rarely address questions about whose land should house the commons, whose resources commoning practices are supposed to redistribute, who conceptualises the political utopias that enter the academic field, and who profits by this entry.

Finally, indigenous accounts of land also challenge the Marxist critique of primitive accumulation and accumulation through dispossession on another level: built on relational ontologies, these accounts assert continuity, sustainability, reciprocity and care. Indigenous cosmologies rely on an understanding of land that goes far beyond the concept of property. Land cannot be owned, humans and non-humans (including animals, spirits and the land itself) share an ecological connection: 'We are this land, and this land is us', Tewa scholar Gregory Cajete asserts.[10] This mode of thinking about place is a profound critique of both Marxists' and capitalists' anthropocentric notion of the commons and natural resources. Sandy Grande poignantly poses this critique when she points at the 'commodities to be exploited, in the first instances, by capitalists for personal gain, and in the second, by Marxists for the good of all.'.[11]

These complex constellations leave commoners with unsettling, and ultimately unresolvable, tensions. They are left with what Eve Tuck and K. Wayne Yang call the necessity of 'attending to what is irreconcilable within settler-colonial relations and what is incommensurable between decolonising projects and other social justice projects.'[12]. They, or in this case we, need to work on acknowledging the significant absences within Western accounts on the commons and start pushing to the forefront what connects the commons and the colonial empire.

Instead of a Conclusion

Commoning, Impossible and Indispensable

The research project taught us that the pursuit of commoning is an impossible task. It is impossible because of the assorted strains and difficulties of crossing what Boaventura de Sousa Santos calls the abyssal line that divides social settings, cutting across, in many and generally violent ways, different attempts of coming together. But, we would also argue, in many cases these impossibilities are routines of thinking and doing. Believed to be impossible, such attempts are re-established in order to legitimize the ongoing (dis)possessions.

In this project, the abyssal line manifests in visa applications and language barriers, in the exclusionary mechanisms and predetermined hierarchies performed by Austrian law and politics that subtly, or not so subtly, frame the conditions of this research. But the abyssal line is also with us as it structures the way we think and act, or neglect to act. It organises the encounters within and outside of the group based on what is here and what is always already elsewhere.

Guided by Moten and Harney's idea of the undercommons, we never truly expected commoning to 'work' within an educational institution. We rather hoped to catch glimpses despite of the framework. Two years of working together taught us that we, as individuals, often weren't able, or willing, to unlearn, give, up, build new, change and break free from the institution. At points, we simply didn't want to, meaning there were many instances in which there was no 'we' but a gathering of individuals who were in conflict with each other. These conflicts did not unfold along a stable dividing line; in other words, they were never 'just' about money, language or who was taking advantage of the group, but they marked the impossibility of presupposing a 'we'. It is these conflicts that the 'Study as Commoning' excerpts reflect on.

Looking back upon the project's evolution, the beginning saw little self-reflection or transformation of our institutional affiliations, needs and desires. Originally, the project was designed to

question the commons and explore how artistic practices evoke commoning, including questions of social justice in general. Soon we felt the urgency to address our own way of relating to each other, to a broader research context and to our research in general, but we struggled with how to make this happen, and how to look at us as the subject and object of research without reaffirming our centrality. We continue to struggle with this, even today, at the very moment of writing this contribution. How to reflect on the whiteness of Western institutions, on the privileges that shape those who are working in them, on Western knowledge systems that define (some of) us? And how to engage with all these questions without re-centering those of us who are privileged Western subjects?

'This problem is the failure to acknowledge the permanence of an abyssal line dividing metropolitan from colonial societies decades after the end of historical colonialism. Such a line divides social reality in such a profound way that whatever lies on the other side of the line remains invisible or utterly irrelevant', writes Boaventura de Sousa Santos in Epistemologies of the South: Justice Against Epistemicide.[1] Our engagement with research started to teach (some of) us exactly that. It challenged (some of) our ignorance and forced (some of) us to confront omissions. The project, too, initially refused to think beyond the commons as a Western framework and take into account the many invisible violations that commons in the West generally depend upon. Such a list is long, but includes the ignorance of other ideas, the exclusion of other bodies (e.g., through Schengen), the extraction of other resources (e.g., coltan, used in the computers we use to convey our ideas), the appropriation of other land (e.g., to grow the cotton we wear as we write this text).

The study of commoning as subject and means flourished in some of its objectives and failed in others. In many instances, we were lacking tools, techniques and experiences for moving between heavy institutional structures, everyday routines of thinking and doing, and the desires to do differently. Still, we would like to share a set of challenges listed here in alphabetical order to make some features of our struggle transparent, and to articulate small achievements and failures, so others can build on, refuse or add to our experiences of studying together:

Accessibility: It is important to find ways to share both the process and products of the research. While realising a research project, it is important to keep in mind multiple forms of public and provide open access to the insights gained and developed.

