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Conflicts in common(s)? Radical democracy and the governance of the commons

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Abstract
Prominent radical democrats have in recent times shown a vivid interest in the commons. Ever since the publication of *Governing the Commons* by Elinor Ostrom, the commons have been associated with a self-governing and self-sustaining scheme of production and burdened with the responsibility of carving out an autonomous social space independent from both the markets and the state. Since the commons prove on a small empirical scale that self-governance, far from being a utopian ideal, is and long has been a lived reality, a few authors have attempted to turn them into the conceptual matrix of their own account of radical democracy. Negri and Hardt, on one hand, Laval and Dardot, on the other, have jointly coined the term 'the common' (in the singular) to suggest that the self-governance quintessential to the commons could be turned into a general democratic principle. Though this is an attractive theoretical prospect, I will contend that it fails to account for an important contradiction between the two theoretical frameworks it connects. Whereas the governance of the commons depends on harmonious cooperation between all stakeholders which in turn relies on a strong sense of belonging to a shared community, radical democracy is highly suspicious of any attempt to build a totalizing community and constantly emphasizes the decisive role of internal agonistic conflicts in maintaining a vibrant pluralism. I will further contend that the short-sightedness of radical democrats on this issue may be partially explained by the strong emphasis in the commons literature on a related but distinct conflict, that which opposes the commoners to the movement of enclosures. I will argue, however, that this conflict is not of an agonistic nature and does little to preserve the dynamism and the constant self-criticism proper to the radical democrat regime.

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Introduction

Recently, theories of radical democracy have attempted to redefine the political regime of democracy beyond its conventional understanding as a competitive system of representatives organized into political parties and vying for the votes of their right-endowed citizens (Cohen and Fung, 2004). Dissatisfied with the reduction of democracy to an elite-level negotiation between a plurality of interest groups (Dahl, 1956), radical democrats have called both for new ways of fostering popular participation in the decision-making process, and for a critique of the capitalist relations of production which in their opinion underpin this impoverished notion of democracy (Chambers, 2004; Mouffe, 1989). Moreover, though they share an egalitarian concern with social democrats, they place much greater emphasis on the current diversity of social struggles that cannot, according to the now canonical exposition of their views by Laclau and Mouffe, be subsumed under the central opposition of labour and capital (Laclau and Mouffe, 1985). Last but not least, they assume that democracy can approximate but never achieve these participatory and egalitarian goals, and must therefore constantly strive for its own democratization (Boaventura de Sousa Santos, 2005). The tradition of radical democracy, in broad terms, thus combines republican elements with a social critique that draws loosely on the Marxist tradition and an alertness to the demands of diversity.

Given these ideological features, it will come as no surprise that some prominent radical democrats have in recent times shown a vivid interest in the commons. Ever since the first publication of the trailblazing work of Elinor Ostrom, *Governing the Commons*, in 1990, which on solid empirical and theoretical grounds rebuked the assumption (originally stated in a 1968 article by Garret Hardin) that the commons would be depleted of their resources and eventually destroyed unless they were either privatized or turned into public property, commons have been associated with a self-governing and self-sustaining scheme of production in which stakeholders are considered equally as masters of their own fate and direct participants in collective deliberation as the procedural norm. Seen in this light, commons have been burdened with the responsibility of carving out an autonomous social space independent from both the atomism of capitalist markets and the hierarchical structure of the state (Bollier and Helfrich, 2012). Since the commons prove on a small empirical scale that self-governance, far from being a utopian ideal, is and long has been a lived reality, a few authors have attempted to turn them into the conceptual matrix of their own account of radical democracy. But is the obvious parallel revolving around the notion of autonomous governance substantial enough for the commons to provide a new paradigm for democracy? Two pairs of authors – Negri and Hardt on the one hand, Laval and Dardot on the other – appear to think so and have jointly coined the term 'the common' (in the singular) to suggest that the self-governance quintessential to the commons could be turned into a general democratic principle.

