

Interview with David Bollier about commons

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*Earlier this year, French activist Olivier Petitjean interviewed commons activist and author David Bollier <http://www.bollier.org> about his new book, *Think Like a Commoner: A Short Introduction to the Life of the Commons* (New Society Publishers) <http://www.thinklikeacommoner.com>. The book introduces the new/old paradigm of the commons and explains its great relevance to contemporary politics, economics and culture.*

Bollier is especially concerned with empowering commoners to reclaim shared resources that have been privatized and commoditized by corporations, often with the collusion of governments. He considers this process, often known as “enclosure of the commons,” as one of the great, unacknowledged scandals of our time. Enclosures today include everything from seeds and life forms that have been patented, and traditionally managed lands throughout Africa and Asia that is being seized by speculators, to the proprietary capture of our digital identities and knowledge and corporate control of the Internet infrastructure.

Below, Petitjean’s interview with Bollier.

Q. There’s been a lot of talk recently about the ‘commons’ in different spheres – among activists, hackers, environmentalists, academics, and even some parts of the business community. So, what is all the fuss about?

I think many people are recognizing that governments and markets cannot, or will not, solve their problems. Both have distinct structural limitations in what they can achieve. Governments are usually big and corruptible. Markets are often predatory and impersonal. The commons is attractive to many people because it provides the means for them to make their own rules and to devise their own working solutions. That’s what a commons is all about – self-organized action and cooperation with your peers to meet basic needs.

Until ten or fifteen years ago, commons were seen either as a failed management system (the “tragedy of the commons”) or as archaic relics of medieval times or as an anthropological oddity for managing forests and farmland in backward, poor countries. Internet culture has helped change our perspectives on the commons because we have seen how digital commons are enabling people to manage all sorts of creative and information resources in collective ways. “Commons-based peer production,” as it is often called, can out-compete – or “out-cooperate” – the market. The rise of Linux, the computer operating system, and Wikipedia are famous examples. There were no markets, government agencies, legal contracts or employees building these valuable systems. They were built by “commoners” – people who found satisfaction and personal benefits from participating in them. Internet commoners have proven that private property rights and markets are not the only way to get things done.

The beauty of the commons is that it's not a rigid, monolithic ideology; it's a flexible template of principles and practices that can be applied to a wide variety of resources, and from multiple cultural perspectives. This is its key strength: the commons is not just a set of political or policy ideas. It is about different way of relating to nature and to other people in the course of meeting our basic needs. It is a different set of social practices and values. So there is both a practical and ethical core to the commons paradigm.

The commons provides a penetrating critique of what I call the Market/State – the deep alliance between corporations and governments that is responsible for so many problems, from global warming to inequality to authoritarian repression. But more than a critique, the commons offers a vision for how to imagine and implement serious alternatives. In doing so, the commons draws upon a rich history; many venerable legal principles; and proven ways to organize production and governance. Instead of being captive to the dominant categories of neoliberal economics and its universe of individualism, private property and “free markets,” the commons helps us “get outside” of this perspective to create actual, functioning alternatives.

Q. Tell us a bit about your personal and political trajectory and how you came to dedicate yourself to the commons.

In the late 1970s and early 1980s, I worked for the American consumer advocate Ralph Nader and a number of Washington public-interest advocacy groups. Notwithstanding the criticism that some level at him for his role in the 2000 US presidential election, Nader showed great sophistication forty years ago in politicizing and “creating” dozens of issues, from auto safety to clean water to open government. A great many of these issues were about protecting resources that citizens nominally or even legally own, but which we do not control or reap benefits from. He helped reveal how corporations have gained control of such diverse collective resources as the airwaves, public lands, government drug research, publicly funded academic research, and knowledge and culture. At bottom, all of these efforts were about “reclaiming the commons” – i.e., regaining citizen control over our collective wealth.

In 2000, I was inspired to write a book about these “enclosures of the commons” because they were generally not recognized as a broader phenomenon. The economic categories that dominate public policy debate keep us from considering alternatives. Writing the book, published in 2002 under the title *Silent Theft: The Private Plunder of Our Common Wealth*, started me on a path of studying the commons and blending it with political action. I drew upon the work of pioneers such as commons scholar Elinor Ostrom, free software pioneer Richard Stallman, Creative Commons founder Lawrence Lessig as well as my own background as a Washington policy activist. From 2003 to 2010, I was the editor of *OntheCommons.org*, which consisted of a small group of thinkers and activists trying to advance the commons paradigm.

