Who Steals the Goose from off the Common?

An Interview with Peter Linebaugh

Louis Volont

Interview – December 22, 2018

To find out whether capital has nowadays discovered the commons, or if the commons can and must remain invisible in order to survive, Louis Volont speaks with historian Peter Linebaugh. Linebaugh is Professor of History at the University of Toledo and has written extensively on labor, history and the commons. His books include *The Magna Carta Manifesto: Liberties and Commons for All* (2008) and *Stop, Thief! The Commons, Enclosures, and Resistance* (2014).



King John signing Magna Carta at Runnymeade 15 June 1215. – Illustration: Universal History Archive / Un / REX

In recent years, the vocabulary of the commons and its derivatives has taken centre stage in debates on political and economic crises. If we are to believe Charlotte Hess (2008), Ostrom's lifelong commons companion, many 'new commons'—that is: 'new sources to share'—have seen the light of day: market commons may heal the wounds of austerity politics; the cultural commons may replace the archaic producer-consumer relationship in

the arts; the knowledge commons may counter an increasingly closed circuit of scholarly insights; public space—Syntagma, Tahrir, Gezi—may lay the groundwork during struggles reclaiming public space for collective use. As the world observes with great interest how these alleged 'new forms of governance' reshape everyday life, the historical roots of the commons have too often been left untheorized.

The value of historian Peter Linebaugh's oeuvre is exactly to fill this gap. He teaches us rightfully that 'scarcely a society has existed on the face of the earth which has not had at its heart the commons' (Linebaugh 2014, p. 14). Linebaugh's *Magna Carta Manifesto* (2008) shows how the age of the commons preceded the age of the commodity; how the age of reproduction preceded the age of production; how the conviviality of the kitchen preceded the alienation of the factory; and how the age of subsistence existed long before the vocabulary of the (neo)liberals would begin to deride the commons by the ideological use of the words 'tragedy', 'impossible', or 'utopian'. Who was it that said that there is no alternative and no such thing as society?

Spatially, Linebaugh takes us back to 13th-century England, to a time when the commons were no 'alternative' but a means of subsistence. 500 years of European enclosure had yet to begin. Juridically, Linebaugh's work centres around two historical documents: *Magna Carta* (1215) and the *Charter of the Forest* (1217). The former related to the barons and gave us habeas corpus and trial by jury, the latter related to the common man and restored rights of access to the forests and hence to primary sources for survival. November 2017, the time of writing, marks the 800th birthday of the latter charter. Yet, one might ask, what remains of these documents in a time when the privatization of the Anthropocene is nearly complete? I meet with Peter in London, a few days after his keynote address in the State Rooms at the House of Commons, during which he argued:

The context requires us to remember that at that time in history there was no Hollywood to paint a happy picture or President Trump to tax and enclose us, but church and king instead. Those two sides of the ruling class battled the commons for land and soul.

No better occasion, then, to discuss the commons in a time wherein 'the commoners of the world can no longer retire to the forests or run to the hills' (Linebaugh 2014, p. 40), wherein common custom has become crime, and wherein the realm of commoning has transcended from the street to the state and from the peasant to the politician. I want to find out whether capital has nowadays discovered the commons, or if the commons can and must remain invisible in order to survive. *[www.onlineopen.org/the-blockchain-free-riding-for-the-commons]*

Louis Volont: The vocabulary of the commons has been around for centuries: in economics, law, land, and subsistence, in art and religion. Where does your interest in the commons come from?

Peter Linebaugh: My interest in the topic of the commons has many different layers. Some are political, some are linguistic, some are biographical. I would say that I am a child of 'empire'. I have grown up in the United States, in England, and in other parts of the world such as Pakistan and Germany. But my earliest notion of the commons comes from my childhood in England. There, the upper class referred to me as 'common'. As a little American boy in England I was considered 'common' or 'ordinary' in the upper-class schools I went to. But as a child, I never knew what a real commoner was. This I learned by encountering a true commoner of the Forest of Dean, who was like a godfather to me. That would become a first, biographical layer that sparked my interest. But there's also another, politico-linguistic layer. Namely, I grew up with debates about communism and social democracy. Also, not to forget, my father and mother suffered severe political repression during the McCarthy period in the US, in the early 1950s. But it wasn't until the fall of the Soviet Union and the beginning of the North American Free Trade Agreement (NAFTA) of

1994, and the emergence of the Zapatistas and the notion of the ejido, that I began to link these two subjects: the commons and communism. It's from that mixture of politics, biography, and history that my interest has grown.

You emphasize the verb 'commoning':

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.