Though this is an attractive theoretical prospect, I will contend that it fails to account for an important discrepancy between the two theoretical frameworks it connects. Whereas the governance of the commons depends on harmonious cooperation between all stakeholders which in turn relies on a strong sense of belonging to a shared endeavour, radical democracy is highly suspicious of any attempt to build a totalizing community and constantly emphasizes the decisive role of internal agonistic conflicts in maintaining a vibrant pluralism (Mouffe, 2005: 3). I will further contend that the short-sightedness of radical democrats on this issue may be partially explained by the strong emphasis in the commons literature on a related but distinct conflict, that which opposes the commoners to the movement of enclosures. I will argue, however, that this conflict is not of an agonistic nature and does little to preserve the dynamism and the constant self-criticism proper to the radical democrat regime. Consequently, if we want to escape the naïve belief that no form of oppression is to be found in the commons, then instead of assuming that such governance schemes are democratic per se, we need to think about how to *democratize* them, which implies allowing the expression of internal conflict between commoners.

To make this critical argument, I will proceed in several steps. First, I will highlight the originality of the conceptual framework designed by Ostrom to understand how large-scale cooperative practices can prove to be enduring and sustainable (1a). Second, I will show how Dardot and Laval, on one hand, and Hardt and Negri, on the other, have critically appropriated this framework and turned it into a full-blown political project (1b). I will then contrast their political project of radical self-determination with Claude Lefort's canonical exposition of the principles of radical democracy, emphasizing the key role of limited internal conflict for this approach (1c). Building on this comparative examination, I will argue that the literature on the governance of the commons is misled by its emphasis on the conflict associated with primitive accumulation (2a) and consequently overlooks some struggles internal to the commons (2b). In conclusion, I will show that this argument echoes strongly some recent findings in the literature on the commons that attest to a positive correlation between limited conflict and sustainable social practices.

From the 'commons' to the 'common'

Commons are not only common-pool resources but also a set of co-decided social practices and norms

Elinor Ostrom should be credited for upending the conventional wisdom on the commons. In medieval times, commons were pastures and woodlands available by custom for joint use by all villagers (Vogler, 2000: 2–3). By extension, the term commons came to be used to refer to 'a resource to which no single decision-making holds exclusive title' (Wijkman, 1982: 512)[1] or, in more technical terms, to 'subtractable resources managed under a property regime in which a legally defined user pool cannot be efficiently excluded from the resource domain' (Buck, 1998: 5). Prior to the seminal work of Ostrom, it was widely admitted that the twin features of the commons, namely their open access and the rivalrous nature of the goods they either contained or produced, would

lead to a collective action problem akin to the prisoner's dilemma (Olson, 1965). The commoners, who were assumed to be rational, incommunicative and selfish agents, would be locked into short-term strategies and continue to subtract goods from the commons up to exhaustion point (Dawes, 1973). As a result, only two distinct policies could be prescribed to ensure that long-term interests would prevail over immediate individual gains. The tragic fate of the commons must be prevented either by privatizing the commons or putting them under a public authority: either the invisible hand of the market or the leviathan state (Ostrom, 1990: 8–13). For quite some time, the debate regarding the commons has therefore been structured along the lines of this sole alternative.

Elinor Ostrom convincingly showed that the pessimistic 'metaphoric model' of the prisoner dilemma was misleading. It rests on a mistaken construal of the commoners which clearly does not tally with empirical facts. Through a careful scrutiny of numerous case studies in the Philippines, Switzerland, Japan and Spain, Ostrom argues that commons have existed and proven themselves sustainable over long periods of time (centuries in the case of the Andalusian irrigation system) (Ostrom, 1990: 58–88). One of the reasons for their enduring success is that commoners do not act as *homo economicus*. Commoners are social actors embedded in tight-knit communities who communicate, observe social norms and judge their fellow members on the basis of their reputation (Ostrom, 1990: 15–21). They are still considered as individualistic agents – Ostrom remains within the theoretical frameworks of both rational choice and game theory, which she seeks to refine and expand but never to radically criticize – but they understand that it is in their own best interest to build institutions that will create incentives for others to cooperate. Consequently, commoners are capable of collectively making binding decisions that supply institutions, restrain their individual consumption and preserve their resource domains in the long run. Notably, they design monitoring and conflict-resolution mechanisms that foster mutual trust by preventing commoners from free-riding (Ostrom, 1990: 94). In sum, commoners have proven themselves capable of self-organization and autonomous government of the commons on which they depend for their subsistence (Ostrom, 1990: 90–102).