Along the way, I discovered that there were many people working internationally on the commons, but few of us had discovered each other. So I connected up with two other commons advocates, Silke Helfrich of Germany and Michel Bauwens of the P2P Foundation in Thailand, to co-found the Commons Strategies Group. The idea was that we would learn from each other's work while helping to advance the commons paradigm and practices among friends and allies. We've hosted two major international conferences and published an

anthology of essays while doing a lot of public speaking and strategic consulting with commoners [references in notes].

Q. In your book, which is meant as a ‘short introduction to the commons’, you try to outline a ‘commons paradigm’ encompassing very different kinds of practices, initiatives, movements, or traditions. Why is it useful to think of what's common between the commons?

It's worth noting that “the market” is itself an abstraction that is applied to ridiculously diverse phenomena – securities trading, hardware stores, restaurants, lemonade stands. It's a cultural convention and a shared narrative that we use to talk about social activities that are crudely similar (sellers and buyers, an exchange of money, etc.).

To talk about “the commons” is to do the same thing: to note that there are general similarities among indigenous water commons, open source software, community festivals and land trusts. The commons provides a shared narrative that lets people recognize the affinities among their various “commoning” activities. These activities are related to each other, also, because they are alternative systems of production, social relationships and governance to those of the State and Market. All commons provide commoners with more empowering roles than allowed by the State and Market, which really only invite us to buy, vote every few years, and ineffectually participate in policymaking (which has been mostly taken over by large institutions with limited connections to individual citizens).

Q. What concretely do an indigenous way of life, a forest, a water source, a public park, a cooperative, Linux and Wikipedia have in common?

All (except possibly a public park) are based on self-organized cooperation to devise rules and governance in the management of shared resources. All act as stewards of collective resources. The type of resource may differ significantly and therefore require very different sorts of management. Forests and water are finite and can be over-used and, for example, while digital resources can be copied and shared for virtually no cost. But a commons is not defined by the type of resource it manages, but by the social practices, values, ethics and culture that it uses.

As for parks, if they are totally managed by municipal governments, they may not be commons in a strict sense of that term. They are certainly a shared resource, but commoners may or may not have a significant role in setting the rules for how the park is managed and maintained. I like to call such government-managed common assets “state trustee commons.” That term helps emphasize that the state is acting as a trustee for commoners, and that the resource (e.g., the park) does not ultimately belong to the state.

Q. When people talk about commons, they seem to have mainly two types of commons in mind, which seem like extreme opposites. On the one hand, there are traditional commons, revolving around natural resources management by traditional communities of the global South. On the other hand, digital commons such as Linux or Wikipedia.

What do they have in common?

Superficially, the “digital commons” and “natural resource commons” seem to be radically different phenomena, as you point out. But the point of the commons is not just the resource itself – it’s the integrity of the community that manages the resource and it’s the specific social rules, values and ethic that are used in the process. From this perspective, one can see that all commons are knowledge commons (even “natural resource commons”) and all commons are material commons (even “digital commons” that rely upon computers, electricity and so on).

Moreover, the line between commons that use digital resources and those that focus on natural resources, is blurring. For example, there are all sorts of “eco-digital commons” in which ordinary citizens contribute data about birds and butterflies they have spotted, report on the water quality of a local stream, or use smartphones to report on invasive species detected in a region. These examples are often called “participatory sensing” and “citizen science.” There is an exciting open-source agriculture project called the System of Rice Intensification in which thousands of farmers from the Philippines, Cuba, Sri Lanka and dozens of other countries collaborate online to trade advice in how to improve the cultivation of rice.

Q. You stress that commons are not the same thing as ‘public goods’, which is still a frequent misconception. What is the difference?