Beneficiaries: In the context of a research project, it is important to ask: who is able to submit a research proposal? Who benefits from it? Who writes the outline of such a project? Who can participate? In the everyday life of our project, we failed to regularly address questions of the research's beneficiaries: who will be included, whose language is spoken, and whose knowledge appropriated? Only some of the researchers addressed the danger of implementing diversity politics that only benefit Western and Eurocentric institutions. We need to meaningfully engage with questions of accessibility, refuse diversity tokenism and ensure leadership and funding for those whose knowledge is ordinarily exploited by Western institutions.

Economic redistribution, or study with, rather than about: In our research proposal, the budget did not consider payment for co-researchers. But projects should also provide payment to students who invest extra time and energy. In a world that thrives on uneven wealth distribution, finding ways to think about fair payments among core researchers and all contributors is crucial.

Free education, or supporting life: In the first year of the project, we had the opportunity to organise an international summer school. The summer school was free of charge, and during the ten days we provided food and drinks without cost for the participants. This enabled an important social constellation: we sat, worked and ate together. We are used to paying for the things that keep us alive; commoning has to re-evaluate this condition.

Mutuality of institutional cooperations: The decision to travel to Addis Ababa and collaborate with students and teachers of the University of Addis Ababa was motivated by the vision of using the project to support existing, but fragile, institutional relations between the Alle School and the Academy of Fine Arts Vienna. The project has taught us that asking questions such as who can travel where is vital if we are to commit to the mutuality of this institutional cooperation.

Intellectual property rights: In the course of the research project, we rarely talked about intellectual property. We avoided the question of how to deal with ideas that might enable some to secure professional positions, or realise new career steps, another project, or profit. In retrospect, as long as we are working under Western systems of law, it seems necessary to devise and agree upon contracts with each other.

Shared knowledge: The initial project proposal was written by a small group of people, most members of our group joined the project at a later point. As a consequence, the aim and methodology changed dramatically between the start and end dates. After nearly one year of working together, we were able to reformulate our proposal. This entailed an in-depth negotiation of ideas and languages within a group of researchers from different fields.

Spatial redistribution, or the location of study: Our working space was located in a newly established temporary use project, where local artists and small businesses were invited to meet, work together and develop a common space in exchange for lower rent costs. However, the umbrella project — like most temporary use projects — was designed to nourish a vivid local cultural scene, ultimately enticing real estate investment. Thus, when thinking about how to support communal use and the right to the city, it is key to think about space not only in abstract but also in very specific terms — as the place we inhabit in our everyday life.

The 'Study as Commoning' suggests that, at times, commoning seemed an utterly naïve and impossible endeavour — particularly in light of the many hierarchies and undisputed privileges manifest in our research project. Does 'Study as Commoning' also suggest the indispensability of commoning? As hierarchies, inequalities and undisputed privileges shape our lives and we enable and enact them again and again, we recognize an obligation to work towards commoning.

In 'Study Across Time', looking backward sparked our imagination for a possible, alternative future, but the investigation was unable to counteract what accumulated as a largely invisible current of the Vienna settlers' movement — the growing antagonism that would lead to a violent mass movement based on anti-Semitism. Nor could the aims of the settlers' movement be reconciled with the violence imposed on colonial countries to ensure the supply of cheap commodities, land and laboring bodies. In many ways, the frictions that emerged in the first two studies could be investigated more fully in the third study, 'Study Across Borders', which explicitly engaged with the immediate effects of the abyssal line. It was here that the inadequacy of the concept of commoning became most apparent, but also drew attention to the urgency to develop new modalities of encounters in spaces divided by border. We learned that commoning is impossible for several reasons: first, because no support structure employed by a group of individuals is able to outweigh the violence of existing legal systems. Secondly, because the project is fraught with complicity: situated on the privileged side of the abyssal line, it often reaffirms, rather than challenges inequalities. Cooperations and, in effect, cash flows, rely on the invitation — and benevolence — of Global Northern partners, reaffirming hierarchical positioning in the South and North. The latter are reduced to objects rather than agents staking a claim in social transformation. Due to the legacy of colonialism, thousands of years of oppression will not be undone by 'just being nice', writes Nikita Dhawan following Gayatri Chakravorty Spivak, nor will it be undone by moral imperialism or solidarity tourism. Instead, Dhawan poses self-doubt and modesty as important aspects of an ethico-political practice she calls 'impossible solidarity'. Insisting on the necessity to confront an unresolvable dilemma, Dhawan writes: 'Our speech is parasitical on the subaltern's silence; however, our silence is no guarantee that the subaltern will be heard. Our solidarity efforts are indispensable and yet inadequate. We exist in this double bind, a working without guarantees, which bears within itself the necessity of its own critique, where the ethical interrupts the political.' [2]