From the viewpoint of democratic theory, however, Ostrom's main contribution still lies elsewhere, in what we may call her constructivist/institutionalist turn. For she was the first author to clearly expose that commons were not just a pool of open-access, rivalrous resources but also relied on a coordinated governance. The set of collective institutions and social norms created by the commoners are not just instrumental in sustaining the commons. In fact, they are *part of* the commons themselves. What is noteworthy in her analysis is that it considers commons as a pool of resources that relies upon autonomous and cooperative social practices, semi-independent from both state and market logics, to ensure their sustainability (Ostrom, 1990: 24–5). This approach highlighted that commons were not only a natural *thing* but also partly a *social construct*. Nevertheless, Ostrom appeared to shy away from her own conclusions. The persisting assumption that goods have to bear certain intrinsic qualities (rivalry and non-excludability) in order to qualify as commons trapped her into a naturalistic framework and prevented her from questioning whether such co-decided cooperative social practices could extend beyond a specific set of collective action dilemmas (Dardot and Laval,

2014: 157; Harribey, 2011). Instead of adhering to her rationale and considering that anything could become a commons *if it was governed as such*, Ostrom inconsistently argued that only certain goods, namely common-pool resources and the knowledge commons, should be collectively administered (Dardot and Laval, 2014: 30–3).

Parallel to Ostrom's line of investigation, another body of literature has marvelled at the new possibility for large-scale cooperation brought about by the radical change in the organization of social production due to the shift from industrial to post-industrial economies. Along with new infrastructures of communication and innovative information technologies came the rise of decentralized, horizontal, and egalitarian networks producing immaterial goods (Benkler, 2006). Linux and Wikipedia are often portrayed as the spearheads of this new type of digital commons but they only represent a fraction of what peer production has made possible with regards to knowledge and culture (Bauwens, 2008; Stallman, 2015). Here too open-access and non-rivalrous goods, though key tenets of the digital commons, are not a quintessential quality of the goods in question, for information can just as easily be turned into an exclusive commodity. The ownership regime of these goods can fall prey to IP regulation, copyrights and other patents generating financial rents out of restrictive access to a piece of information (Boyle, 2008; Rifkin, 2000). What characterizes those ground-breaking cooperative practices is rather their governance regime, i.e. their stubborn resistance to any form of centralizing authority (Galloway, 2004; Himanen, 2002), coupled with a rejection of the wage relationship typical of the labor market (Lessig, 2001).

The common: Not just a potential model of economic production but a general democratic principle

The 'reification of the commons' in Ostrom's work is roundly condemned by Dardot and Laval. Firstly because, in their view, it fails to explain why the first movement of enclosures had historically occurred (Dardot and Laval, 2014: 30–33). If meadows and forests ceased to be governed as commons and were privatized in 16th- and 17th-century England, it was not because landlords suddenly realized that their naturally open layout could be altered in order to make them exclusive. Rather, it was due to a shift in the social relations between the gentry and the commoners (Meiksins Wood, 2002). Similarly, Susan Buck observes that open-access goods tend to be regarded as natural or global commons to be governed multilaterally (Antarctica, deep seabed, outer space, etc.) only while there exists no technology that makes their exploitation profitable (1998: 1). For their part, Dardot and Laval happily throw overboard any remnants of naturalism in the commons theory and argue that no good is *inherently* common, or *naturally* escapes appropriation. Commons denote not a relation between a resource and a community but a specific kind of relation between individuals who consider themselves to belong to a shared and constructed community. In a similar vein, these authors discard any reference to a common heritage of mankind, for it rests on a theological perspective according to which the custody of the world was given in common to all men by a superior power, which is incompatible with the non-hierarchical governance typical of the commons (Dardot and Laval, 2014: 25–32). If no good is naturally (or theologically) common, it follows that goods must be instituted as commons; that is, they have to be *put in*

common. Strictly speaking, commons are nothing but the outcome of a continuous process of *commoning*. Dardot and Laval argue that: 'it is *only* the practical activity of men that can make things common' (Dardot and Laval, 2014: 49).[2] In other words, they take Ostrom's institutionalist logic one step further. Collective self-governance is not *part of* the commons, it is *constitutive* of the commons.