The term “public goods” is a term of art from economics used to describe resources that are difficult to “fence off” and make into private property. Economists like to say that public goods are “non-excludable” (it’s hard to prevent others from using the resource). The classic example is a lighthouse, but parks and libraries are also seen as public goods. Among economists, it is generally assumed that only government can produce and maintain public goods, which are seen as an exception to the norm of private property.

But economists commit a fallacy in thinking that these traits are intrinsic to a resource itself. They do not realize that the term “public good” in its very definition rules out the possibility that people might be able to self-organize themselves to manage such resources. It assumes that “the market” and “government” are self-evidently the only ways to manage certain resources. But this worldview ignores the role that social mutuality, collaboration and intersubjective meaning can play in managing resources. History and contemporary life are replete with examples of people coming together to manage farmland, forests, fisheries, software code, online archives, public spaces and much else. These are social choices that are entirely feasible. The economics discipline has simply rule out such possibilities through its preemptive definition of public goods.

Confusion sometimes results because people like to think of commons as a collection of objects or resources – a park, a library, a public square. But in fact a commons requires some degree of social manage and collective collaboration. So technically speaking, a park or a library as a resource is not a commons. But if there is some measure of direct participation, responsibility and accountability by people – beyond government – then a commons begins to take root. In other words, there must be some active social cooperation and collective meaning-making going on

For more on this topic, I highly recommend an excellent essay by James Quilligan, “Why Distinguish Commons Goods from Public Goods,” at <http://wealthofthecommons.org/essay/why-distinguish-common-goods-public-goods>; and an essay by Silke Helfrich, “Common Goods Don’t Simply Exist, They Are Created,” at <http://wealthofthecommons.org/essay/common-goods-don%E2%80%99t-simply-exist-%E2%80%93-they-are-created>. Both essays are from the 2012 book, *The Wealth of the Commons: A World Beyond Market and State* (Levellers Press), co-edited by me and Silke Helfrich..

Q. In your book, you emphasize the concept of “enclosure” the main “enemy” of the commons. How is this different from the traditional denunciation of “privatization”?

The term “privatization” promotes the notion that there are really only two forms of governance and management – “public” (i.e., government working through legislatures and bureaucracies) or “private” (i.e., business working through markets). This is a misleading and deceptive dichotomy. “Enclosure” is a much richer term than “privatization” because it does simply point to “public” alternatives (government), but to the commons. Enclosure is about the privatization and commodification of resources that commoners rely upon for their basic needs. When corporations seize control of our public lands, build shopping malls on urban spaces used for public assembly, patent the human genome or buy up lands that indigenous peoples have used for generations, these acts are not mere instances of “privatization.” They are violent thefts of people’s customary entitlements and moral claims, often achieved in collusion with government. Enclosures can destroy a community’s culture and identity. Enclosures involve a conversion of people with collective concerns into isolated individuals, employees and consumers: creatures of the market.

Q. A lot of people in Europe at the moment feel let down by their governments because of austerity policies, budget cuts, etc., but on the other hand they still seem to vest all their hopes of change in the same governments. How are the commons a way out of this deadlock?

It is understandable that citizens look to their governments for change and reform. Government officials have the official recognition, responsibility and power to make change to meet new challenges. But the truth of the matter is that governments are only crudely representative and accountable to citizens. And as centralized, hierarchical institutions, they are not terribly effective or responsive in responding to the decentralized complexity of modern life. Moreover, the centralization of State authority makes it more susceptible to corrupting influences, especially business. The State has been largely captured by large corporations and investors, producing a corrupted form of governance that I call the Market/State duopoly – a deep alliance of market and government factions that is committed to economic growth and integrated global markets.

Yet this vision is imploding before our eyes. It can no longer deliver the prosperity and opportunities that it claims. It is destroying the planet’s ecosystems. Its claims about fairness and social equity have been exposed as lies. And the pretensions of “free markets” and the Invisible Hand have been exposed as frauds by the massive bank bailouts, subsidies and legal privileges given to the corporate sector.