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Feminism and the Politics of the Commons in an Era of Primitive Accumulation

Our perspective is that of the planet's commoners: human beings with bodies, needs, desires, whose most essential tradition is of cooperation in the making and maintenance of life; and yet have had to do so under conditions of suffering and separation from one another, from nature and from the common wealth we have created through generations. 92

—Emergency Exit Collective, "The Great Eight Masters and the Six Billion Commoners," Bristol, May Day 2008

The way in which women's subsistence work and the contribution of the commons to the concrete survival of local people are both made invisible through the idealizing of them are not only similar but have common roots. . . . In a way, women are treated like commons and commons are treated like women.

—Marie Mies and Veronika Bennholdt-Thomsen, *The Subsistence Perspective*

Reproduction precedes social production. Touch the women, touch the rock.

—Peter Linebaugh, *The Magna Carta Manifesto*

Introduction: Why Commons?

At least since the Zapatistas took over the Zócalo in San Cristóbal de las Casas on December 31, 1993, to protest legislation dissolving the *ejidal* lands of Mexico, the concept of 'the commons' has been gaining popularity

among the radical left internationally and in the U.S., appearing as a basis for convergence among anarchists, Marxists, socialists, ecologists, and ecofeminists.[1]

There are important reasons why this apparently archaic idea has come to the center of political discussion in contemporary social movements. Two in particular stand out. On one hand, there is the demise of the statist model of revolution that for decades had sapped the efforts of radical movements to build an alternative to capitalism. On the other, the neoliberal attempt to subordinate every form of life and knowledge to the logic of the market has heightened our awareness of the danger of living in a world where we no longer have access to seas, trees, animals, and our fellow beings except through the cash nexus. The 'new enclosures' have also made visible a world of communal properties and relations that many had believed to be extinct or had not valued until threatened with privatization.[2] Ironically, the new enclosures have demonstrated not only that the common has not vanished but also that new forms of social cooperation are constantly being produced, including in areas of life where none previously existed, for example, the internet.

In this context, the idea of the common/s has offered a logical and historical alternative to both the state and private property and the state and the market, enabling us to reject the fiction that they are mutually exclusive and exhaustive of our political possibilities. It has also served an ideological function as a unifying concept prefiguring the cooperative society that the radical left is striving to create. Nevertheless, ambiguities and significant differences remain in the interpretations of this concept that we need to clarify if we want the principle of the commons to translate into a coherent political project.[3]

What, for example, constitutes a common? We have land, water, and air commons and digital commons; our acquired entitlements (e.g., social security pensions) are often described as commons, and so are languages, libraries, and collective products of past cultures. But are all these commons equivalent from the viewpoint of their political potential? Are they all compatible? And how can we ensure that they do not project a unity that remains to be constructed? Finally, should we speak of 'commons' in the plural or 'the common,' as autonomist Marxists propose we do, this concept designating in their view the social relations characteristic of the dominant form of production in the post-Fordist era?

With these questions in mind, in this essay I look at the politics of the commons from a feminist perspective, where 'feminist' refers to a standpoint shaped by the struggle against sexual discrimination and over reproductive work, which, to paraphrase Linebaugh's comment above, is the rock upon which society is built and by which every model of social organization must be tested. This intervention is necessary, in my view, to better define this politics and clarify the conditions under which the principle of the common/s can become the foundation of an anticapitalist program. Two concerns make these tasks especially important.

Global Commons, World Bank Commons

First, since at least the early 1990s, the language of the commons has been appropriated by the World Bank and the United Nations and put at the service of privatization. Under the guise of protecting biodiversity and conserving the global commons, the bank has turned rain forests into ecological reserves and expelled the populations that for centuries had drawn their sustenance from them, while ensuring access to those who can pay, for instance, through ecotourism.[4] For its part, the United Nations has revised the international law governing access to the oceans in ways that enable governments to concentrate the use of seawaters in fewer hands, again in the name of preserving the common heritage of mankind.[5]

The World Bank and the UN are not alone in their adaptation of the idea of the commons to market interests. Responding to different motivations, a revalorization of the commons has become trendy among mainstream economists and capitalist planners; witness the growing academic literature on the subject and its cognates: social capital, gift economies, altruism. Witness also the official recognition of this trend through the conferral of the Nobel Prize for Economics in 2009 to the leading voice in this field, the political scientist Elinor Ostrom.[6]

Development planners and policymakers have discovered that under proper conditions a collective management of natural resources can be more efficient and less prone to conflict than privatization and that commons can be made to produce very well for the market.[7] They have also recognized that carried to the extreme the commodification of social relations has self-defeating consequences. The extension of the commodity form to every corner of the social factory promoted by neoliberalism is an ideal limit for capitalist ideologues, but it is a project not only unrealizable but undesirable from the viewpoint of long-term reproduction of

the capitalist system. Capitalist accumulation is structurally dependent on the free appropriation of immense quantities of labor and resources that must appear as externalities to the market, like the unpaid domestic work that women have provided, upon which employers have relied for the reproduction of the workforce.