Dardot and Laval subsequently suggest calling this collaborative activity itself *the common* to radically distinguish it from its reified forms. At first glance, this sets them on a slippery slope. For the common could then easily be turned into a vague principle of altruism. Peter Linebaugh, for instance, states that: 'Human solidarity as expressed in the slogan "all for one and one for all" is the foundation of commoning' (Linebaugh, 2014: 7). The related terms 'commoning' and 'the common' then run the risk of being used to describe any forms of effective cooperation. This is precisely why Dardot and Laval painstakingly outline its institutional components. According to them, the principle of the common invites us to 'introduce everywhere, in the most radical and most systematic fashion, the institutional form of self-government' (Dardot and Laval, 2014: 46). Two things should be said regarding the content of this political principle of the common. First, it contrasts radically with the two classical policy prescriptions, that is, the recourse to market or to the state, in that it is not articulated as a property regime. It is not assumed that the political solution to the conundrum of having multiple owners making claims to a single pool of goods lies in clarifying the rightful owner (whether by distributing private property rights, turning the commons into a public good or even outlining what a common ownership of the good would potentially look like). Since Dardot and Laval consider that commons are nothing but the institutionalization of the cooperative social practices that surround them, they consistently argue that the commons cannot belong to anyone (Dardot and Laval, 2014: 476–80). The political principle of the common is even at one point presented as 'the negation in practice of the right to property' ((Dardot and Laval, 2014: 481). For it struggles against any form of definite appropriation and intends to substitute the right of use for any claim to property. Hence only those that take an active part in the production of the commons are entitled to be co-participants in the decision-making process about its use.

Second, the common blurs the distinction between the social and the political. Empirical examples of commons, from region-wide irrigation systems to locally orga-nized inshore fisheries and peer-to-peer data transfer, prove at once to be an efficient model of economic production – ensuring that a collective resource will not only be preserved but also proliferate in the long run for the greatest benefit of all – and to be instrumental in shaping self-governed communities. The *commoning* process creates autonomous social organizations that escape the classical dichotomy between private and public, and reshuffle the boundaries between the social and the political (Dardot and Laval, 2014: 463–4). The radical demand of self-governance that underpins the principle of the common is as valid for small production schemes as it is at the level of the whole political community, where what is at stake is society's creation of itself (Castoriadis, 1999). Betraying their Marxist theoretical background, Dardot and Laval argue that the social is always intimately intertwined with the political: 'the primacy of the common in both spheres [i.e. social and political] is what enables their reciprocal articulation and turns the socio-economic itself into a *daily school in co-decision making*' (Dardot and

Laval, 2014: 466). This is also what enables them to suggest, with a hint of melodramatic eloquence, that the institutionalizing process they call *commoning* should be turned into 'a general principle for society's reorganization' (Dardot and Laval, 2014: 155).

Hardt and Negri share this insight on the vanishing boundary between the social and the political and follow suit in assimilating modes of production and political regimes. However, their analysis proves to be a lot more deterministic and eventually leaves little room to politics. In *Commonwealth,* Hardt and Negri argue that capitalism has entered into a new phase which they call *cognitive capitalism* (or, in more philosophical terms, biopolitical production) (Hardt and Negri, 2009: 132; Lazzarato, 1996; Moulier-Boutang, 2011). With the advent of new communication technologies, social production is now ever more connected and self-regulating. As a consequence, capital no longer plays an authoritative role. While capital used to be key in disciplining workers and creating the conditions of their cooperation (in the context of the factory for instance), its coordinating role has now become superfluous since workers organize, network and co-produce autonomously. In Hardt and Negri's terms: 'capital is increasingly external to the productive process and the generation of wealth' (Hardt and Negri, 2009: 141). For, in cognitive capitalism, what is being produced is mostly immaterial. Affects and knowledge, 'the labor of the head and the heart' (Hardt and Negri, 2009: 132), are the innovative products of this revamped economy. And in order to produce these, workers need to be dynamic, creative and thought-provoking, which requires them to be emancipated from the strict discipline that existed in the workplace (Hardt and Negri, 2009: 140).