The commons offers a fundamentally different vision for human development, ecological protection and how we produce and distribute the things we need. Instead of presuming that societies consist of selfish, rational, utility-maximizing individuals whose highest aspiration is consumerism – the fiction of homo economicus that lies at the heart of economics and public policy – the commons recognizes richer, more complex notions of human beings. Commons differ from businesses in that they do not act or aspire to make money, but rather to serve their members through social cooperation and support. They consist of such diverse systems as mutual societies and cooperatives, land trusts, timebanking credit systems, alternative currencies and co-working spaces. They consist, also, of countless digital commons such as open source software communities, Wikipedia and its many offshoots, thousands of open-access scholarly journals, open science projects and the whole Open Educational Resources movement.

The commons framework declares that we can and should be able to influence the circumstances of our everyday lives. We should have the authority to identify and solve problems, to negotiate with others, to devise our own solutions, and to experience governance as legitimate and responsive. These principles lie at the heart of the commons – yet can only exist in social and political spaces that neither the the State nor the Market wish to recognize. And so commoners must fight to achieve recognition and protection for their commons.

Q. You stress the difference between the commons paradigm and classical progressive narratives, what you call the 'liberal polity'? What do you think exactly are the flaws of traditional progressive narratives?

Western legal systems tend to give legal recognition to individuals only, and chiefly to protect their private property rights, personal liberties and commercial interests. The idea of recognizing collective rights for nonmarket interests is alien to the very premises of the liberal polity. It's no wonder that the idea of the commons is invisible and virtually unthinkable in Western law in modern times! It proposes a fundamental reconceptualization of what is valuable in a society, how "value" is generated, and the general archetypes of human well-being. The liberal/progressive narratives presume that the State – if given enough time and pressure – can and will uphold all basic human and civil rights for individuals, including social equality and opportunity, and that "market progress" is the essential engine for any such gains. I would argue that the deep limitations if not contradictions of the liberal polity are becoming increasingly apparent, especially since the 2008 financial crisis. Governments trying to survive in a world of unfettered global capital either don't care about individual political and human rights or can't effectively allocate the benefits of global markets to all citizens.

The liberal polity stands for many admirable, important values, and should not be summarily rejected. But neither is it capable of reforming itself "from the inside." To put it a bit crudely, the State has been captured by capital, and democratic aspirations have few effective ways of achieving much through the State, except at the margins. I see the commons as a way to re-think governance itself (much of it an artifact of the 19th and 18th centuries) and to raise new questions about how democratic participation should be structured in an era of ubiquitous electronic networks, instant communications and global markets. State bureaucracies are

simply incapable of dealing with distributed complexity and nonmarket aspirations. I would argue that both conventional markets and state action are structurally unable to metabolize people's aspirations for change.

By contrast, the commons offers localized, responsive and innovative governance and production for use. But to acknowledge the commons, we must begin to reconceptualize law and governance itself as something more than the enactments of legislatures and the declarations of courts. My colleague Professor Burns Weston and I call for the recognition of what we call Vernacular Law – the “unofficial” social norms, procedures, and customary institutions that peer communities devise to manage their own resources. “Vernacular,” as the Austrian social critic Ivan Illich pointed out, “implies ‘rootedness’ and abode” and derives from the Latin word Vernaculum that described “sustenance derived from reciprocity patterns embedded in every aspect of life, as distinguished from sustenance that comes from exchange or from vertical distribution.” Vernacular Law matters because commons governance depends on informal, socially negotiated rules that may not even be written down.

Some may complain that commons based on Vernacular Law are not necessarily democratic in the sense understood by modern liberal polities. There may indeed be social inequalities and hierarchies in various commons, which traditional liberals might consider alien or unacceptable. On the other hand, successful commons tend to have modes of participation, deliberation, transparency, responsibility, and effectiveness that generally surpass anything provided in practice by the bureaucratic State or representative democracies. Vernacular Law is why so many commons work so well. But it is also a species of social activity and moral legitimacy that classical progressive narratives ignore.

Q. A lot of people are convinced of the validity of local, community-based initiatives, but all of us have the experience of how fragile they are over the long term, and of how difficult it is for them to 'scale up'. How are the commons different?

There is an extensive scholarly literature about what makes for a successful commons. Much of this research is associated with the late Elinor Ostrom, who won the Nobel Prize in Economics in 2009 for her pioneering fieldwork and creative theorizing about the commons. But it's also true that, as commons proliferate in so many unexpected places, we are “theorizing on the fly” about how to build durable, resilient commons.