Yet, would it be possible to organize commoning sustainably on a larger scale, in a time when gas has replaced wood, and the city has appropriated the fruits of the forest?

In order to imagine this problem of scale, we would need to set up a thought experiment. Could you imagine oil workers from Saudi Arabia meeting fast driving Chinese motorists and assembly line workers from Stuttgart, along with Mexican electronics workers, all meeting together to organize the distribution of their labour and their common interests?

That is difficult to imagine...

Yes, but I am still doing the exercise. What is happening is a literal transformation of the scaling problem, a transformation that avoids the state. But still, we would need the cooperation of the sailors and the dock workers to bring it all together, and finally we would need people with land to arrange a meeting. And then, I would presuppose that all of these workers had effective power with their own means and modes of production. So, for me, this thought experiment should be taken further and further. And it will be, someday, somehow. Perhaps sooner than we think. Its value lies not in the elimination of the state, but in the presupposition of a classless society. So, I don't believe that the question of the commons can be effectively answered without discussing class divisions first.

Do you consider the abolition of class as a precondition for commoning on a larger scale?

Definitely. Commoning is the antithesis of capitalism. The opposite of the commons is the commodity. In the commodity, the social relations of creation and the social relations of subsistence are hidden. The commodity is about production. The commons, by contrast, are about reproduction, which is centred today in the neighbourhood, in schools, in libraries, in parks. In places that are peaceful, where you see parents, and especially mothers, with their children. Commoning is related to the kitchen, to the conviviality of the meal, to the family. In all these instances, social relations are not governed by the commodity. So again: the realm of reproduction, I believe, is key to commoning. Its principles are not those of the commodity, not those of accumulation, but those of subsistence and health. So how is that scaled up, finally? Well, even before we talk about scale, let's support those things first, before inventing new problems. Let's see how existing resources can be dispensed to encourage hospitals, neighbourhood cuisines, healthy water, and a place to live for those without a home.

Arendt once wrote: 'Those who get together to constitute a new governmentare themselves unconstitutional ... The vicious circle in legislating is present not in ordinary law making, but in laying down the fundamental law.' In The* Magna Carta Manifesto*, you equally demonstrated a 'vicious circle' in relation to the commons, showing how processes of privatization have led to the criminalization of the commoner. Is commoning invariably situated between crime and creation?

It's a beautiful question, and there are so many things to say about this. Let us focus on this continuum, between crime and creation. In the mid-1960s I came to England to study criminal records and to see if I could apply any statistical analysis to these criminal records . At the time, I studied Bonger, a Belgian sociologist who wrote *Criminality and Economic*

Conditions, even though he was a positivist and did simple correlations. I also studied the work of Frankfurt scholars Rusche and Kirchheimer, *Punishment and the Social Structure*. But it was via Chevalier's Classes laborieuses et classes dangereuses that I recognized this inherent relationship between the commons, the working class, the state, and criminalization. State terror, it ought to be clear, relates very often to the expropriation of people, craftsmen or otherwise, from their means of production, from their materials of production, and from the products of their own labour. It happened in the past with the Waltham Blacks, and it happens today, for example in the Bolivian water wars. It reminds me of this ancient wisdom:

The law locks up the man or woman
Who steals the goose from off the common
But lets the greater villain loose
Who steals the common from off the goose

But even today, in urban and cultural and everyday settings, we can see how the state criminalizes those who rightfully use the fruits of their own commons. The issue that you raise: creativity, criminality and commoning, remains significant in different contexts. It's an important question, because commoners are not going to give away their knowledge to the intelligence officers from the powers of surveillance. That's the significance of the invisibility of the commons. I am not going to tell you where there's a secret spring of water if you're going to use that spring in order to transform our commons into commodities, into bottled water, and then make me pay for it. So yes, we have our secrets. And the state and the bourgeoisie are looking for those secrets. Let us not forget that the knowledge of the world is among the people who make the world. Final remark: How do we get out of enclosures? Again, the commons, in a way, have to be invisible, secret, clandestine. I feel that that story has not been written well by those who concentrate on the totalitarian power of the forces of surveillance. My early work *The London Hanged* (1991) was meant to be in dialogue with Michel Foucault who, I thought, overemphasized the story of incarceration in opposition to the story of 'excarceration', the story of escape. The fundamental story of human freedom is escaping from confinement, not 'being in' confinement.

One of the merits of your work is that you showed how commoning constitutes humankind's 'default' situation, which existed long before neoliberal ideology would see the light of day. By contrast, today, others would like us to believe that commoning is something new, 'a novel form of governance', a hype. In this latter view, capitalism is seen as the default situation, whilst commoning is depicted as the aberration. Are we forgetting too much about the history of the commons?