Capital's *raison d'être* is to reproduce, that is, to accumulate more capital. But if it no longer controls production, it is deprived of any means to deprive the workers of the surplus value their cooperation produces. Capital's last resort has therefore been to turn to predatory practices and to expropriate values from the commons. The exploitation that used to be internal to the production cycle looks increasingly like the typical primitive accumulation of capital, relying on a violence external to the economic cycle (De Angelis, 2001). Since capital no longer intervenes in production, it has no choice but to expropriate values from the commons collectively produced by the workers. This parasitic intervention of functionless capitalists has often happened over the last three decades with the benediction and/or the active support of the state. Neoliberalism is the ideological expression of this strategic shift in which capital and states cooperate to enable a new wave of enclosures of the commons on a large scale, labelled by David Harvey as an 'accumulation by dispossession' (Harvey, 2004). However, in a markedly dialectical fashion, this strategy bears its own contradiction and will eventually lead to a decisive crisis. For the productivity of labour greatly decreases every time capital encloses and destroys the new immaterial commons on which its cooperative practices rest (Hardt and Negri, 2009: 145). In the long run, this strategy can only be self-defeating. Hardt and Negri even go as far as to suggest giving up on class struggle, a bold claim for two authors who belong to the Marxist tradition. For in their view, labour will in the future grow ever more autonomous from capital's control. The point then will no longer be to fight its rule but to escape its reach. Hence their call for an 'exodus of labor' (Hardt and Negri, 2009: 152). According to this perspective, there are no longer two classes facing each other in an existential economic struggle (as in the classical

Marxist view), but one capitalist class keen to privatize the commons produced by the cognitive working class that does its best to wrestle it out of the control of the capitalist class. Commoners should no longer engage in a fierce struggle to defeat the capitalists; they should simply abandon them to their – presumably miserable – fate.

It should also be pointed out that Dardot and Laval's theoretical account of the common retains a dialectic dimension. It stresses the interplay between the political and social, arguing that the latter could be the learning space for democratic practice in the former, whereas Hardt and Negri show less caution and appear merely to translate the spontaneous cooperation they attribute to cognitive capitalism into the political sphere. Hence their unflinching optimism and the contestable claim that: 'Cognitive labor and affective labor generally produce cooperation autonomously from capitalist command, even in some of the most constrained and exploited circumstances, such as call centers or food services' (Hardt and Negri, 2009: 140). As many commentators have already pointed out, the thesis of a radical shift toward cognitive capitalism overestimates the extent to which capitalism has changed and consequently overlooks the persistence of hierarchies, be it in international divisions of labor, in new 'horizontal' modes of management that hide rather than challenge their implicit hierarchy or in the enduring importance of the first and the second sectors of the economy in the Global South (Frassinelli, 2011).

What is strikingly similar in the two approaches just discussed – Laval and Dardot, Hardt and Negri – is that they uncritically endorse Ostrom's claim that commons are harmonious self-governing schemes of cooperation. In doing so, they overlook the fact that Ostrom was facing an uphill struggle when she first wrote about the commons. Since the overwhelming consensus in the academic community at the time was that no commonly-owned goods could be efficiently administered and managed, Ostrom had to prove that self-governing cooperation could overcome collective action issues. Consequently, she had to emphasize the productive communities' ability to align all relevant private interests with a larger collective goal. It would however be unfair to portray her research as sweeping under the carpet their internal conflicts to paint a rosy picture of an idyllic community of commoners. Ostrom is in fact acutely aware of the empirical existence of internal conflicts and is at pains to stipulate that conflict-regulation mechanisms, i.e. social institutions allowing stakeholders to sort out their respective complaints regarding the interpretations and applications of the rules they are submitted to, are key to an enduring and successful cooperation (Ostrom, 1990: 100–1). What is closer to the truth, though, is that she sees conflicts mostly as a threat to the sustainability of cooperation. Hence the emphasis on their quick and efficient resolution. As a result, Ostrom has little consideration for the *value* of conflict (in particular, structural conflict) and its potentially constructive role in bringing about reforms to the organization of cooperative practices. What defines the governance of the commons for her is first and foremost its collective resilience in the face of divisiveness, free-riding, and lack of individual compliance.