I should stress that the commons does not aspire to “scale” like many new businesses. Some are perfectly fine being small and local; in fact, that is often what makes a commons so effective and responsive. That said, there is a need for the diverse working commons in the world to “find each other” and make common cause in representing their shared interests, especially in the face of market enclosures and hostile government policies. The commons movement is focused on precisely these issues: bringing together commoners to share the lessons they are learning and organize to make commons-based governance and production more stable and hardy.

Q. You seem to imply that commons are local by their very nature, at least until the rise

of digital commons. There is a lot of talk about the necessity to manage global natural commons, for instance, such as the climate, rainforests, etc. How do you build commons that are translocal – at national level, or at global level?

Yes, historically commons have been inherently local in character until digital technologies and the Internet made it possible for built trans-local commons around certain types of knowledge and culture. Building the institutions and legal principles for translocal, global natural commons is one of our biggest challenges today. Not only does the large scale of such commons defy existing precedents, the nation-state and international treaty organizations are not especially welcoming of commons because they represent a decentralization of authority and governance. We clearly need to imagine some new structures and new ways of developing them – outside of conventional national, international and corporate structures. This is something that my colleague Professor Burns Weston and I explore in our book *Green Governance: Ecological Survival, Human Rights and the Law of the Commons* (Cambridge University Press). Here's the conundrum: We can't really have workable global commons unless we also have commons that work at the national, regional and local levels, each nested within the other and working horizontally with each other. But such a "nested hierarchy" of commons is not likely to emerge so long as the Market/State retains such a tight grip on how people may govern themselves and resources.

Q. What about the economics of the commons? Do they need specific forms of organisation – for instance, what we call in Europe the 'social and solidarity economy sector' (cooperatives, mutualism, nonprofits, etc.) – or can there be commons within a capitalist economy, within transnational corporations, etc.?

The question about how commons and markets can "play nicely together" is a complicated issue because each implies different sorts of social relationships. Fundamentally, a commons is about ongoing social relationships and ethical dealings focused on a shared purpose. Markets, by contrast (at least those driven by capital gain), tend to be profoundly asocial: our dealings with each other are impersonal, mediated by money, and entail no standing relationships with each other. A market transaction is "just business," and generally involves no ongoing moral or social commitments.

Within the framework of the market economy, a number of organizational forms have evolved to try to protect collective interests. Cooperatives and mutual societies are two examples. But such enterprises are ultimately market entities in their dealing with the rest of the world even if internally they honor a different logic. The commons differs from such structures in that they do not act or aspire to be market competitors, but rather to safeguard an entirely different social logic of cooperation and mutual support "within" its boundaries. Commons usually avoid any exchange of money or contractual legalisms among its members. Blood and organ donation systems, free and open source software, collaborative websites, academia and the global CouchSurfing hospitality/travel network, are all examples of commons-based wealth-creation.

This account is a bit simplistic, however, because few enterprises can be wholly segregated from the market; most organizations have some sort of relationship with the conventional economy, however indirect. There are thus many hybrid forms of commons that try to preserve

the practices and ethic of sharing and cooperation, outside of the market economy, while deliberately protecting themselves from the privatization and commodification of their shared resource. This is a very important challenge facing commons because market players tend to have far more financial, political and technological means to take over resources managed by commoners and convert them to marketable commodities (“enclosure”).

But let me be clear: organizational forms may help preserve a shared resource and enabling commoning – the social practices of a commons – but the legal and organizational forms are not the essence of the commons. The commoning is. This is a difficult concept of conventional economists to comprehend – that a social practice and ethic is paramount and not reducible to a quantity or cash sum.

NOTES

1. For more information, I suggest the excellent essay by James Quilligan , Why Distinguish Commons Public Goods Products at <http://wealthofthecommons.org/essay/why-distinguish-common-goods-public-goods> ; and a test by Silke Helfrich , Commons simply not exist , they are created at <http://wealthofthecommons.org/essay/common-goods-don%E2%80%99t-simply-exist-%E2%80%93-they-are-created>. The two trials are included in the book The Wealth of common areas : a world beyond the Market and State (Levellers Press) , edited by Silke Helfrich and me.