Take, for example, Rebecca Solnit's work *A Paradise Built in Hell*. She shows that in times of emergency, like with earthquakes, floods, or fires, people begin to practice mutual aid. People start to help one another. Yet a few days later, after the disaster, when federal emergency agencies or other parts of the state intervene to re-establish security, something else happens. What these agencies do is actually to destroy those networks of mutual aid. So here, the state no longer appears as a paternal figure but as a destructive force, a force that makes us forget that commoning is at the heart of human exchange. It's the state of emergency—today we see this in ongoing privatization and austerity—that brings people to commoning. Puerto Rico, the Houston flooding, the California fires: people start cooking, looking for water, dealing with waste, dealing with each other. But once these processes become co-opted by the state, as Solnit clearly showed, the commons tend to evaporate into this 'forgotten past', as if the commons were only temporary, as if the state is the only 'real' help. So, I would like to refer to this word: agnotology, which is the science of ignorance, the science of forgetting, the science of 'not knowing'.

Which reminds me of this famous extract from a tobacco industry lobby document, stating: 'Doubt is our product.'

Yes, creating doubt and 'not knowing' is to the benefit of these forces. Why are we ignorant of some things, and not of others? By processes of framing and governmental intervention, we tend to forget what lies at the heart of human reproduction. Through these processes, it's very easy to forget, or to confuse certain views on the commons. Are they real? Are they just an alternative? This has a history to it, and it's related, for those of us who are historians, to the issue of 'amnesia' or the science of forgetting. This is also highly selective, evidently. To get to the underlying logic here: When framing the commons, there's not just one ideology, but there are several ideologies in collision.

When talking about the commons and ideology, one cannot avoid this other contested word: neoliberalism. With the notion of 'primitive accumulation', Marx described how enclosure constituted a precondition for capitalism to emerge. Today, by contrast, processes of expropriation are continuously present in modern-day capitalism. Could* Magna Carta / The Charter of the Forest *serve as a valuable source of resistance against neoliberal enclosure?

First, I want to quote from the *Communist Manifesto*, where Marx says about the bourgeoisie: 'It has resolved personal worth into exchange value, and in place of the numberless indefeasible chartered freedoms, has set up that single, unconscionable freedom—Free Trade.' Here, we hear the old Marx talking against the old liberalism based on free trade. And he's saying that free trade, free contract, and private property replaced the numberless indefeasible chartered freedoms. So there, in my perception at least, is a direct reference to many charters, including of course the *Magna Carta* and the *Charter of the Forest*. But could these charters be a valuable source of resistance against neoliberalism? Well, the Shadow Chancellor of Great Britain, John McDonnell, thinks so at least. In other words, some politicians are beginning to answer this question, even though they don't have a direct answer. Still, I believe that Podemos in Spain, or people in Greece are giving a tentative 'yes' to this question. Korea for example, where The *Magna Carta Manifesto* has been translated, shows similarities. Contemporary commoning is in fact a direct critique against neoliberalism, against the tremendous violence that accompanies it, against the tremendous poverty and pollution that come with it. Let's not forget that the destruction of water, the destruction of health, the homelessness around the world and the crisis of the refugees all are direct results of this neoliberal regime.

You once wrote: 'The Supreme Court adapted Magna Carta to the dominant institutions and social forces of the US, private property, commerce, capitalism, slavery.' Where lies the thin line between the inside and the outside of the commons? Where lies the thin line between commons and property?

Let us turn to the Latin word comunis. We have the 'co', which means 'together', but the 'munis' means 'under obligation'. Commoning is not only about sharing, but also about the mutual obligations we have to one another. You can join us, but you have these obligations of reciprocity. Imagine we have this lake. As a fellow-commoner, you are not to dump your sewage into it, because that prevents us from swimming and the other species living in it will die. That's why I'd say that the kitchen and the meal, theoretically private assets, constitute the primary locus of commoning. You can have the soup from the kitchen, you can sit down at the meal, but will you help with the washing up when you are able? It doesn't have to be an exchange, but you have to pitch in somehow, you have to help out. I would call this 'indirect reciprocity'. Commoning has to do with a redefinition of work and labour as a human mutuality, rather than as an exploitation and exchange. Lexically, this is what I derive from the Latin comunis: 'what we own together', and 'what we owe each other'. Not as a matter of ownership, but as a matter of mutual subsistence. I think there's a very important distinction here. To add another important point: there is no commons

without an exterior. Every commons presupposes those who are not common to it.

The proletariat, the precariat, the multitude… Who are, in your perception, the subjects of commoning?