As I will try to show in the following section, using the conclusion that conflicts should be restricted to a marginal role in the self-governance of cooperative practices to turn the commons into the matrix of radical democracy may come at a cost. For, while the two theoretical projects share similar political goals and are concerned with the same

object, that is self-governed communities, they nevertheless adopt staunchly opposed views with regard to its internal conflicts. Any attempt to compare broadly both schools of thought inescapably fails to make justice to their internal diversity. But allow me to try nevertheless to state what is at stake in this discrepancy. Radical democrats take democracy to be synonymous in modern times with popular sovereignty, that is the ability for each and every member of a people to be the effective author of the rules to which (s)he is subjected (Lummis, 1996; Warren, 1996). This demanding understanding of popular sovereignty implies more than a hypothetical self-legislation through the election of representatives. It calls rather for an increased participation of the citizens in the decision-making process, antithetical with a wide gap between professional politicians and regular citizens, but also with sustained social inequalities or with any heteronomous source of norms such as religion or tradition. As far as this demanding interpretation of popular sovereignty is concerned, self-governed commons and radical democracy are a match made in heaven since the former embodies that very form of direct participation the latter is so eager to foster (Bevir, 2006).

The crux of the matter lies elsewhere. Radical democrats are post-totalitarian thinkers or, in other words, are keenly aware of the dramatic corruptions that the concept of sovereignty, including in its popular declination, has undergone in the 20th century (Morin, 1991). With the benefit of historical hindsight, they thus concur that popular sovereignty direly needs some checks and balances beyond the formal constraints of the rule of law. But they also refuse stubbornly to give up on the demands of radical autonomy. Hence their preference for internal conflict as the best means to foster pluralism and prevent democracy from turning into a totalizing and homogeneous society, as we will explain in more detail below. And here is, we argue, where both schools seem to part ways. As far as internal conflicts are concerned, radical democrats appear to be more cautious than their 'commonist' friends (Dyer-Witheford, 2007). For the authors that turn the commons into the matrix of a revamped radical democracy do not deny that internal conflicts are a constitutive part of their self-governance, but they fail to identify their crucial role in the struggle to democratize democracy.

The agonistic model of democracy underpinning previous radical democratic theories

We owe a highly idiosyncratic (but also a very influential) description of democracy's singularity to Claude Lefort, who traces its origins back to the French Revolution (Lefort, 1994: 159–76). What was at stake in the popular uprisings was, in his argument, much more than the overthrow of the head of state. For what the revolutionaries did was not only to rid themselves of a ruler they abhorred – they also dismissed the idea that anyone could claim to *embody* power. In contrast with the monarchic regime in which the sovereign king is – in his very flesh – the illustration of the body politic (Kantorowicz, 1997) and therefore the rightful and uncontested source of all authority, power in democracy is the attribute of nobody. It no longer *belongs* to anyone but it is temporarily granted to the winner of a ritualized political contest. Power, according to Lefort's oft-quoted metaphor, has become 'an empty place' (Lefort, 1988: 17) that no individual, political party or ideology has a legitimate claim to occupy.

With the unitary imaginary of the body gone, the political community has to acknowledge that it rests on a constitutive division. This is especially because society always finds itself at a reasonable distance from the empty place of power, but also due to the presence of several factions that struggle for the right to the temporary exercise of power. Secondly, this internal division is not a by-product of the new democratic imaginary. It is rather its necessary driving force. Since there is no longer an uncontested source of legitimacy, nobody is in a position to make any definite claim regarding what is just or unjust, true or false, legitimate or illegitimate (Lefort, 1988: 39). Democracy is a fundamentally unstable regime in which 'the markers of certainty are dissolved' (Lefort, 1988: 19). Conflict is what ensures that the place of power remains empty, since it prevents anyone ever feeling too comfortable occupying it. Radical democracy welcomes conflict as the best medicine against the ever-present temptation to see the political community as an organic whole (Balibar, 2013; Rancière, 1999), potentially paving the way for a turn towards an authoritarian or even a totalitarian politics.