It is no accident, then, that long before the Wall Street meltdown, a variety of economists and social theorists warned that the marketization of all spheres of life is detrimental to the market's smooth functioning, for markets too, the argument goes, depend on the existence of nonmonetary relations like confidence, trust, and gift giving.[8] In brief, capital is learning about the virtues of the common good.

We must be very careful, then, not to craft the discourse on the commons in such a way as to allow a crisis-ridden capitalist class to revive itself, posturing, for instance, as the environmental guardian of the planet.

What Commons?

A second concern is that, while international institutions have learned to make commons functional for the market, how commons can become the foundation of a noncapitalist economy is a question still unanswered. From Peter Linebaugh's work, especially *The Magna Carta Manifesto* (2008), we have learned that commons have been the thread that has connected the history of the class struggle into our time, and indeed the fight for the commons is all around us. Mainers are fighting to preserve access to their fisheries against the attack of corporate fleets; residents of Appalachia are organizing to save their mountains threatened by strip mining; open source and free software movements are opposing the commodification of knowledge and opening new spaces for communications and cooperation. We also have the many invisible commoning activities and communities that people are creating in North America, which Chris Carlsson has described in his *Nowtopia* (2007). As Carlsson shows, much creativity is invested in the production of 'virtual commons' and forms of sociality that thrive under the radar of the money/market economy.

Most important has been the creation of urban gardens, which spread across the country in the 1980s and 1990s, thanks mostly to the initiatives of immigrant communities from Africa, the Caribbean, or the South of the United States. Their significance cannot be overestimated. Urban gardens have opened the way to a 'rurbanization' process that is indispensable if we are to regain control over our food production, regenerate our

environment, and provide for our subsistence. The gardens are far more than a source of food security: they are centers of sociality, knowledge production, and cultural and intergenerational exchange. As Margarita Fernandez writes of urban gardens in New York, they as places where people come together not just to work the land but to play cards, hold weddings, and have baby showers or birthday parties, they "strengthen community cohesion."[9] Some have partner relationships with local schools, providing children with environmental education after school. Not least, gardens are "a medium for the transport and encounter of diverse cultural practices," so that African vegetables and farming practices, for example, mix with those of the Caribbean.[10]

Still, the most significant feature of urban gardens is that they produce for neighborhood consumption, rather than for commercial purposes. This distinguishes them from other reproductive commons that either produce for the market, like the fisheries of Maine's 'Lobster Coast,'[11] or are bought on the market, like the land trusts that preserve open spaces. The problem, however, is that urban gardens have remained a spontaneous grassroots initiative and there have been few attempts by movements in the U.S. to expand their presence and to make access to land a key terrain of struggle. More generally, the left has not posed the question of how to bring together the many proliferating commons that are being defended, developed, and fought for, so that they can form a cohesive whole and provide a foundation for a new mode of production.

An exception is the theory proposed by Antonio Negri and Michael Hardt in *Empire* (2000), *Multitude* (2004), and *Commonwealth* (2009), which argues that a society built on the principle of 'the common' is already evolving from the informatization and 'cognitivization' of production. According to this theory, as production presumably becomes production of knowledge, culture, and subjectivity organized through the internet, a common space and common wealth are created that escape the problem of defining rules of inclusion or exclusion. For access and use multiply the resources available on the net, rather than subtracting from them, thus signifying the possibility of a society built on abundance—the only remaining hurdle confronting the 'multitude' being how to prevent the capitalist 'capture' of the wealth produced.

The appeal of this theory is that it does not separate the formation of 'the common' from the organization of work and production but sees it immanent to it. Its limit is that its picture of the common absolutizes the

work of a minority possessing skills not available to most of the world population. It also ignores that this work produces commodities for the market, and it overlooks the fact that online communication and production depends on economic activities—mining and microchip and rare-earth production—that, as currently organized, are extremely destructive, socially and ecologically.[12] Moreover, with its emphasis on knowledge and information, this theory skirts the question of the reproduction of everyday life. This, however, is true of the discourse on the commons as a whole, which is mostly concerned with the formal preconditions for the existence of commons and less with the material requirements for the construction of a commons-based economy enabling us to resist dependence on wage labor and subordination to capitalist relations.