I have used the term 'working class' over the years. I did this in a very open way, to include all those who are active in reproduction. But it leads to a certain misunderstanding very frequently, for I would like to denote with it a much broader realm of commoning actors. When you look at the Sixth Declaration from the Lacandon Jungle of the Zapatistas, you see clearly how they include many more: transgendered people, queer people, people like myself who are senior citizens, people with disabilities, 'those from below', they wrote. Many of those are on the margins, and for those, the message of the Zapatistas is crystal-clear: We appeal to the humble and simple people of the world. Then of course, there's the 99%, or Guy Standing's precariat … Each of these terms has its history and its political position. But whatever term we use, we can be sure that there will be spin-doctors of the ruling class that are going to turn it upside down. (long silence) Isn't it terrible what they have done to our language over the years?! Isn't it terrible how language can be abused for the interests of the ruling class?! You know, the old Greeks used the notion of ecclesia to denote an assembly of people without any hierarchy of domination. I am sympathetic to that. Or we can just praise the Buddhists and the Quakers who take a vow of silence and let their actions speak.

The 13th-century English commoners were homogeneous commoners, at least geographically and socio-economically. By contrast, recent theorizations explore how commons may be created throughout heterogeneous communities and singularities: the 'multitude' in Hardt and Negri or the 'threshold community' in Stavrides, just to name a few. What lessons can be learnt from the rights in the Charters, if we want to organize the commons heterogeneously today?

Firstly, the *Magna Carta* and the *Charter of the Forest* never speak of 'rights'. They speak of 'powers' or 'liberties'. 'Rights', if I may say, is a discourse of the Enlightenment, several centuries later. The significance of this, is that rights 'appeared' to be granted from the state as a part of the discourse of law. But, at the time of King John for example, when we speak of the 'powers' and the 'liberties' of common people, we presuppose that the common man has these powers, whilst the notion of 'rights' does not presuppose that. But of course, every victory of the common man will always be interpreted as a gift from the ruling class after they have been defeated. So, we should be careful with this vocabulary 'granting rights'. Secondly, these charters of the past arose at a time when diverse ecclesiastical authorities within the ruling class were struggling for power. The *Charter of the Forest* was sealed by somebody representing the Pope of Rome and the Christian Church, and the *Magna Carta* was sealed by King John. These were powerful systems of domination over soil, at a time of struggle for the soul of human beings. However, we should not look at it from the ruling class' point of view, but from the commoner's point of view. And there, in the English common village, you will have travellers, and you will have squatters, there will be a place on the sedentary commons to accommodate the needs of vagabonds. Does this count as heterogeneity? I doubt it. But let's not forget that for example the Zapatistas in Mexico built their ejido's with communists who had fled Mexico City and with liberation theologians who were working with the peasantry. So, to me the question is still open.

Some argue that the (welfare) state can and should take over issues of commoning. In* The Magna Carta Manifesto*, you wrote:

During the New Deal the federal government responded to demands of the mass worker both for increasing the value of the working class and for taking a hand in its reproduction. The experience led many to think that the government could replace many

of the functions that commoning had historically fulfilled.

What role should be expected from the state if we want to organize commoning sustainably?

We expect help from the state, to stay out of our business. When I say 'stay out of our business', I mean: please do not send the army and the police into those people at Standing Rock, Dakota, who are trying to protect their water. That's number one. Number two: Don't throw people's books into the water at Occupy. These books can be used! And number three: give us some help. Food and water, a government can supply that. Give us some aid and stay out of our way when we are meeting our mutual needs. The government has tons of money, and we want that money back. Also, this is the number one principle from the *Charter of the Forest*: The Charter said that the king must disaforest what he has taken. Not to forget: to disaforest means to remove the forests from royal jurisdiction, to make them available again as a source of subsistence for the commoner. We want reparations for the harm that has been done. We want to decapitalize capitalism. What capital is now, was to discommon back then. That's a real word from the 18th century, discommoning, which we would call 'privatizing' today. People all over the world are searching for new political entities. Here in Britain, this explains the Scottish independence movement, and perhaps it even explains the Brexit or the Catalonian issue. For sure, I do not see these events in terms of nationalism or fascism only, that's just a possibility. Perhaps I am being utopian, but there might be other possibilities. Also, look at Rojava in Syria, the Zapatistas in Mexico... It all comes down to honouring the labour of those who preceded us—'dead labour', as Marx teaches us in *Das Kapital*—and saving the labour of future generations. But are we even trying to do that? Of course not! Capital and the state are only temporary. The commons, on the other hand, belong to our struggle against war, against domination, against exploitation. Viva Zapata!

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