Laclau and Mouffe reach surprisingly similar conclusions. To them, democracy is the regime in which several hegemonic projects compete without ever getting the better of each other, resulting in an 'openness and indeterminacy of the social, which gives a primary and founding character to negativity and antagonism' (Laclau and Mouffe, 1985: 145). Drawing (polemically) on Carl Schmitt's infamous concept of the political (Schmitt, 2007), Chantal Mouffe argues that political oppositions can adopt two forms. In its violent form, political conflict can amount to an existential opposition between friends and enemies whose only logical outcome is the attempt to exterminate, or at the very least to get rid of, the group of threatening outsiders (Mouffe, 2005: 10). The relation is then one between two agents entirely external to each other locked into a cycle of mutual and relentless aggression. This is what Schmitt calls the political, and Mouffe terms antagonism. The milder form of political opposition stays away from these extremes. It is better described as a conflict between adversaries who, in spite of their disagreement, still recognize each other as legitimate interlocutors. Though their worldviews may be radically different, they recognize their belonging to a shared political association and therefore their need to preserve a minimal degree of cooperation (Mouffe, 2005: 20). To avoid confusion, Mouffe qualifies this conflictual relation as *agonistic*.

Democracy consequently has a twofold relation with conflict. First, 'the task of democracy is to transform antagonism into agonism' (Mouffe, 2005: 20). Democracy is burdened with the heavy responsibility of taming antagonism. It has to turn enemies and their 'take-no-prisoner' political attitude into adversaries that may fiercely disagree but will nonetheless respect each other's right to participate in their political community's democratic debate. But to do so, democracy must not repress conflicts as liberalism is very often tempted to do (by reducing it to a rational conversation held on neutral ground while what is at play is the very structuring of the relations of power). Democracy must embrace its intrinsic agonism and grant it the necessary space to express itself. Otherwise attempts to repress it may turn healthy agonistic political confrontations into pathological antagonisms. While conflict may need to be channelled to avoid spilling over into antagonism, tumultuous clashes between political views are nevertheless the sign of a well-functioning democracy (Mouffe, 2005: 30).

Furthermore, agonistic conflicts have an unsuspected role to play in democratic dynamics. For democracy is not a stable set of institutions, according to a view put forward by thinkers such as Arendt (2006) and Rancière (2007) and most recently exposed by Etienne Balibar, but rather a 'permanent anti-oligarchic "insurrection"' (Balibar, 2008: 522). Democracy, in other words, is an ongoing political project whose historical process is geared towards criticizing inegalitarian inclinations, starting with its very own. This explains to a certain extent why democracy has such an eventful and tumultuous history: because 'really existing democracies' are never pure and perfect embodiments of their egalitarian and participative principles and always perform some forms of exclusions. It is then up to those internal agonistic conflicts to denounce the remnants of oligarchism within democracy and to work towards their correction.

Commons, democracy and conflict

Conflict is interestingly an ever-present feature in the commons literature. For commons, as stressed in the first section, can be seen as the result of two contradictory trends. First, commons must not be reified and likened to collective goods, but rather deserve to be qualified as self-governed cooperative practices. There is no such thing as a common good, but simply outcomes of a *commoning* process. Goods become common because of a collective democratic *praxis* that governs them as commons. But much of the commons literature has also documented the persistent risk of enclosure that looms over the commons. The commoning process should indeed never be taken for granted since its self-organized practices are ceaselessly threatened with violent expropriation. The conflict between those who want to spread the principle of the *common* and those seeking to privatize and/or commodify the commons is therefore a recurrent theme of commons literature. In what follows, I will show that although there is a constant struggle in the commons to resist the trend toward expropriation, this conflict does little to foster a vibrant democratic life.