Women and the Commons

In this context a feminist perspective on the commons is important. It begins with the realization that, as the primary subjects of reproductive work, historically and in our time, women have depended on access to communal natural resources more than men and have been most penalized by their privatization and most committed to their defense. As I wrote in *Caliban and the Witch* (2004), in the first phase of capitalist development, women were at the forefront of the struggle against land enclosures both in England and in the 'New World,' and they were the staunchest defenders of the communal cultures that European colonization attempted to destroy. In Peru, when the Spanish conquistadores took control of their villages, women fled to the high mountains where they recreated forms of collective life that have survived to this day. Not surprisingly, the sixteenth and seventeenth centuries saw the most violent attack on women in the history of the world: the persecution of women as witches. Today, in the face of a new process of primitive accumulation, women are the main social force standing in the way of a complete commercialization of nature, supporting a noncapitalist use of land and a subsistence-oriented agriculture. Women are the subsistence farmers of the world. In Africa, they produce 80 percent of the food people consume, despite the attempts made by the World Bank and other agencies to convince them to divert their activities to cash cropping. In the 1990s, in many African towns, in the face of rising food prices, they have appropriated plots in public lands and planted corn, beans, and cassava "along roadsides . . . in parks, along rail-lines" changing the urban landscape of African cities and breaking

down the separation between town and country in the process.[13] In India, the Philippines, and across Latin America, women have replanted trees in degraded forests, joined hands to chase away loggers, made blockades against mining operations and the construction of dams, and led the revolt against the privatization of water.[14]

The other side of women's struggle for direct access to means of reproduction has been the formation across the Third World, from Cambodia to Senegal, of credit associations that function as money commons.[15] Under different names, the *tontines* (as they are called in parts of Africa) are autonomous, self-managed, women-made banking systems that provide cash to individuals or groups that have no access to banks, working purely on a basis of trust. In this, they are completely different from the microcredit systems promoted by the World Bank, which function on a basis of mutual policing and shame, reaching the extreme (e.g., in Niger) of posting in public places pictures of the women who fail to repay the loans, driving some women to suicide.[16]

Women have also led the effort to collectivize reproductive labor, both as a means to economize the cost of reproduction and to protect each other from poverty, state violence, and the violence of individual men. An outstanding example is that of the *ollas comunes* (common cooking pots) that women in Chile and Peru set up in the 1980s, when, due to stiff inflation, they could no longer afford to shop alone.[17] Like land reclamations or the formation of tontines, these practices are the expression of a world where communal bonds are still strong. But it would be a mistake to consider them something pre-political, 'natural,' or simply a product of 'tradition.' After repeated phases of colonization, nature and customs no longer exist in any part of the world, except where people have struggled to preserve them and reinvent them. As Leo Podlashuc has noted in "Saving Women: Saving the Commons," grassroots women's communalism today leads to the production of a new reality, shapes a collective identity, constitutes a counterpower in the home and the community, and opens a process of self-valorization and self-determination from which there is much that we can learn.

The first lesson we can gain from these struggles is that the 'commoning' of the material means of reproduction is the primary mechanism by which a collective interest and mutual bonds are created. It is also the first line of resistance to a life of enslavement and the condition for the construction of autonomous spaces, undermining from within the hold that

capitalism has on our lives. Undoubtedly the experiences I have described are models that cannot be transplanted. For us, in North America, the reclamation and commoning of the means of reproduction must necessarily take different forms. But here too, by pooling our resources and reappropriating the wealth that we have produced, we can begin to de-link our reproduction from the commodity flows that, through the world market, are responsible for the dispossession of millions across the world. We can begin to disentangle our livelihood not only from the world market but also from the war machine and prison system on which the U.S. economy now depends. Not least, we can move beyond the abstract solidarity that so often characterizes relations in the movement, and which limits our commitment, our capacity to endure, and the risks we are willing to take.

In a country where private property is defended by the largest arsenal of weaponry in the world, and where three centuries of slavery have produced profound divisions in the social body, the recreation of the common/s appears as a formidable task that can only be accomplished through a long-term process of experimentation, coalition building, and reparations. Though this task may now seem more difficult than passing through the eye of a needle, it is also the only possibility we have for widening the space of our autonomy and refusing to accept that our reproduction occurs at the expense of the world's other commoners and commons.

Feminist Reconstructions

What this task entails is powerfully expressed by Maria Mies, when she points out that the production of commons requires first a profound transformation in our everyday life, in order to recombine what the social division of labor in capitalism has separated.

The distancing of production from reproduction and consumption leads us to ignore the conditions under which what we eat, wear, or work with have been produced, their social and environmental cost, and the fate of the population on whom the waste we produce is unloaded.[18] In other words, we need to overcome the state of irresponsibility concerning the consequences of our actions that results from the destructive ways in which the social division of labor is organized in capitalism; short of that, the production of our life inevitably becomes a production of death for others. As Mies points out, globalization has worsened this crisis, widening the distances between what is produced and what is consumed, thereby intensifying, despite the appearance of an increased global

interconnectedness, our blindness to the blood in the food we eat, the petroleum we use, the clothes we wear, and the computers we communicate with.[19]

Overcoming this state of oblivion is where a feminist perspective teaches us to start in our reconstruction of the commons. No common is possible unless we refuse to base our life and our reproduction on the suffering of others, unless we refuse to see ourselves as separate from them. Indeed, if commoning has any meaning, it must be the production of ourselves as a common subject. This is how we must understand the slogan "no commons without community." But 'community' has to be intended not as a gated reality, a grouping of people joined by exclusive interests separating them from others, as with communities formed on the basis of religion or ethnicity, but rather as a quality of relations, a principle of cooperation, and of responsibility to each other and to the earth, the forests, the seas, the animals.

Certainly, the achievement of such community, like the collectivization of our everyday reproductive work, can only be a beginning. It is no substitute for broader anti-privatization campaigns and the reclamation of our common wealth. But it is an essential part of our education to collective government and our recognition of history as a collective project, which is perhaps the main casualty of the neoliberal era of capitalism. On this account, we too must include in our political agenda the communalization of housework, reviving that rich feminist tradition that in the U.S. stretches from the utopian socialist experiments of the mid-nineteenth century to the attempts that 'materialist feminists' made from the late nineteenth century to the early twentieth century to reorganize and socialize domestic work, and thereby the home and the neighborhood, through collective housekeeping—attempts that continued until the 1920s when the Red Scare put an end to them.[20] These practices and, most importantly, the ability of past feminists to look at reproductive labor as an important sphere of human activity not to be negated but to be revolutionized must be revisited and revalorized.

One crucial reason for creating collective forms of living is that the reproduction of human beings is the most labor-intensive work on earth and, to a very large extent, is irreducible to mechanization. We cannot mechanize childcare, health care, or the psychological work necessary to reintegrate our physical and emotional balance. Despite the efforts that futuristic industrialists are making, we cannot robotize care except

at a terrible cost for the people involved. No one will accept nursebots as caregivers, especially for children and the ill. Shared responsibility and cooperative work not given at the cost of the health of the providers are the only guarantees of proper care. For centuries, the reproduction of human beings has been a collective process. It has been the work of extended families and the communities upon which people could rely, especially in proletarian neighborhoods, even when they lived alone, so that old age was not accompanied by the desolate loneliness and dependence with which so many of our elderly live. It is only with the advent of capitalism that reproduction has been completely privatized, a process that is now extended to a degree that destroys our lives. This trend must be reversed, and the present time is propitious for such a project.

As the capitalist crisis destroys the basic elements of reproduction for millions of people across the world, including in the United States, the reconstruction of our everyday life is a possibility and a necessity. Like strikes, social/economic crises break the discipline of wage work, forcing new forms of sociality upon us. This is what occurred during the Great Depression, which produced a movement of hoboes who turned the freight trains into their commons, seeking freedom in mobility and nomadism.[21] At the intersections of railroad lines, they organized hobo jungles, prefigurations, with their self-governance rules and solidarity, of the communist world in which many of the hoboes believed.[22] But except for a few Boxcar Berthas,[23] this was predominantly a masculine world, a fraternity, and in the long term it could not be sustained. Once the economic crisis and the war came to an end, the hoboes were domesticated by the two great engines of labor power fixation: the family and the house. Mindful of the threat of working-class recomposition during the Depression, American capital excelled in its application of the principle that has characterized the organization of economic life: cooperation at the point of production, separation and atomization at the point of reproduction. The atomized, serialized family house that Levittown provided, compounded by its umbilical appendix, the car, not only made the worker sedentary but put an end to the type of autonomous workers' commons that hobo jungles had represented.[24] Today, as millions of American houses and cars are being repossessed, as foreclosures, evictions, and massive loss of employment are again breaking down the pillars of the capitalist discipline of work, new common grounds are again taking shape, like the tent cities that sprawl from coast to coast. This time, however, it

is women who must build the new commons, so that they do not remain transient spaces, temporary autonomous zones, but become the foundation of new forms of social reproduction.

If the house is the *oikos* on which the economy is built, then it is women, historically the houseworkers and house prisoners, who must take the initiative to reclaim the house as a center of collective life, one traversed by multiple people and forms of cooperation, providing safety without isolation and fixation, allowing for the sharing and circulation of community possessions, and, above all, providing the foundation for collective forms of reproduction. As has already been suggested, we can draw inspiration for this project from the programs of the nineteenth-century materialist feminists who, convinced that the home was an important "spatial component of the oppression of women," organized communal kitchens and cooperative households, calling for workers' control of reproduction.[25]

These objectives are crucial at present. Breaking down the isolation of life in the home is not only a precondition for meeting our most basic needs and increasing our power with regard to employers and the state. As Massimo De Angelis has reminded us, it is also a protection from ecological disaster. For there can be no doubt about the destructive consequences of the 'uneconomic' multiplication of reproductive assets and the self-enclosed dwellings that we now call our homes, dissipating warmth into the atmosphere during the winter, exposing us to unmitigated heat in the summer. Most importantly, we cannot build an alternative society and a strong self-reproducing movement unless we redefine our reproduction in a more cooperative way and put an end to the separation between the personal and the political and between political activism and the reproduction of everyday life.

It remains to be clarified that assigning women this task of commoning/collectivizing reproduction is not to concede to a naturalistic conception of femininity. Understandably, many feminists view this possibility as a fate worse than death. It is deeply sculpted in our collective consciousness that women have been designated as men's common, a natural source of wealth and services to be as freely appropriated by them as the capitalists have appropriated the wealth of nature. But, to paraphrase Dolores Hayden, the reorganization of reproductive work, and therefore the reorganization of housing and public space, is not a question of identity; it is a question of labor and, we can add, a question of power and safety.[26] I am reminded here of the experience of the women members of the Movimento

dos Trabalhadores Rurais Sem Terra (Landless People's Movement of Brazil—MST), who, after their communities won the right to maintain the land that they had occupied, insisted that the new houses be built to form one compound so that they could continue to communalize their housework, wash together, cook together, take turns with men, as they had done in the course of the struggle, and be ready to run to give each other support when abused by men. Arguing that women should take the lead in the collectivization of reproductive work and housing is not to naturalize housework as a female vocation. It is refusing to obliterate the collective experiences, the knowledge, and the struggles that women have accumulated concerning reproductive work, whose history has been an essential part of our resistance to capitalism. Reconnecting with this history is a crucial step for women and men today, both to undo the gendered architecture of our lives and to reconstruct our homes and lives as commons.

Notes

1 A key source on the politics of the commons and its theoretical foundations is the UK-based online journal *The Commoner*, the fifteenth issue of which was published in 2012. The contents of past issues, reviews, and more are accessible at www.commoner.org.uk.

2 A case in point is the struggle taking place in many communities in Maine against Nestlé's appropriation of Maine's waters for its Poland Spring bottled water. Nestlé's theft has made people aware of the vital importance of these waters and the supporting aquifers and has truly reconstituted them as a common; "Nestlé's Move to Bottle Community Water," *Food and Water Watch Fact-Sheet*, July 2009, accessed May 31, 2018, https://www.foodandwaterwatch.org/sites/default/files/nestle_bottle_community_water_fs_july_2009_1.pdf. Food and Water Watch is a (self-described) "non-profit organization that works to ensure clean water and safe food in the United States and around the world."

3 An excellent site for current debates on the commons is the UK-based movement journal *Turbulence: Ideas for Movement* (December 5, 2009): accessed June 2, 2018, http://www.turbulence.org.uk/wp-content/uploads/2009/11/turbulence_05.pdf.

4 For more on this subject, see the important article "Who Pays for the Kyoto Protocol?" by Ana Isla, in *Eco-Sufficiency and Global Justice*, ed. Ariel Salleh (New York, London: Macmillan Palgrave, 2009), in which the author describes how the conservation of biodiversity has provided the World Bank and other international agencies with the pretext to enclose rain forests on the grounds that they represent 'carbon sinks' and 'oxygen generators.'

5 The United Nations Convention on the Law of the Sea, adopted in November 1994, establishes a two-hundred-mile offshore limit, defining an Exclusive

Economic Zone in which nations can exploit, manage, and protect the resources it contains, from fisheries to natural gas. It also regulates deep-sea mining and the use of the resulting revenues. On the development of the concept of the "common heritage of mankind" in United Nations debate, see Susan J. Buck, *The Global Commons: An Introduction* (Washington, DC: Island Press, 1998).

6 Ostrom's work focuses on common pool resources and "on how humans interact with ecosystems to maintain long-term sustainable resource yields"; "Elinor Ostrom," *Wikipedia*, accessed May 24, 2018, https://en.wikipedia.org/wiki/Elinor_Ostrom.

7 For more on this topic, see Calestous Juma and J.B. Ojwang, eds., *In Land We Trust: Environment, Private Property and Constitutional Change* (London: Zed Books, 1996), an early treatise on the effectiveness of communal property relations in the context of capitalist development and efforts.

8 David Bollier, *Silent Theft: The Private Plunder of Our Common Wealth* (New York: Routledge, 2002), 36–39.

9 Margarita Fernandez, "Cultivating Community, Food and Empowerment," unpublished manuscript, 2003, 23–26. An early, important work on urban gardens is Bill Weinberg and Peter Lamborn Wilson, ed., *Avant Gardening: Ecological Struggle in the City and the World* (Brooklyn: Autonomedia, 1999).

10 Wilson, *Avant Gardening*.

11 The fishing commons of Maine are currently threatened with a new privatization policy, justified in the name of preservation and ironically labeled 'catch shares.' This is a system, already applied in Canada and Alaska, whereby local governments set limits on the amount or fish that can be caught by allocating individual shares on the basis of the amount of fishing that boats have done in the past. This system has proven to be disastrous for small, independent fishers who are soon forced to sell their share to the highest bidders. Protest against its implementation is now mounting in the fishing communities of Maine. See Laurie Schreiber, "Catch Shares or Share-Croppers?" *Fishermen's Voice* 14, no. 12 (December 2009): accessed June 2, 2018, http://www.fishermensvoice.com/archives/1209index.html.

12 It has been calculated, for example, that 33,000 liters of water and 15–19 tons of material are required to produce a personal computer; see Saral Sarkar, *Eco-Socialism or Eco-Capitalism? A Critical Analysis of Humanity's Fundamental Choices* (London: Zed Books, 1999), 126; Elizabeth Dias, "First Blood Diamonds, Now Blood Computers?" *Time*, July 24, 2009, accessed May 31, 2018, http://content.time.com/time/world/article/0,8599,1912594,00.html. Dias cites claims made by Global Witness—an organization campaigning to prevent resource related conflicts—to the effect that the trade in the minerals at the heart of the electronic industry feeds the civil war in the Democratic Republic of Congo.

13 Donald B. Freeman, "Survival Strategy or Business Training Ground? The Significance of Urban Agriculture for the Advancement of Women in African Cities," *African Studies Review* 36, no. 3 (December 1993): 1–22; Federici, "Witch-Hunting, Globalization and Feminist Solidarity in Africa

Today," *Journal of International Women's Studies* 10 no. 1 (October 2008): 29–35, reprinted in Federici, *Witches, Witch-Hunting, and Women* (Oakland: PM Press, 2018), 60–86.

14 Vandana Shiva, *Staying Alive: Women, Ecology and Development* (London: Zed Books, 1989).

15 Leo Podlashuc, "Saving Women: Saving the Commons," in *Eco-Sufficiency and Global Justice: Women Write Political Ecology*, ed. Salleh, Ariel (London: Macmillan Palgrave, 2009).

16 I owe this information to Ousseina Alidou, director of the Center for African Studies at Rutgers University in New Jersey.

17 Jo Fisher, *Out of the Shadows: Women, Resistance and Politics in South America* (London: Latin America Bureau, 1993); Carol Andreas, *When Women Rebel: The Rise of Popular Feminism in Peru* (Westport, CT: Lawrence Hill, 1985).

18 Maria Mies and Veronika Bennholdt-Thomsen, *The Subsistence Perspective: Beyond the Globalized Economy* (London: Zed Books, 1999).

19 Mies and Bennholdt-Thomsen, *The Subsistence Perspective.*

20 Dolores Hayden, *The Grand Domestic Revolution: A History of Feminist Designs for American Homes, Neighborhoods, and Cities* (Cambridge, MA: MIT Press, 1985 [1981]); Hayden, *Redesigning the American Dream: The Future of Housing, Work and Family Life* (New York: W.W. Norton, 1986).

21 George Caffentzis, "Three Temporal Dimensions of Class Struggle," paper presented at the International Studies Association annual meeting, San Diego, CA, March 2006.

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22 Nels Anderson, *On Hobos and Homelessness* (Chicago: University of Chicago Press, 1998); Todd DePastino, *Citizen Hobo* (Chicago: University of Chicago Press, 2003); Caffentzis, "Three Temporal Dimensions of Class Struggle."

23 *Boxcar Bertha* (Los Angeles: American International Pictures, 1972), 88 min., is Martin Scorsese's adaptation of Ben Reitman's *Sister of the Road* (Oakland: AK Press, 2002 [1937]), a fictionalized account presented as the autobiography of a radical and transient named Bertha Thompson.

24 Hayden, *The Grand Domestic Revolution.*

25 Hayden, *Redesigning the American Dream.*

26 Hayden, *The Grand Domestic Revolution*, 230.

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A Matter Of Precedents
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