Primitive accumulation, or the conflict between commoners and capitalists

Marx sought to dispel Adam Smith's claim that the original accumulation of capital was merely due to the industrious nature of some gifted individuals who had made disproportionate savings. His classical analysis of the enclosure movements – in Chapter XXVI of *Capital* – exposes the violent nature of the initial accumulation of capital. Taking England and Ireland as case studies, Marx painstakingly demonstrates that, far from being the end result of generations of hard labour, the accumulation of capital was in fact achieved, throughout the 16th and 17th centuries, through the expropriation of the commoners from the lands they had maintained and inhabited for decades, or even centuries. As Marx famously stated: '[the] new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all the guarantees of existence afforded by the old feudal arrangements. And the history of this, their expropriation, is written in the annals of mankind in letters of blood and fire' (Marx, 1993: 805).

Blood and fire: for this was not a gentle process. Primitive accumulation is distinct from capital reproduction in the sense that, given the absence of pre-existing capital or of

wage relationship, it must seize value outside the production cycle. While exploitation can go relatively unnoticed, because it is embedded in a production system and an ideology that justify the worker's loss of the surplus value he has produced to the capitalist, primitive accumulation cannot resort to such means (Linebaugh, 2009). To be accomplished, it has to separate the peasants from their means of production through the privatization and division of their land. And this requires the intervention of violence external to the economic cycle. The enclosure movement is better captured as a tumultuous conflict between social classes (Thompson, 1975). When commoners lost this first battle, that is when they lost the right to govern the commons collectively, this forced them to sell their labour power on the market. Commoners had then successfully been turned into proletarians, and commons into capitalistic private property. In other words, the principle of the common had been temporarily undone.

As Massimo De Angelis warns us, primitive accumulation should not be mistaken for a long-gone social phenomenon belonging to another historical epoch (Caffentzis, 2013; De Angelis, 2004). Since Marx himself endorsed a linear and phased account of economy's development, it would be tempting to look upon primitive accumulation as a thing of the past, i.e. a shameful and violent intermediary stage between feudalism and capitalism that laid the historical basis for capitalist production. But if we define primitive accumulation, as Marx himself did, as an extra-economic force that separates the workers from their means of production,[3] we would be compelled to acknowledge it as a recurring phenomenon not only preceding capitalism but in fact littering its history (Luxemburg, 2003). For workers organize, be it in cooperatives, unions or political parties, and develop political strategies that have enabled them to wrest back some control over their means of production. As De Angelis states: 'Objects of primitive accumulation also become any given balance of power among classes that constitutes a "rigidity" for furthering the capitalist process of accumulation' (2004: 67). There is thus an ever-present conflict over the commons. And this conflict is framed in terms of an extra-economic struggle between two radically opposed social classes: the capitalists who want to break any self-governance of production set in place by workers, and the workers who unite to escape the alienation induced by the separation from their means of production.

But since enclosure is the means by which capitalists achieve primitive accumulation, if primitive accumulation is not a thing of the past then neither are enclosures. And it is little surprise to find that there is a vast literature documenting not a single historical wave of enclosures but indeed successive waves of enclosures (Bollier, 2003; Boyle, 2003; Midnight Notes Collective, 2001; Polanyi, 2001). As a matter of fact, the recent turn to neoliberalism is often interpreted, for instance by David Harvey, as a renewal of the resort to extra-economic forces to appropriate illegitimately values from the commons created by cooperative practices (Harvey, 2005). The struggle over the commons is far from being over, and rather appears to be an ongoing process.

Is this recurring struggle an instance of the agonism that keeps democracy indeterminate and consequently alive? Should the movement of enclosures, in spite of its rapacious character, be commended paradoxically for its democratic character? In order

to respond, we need to assess the quality and the nature of the conflict being played out in the opposition between commoners and capitalists. And my contention is that it in no way qualifies as an agonistic opposition. This is for at least two reasons. Firstly, because of the scope of the conflict. If we take the commons (in the plural) to constitute the matrix of a democratic principle of self-governance we earlier called the common (in the singular), it logically follows that the inchoate democracy we observe is the one being built amongst commoners. Capitalists are an outside threat to this democratic community in the making, but could not claim to be one of its internal and constitutive divisions. What is at stake here is an external opposition between two worlds rather than an internal conflict. And secondly, because of the intensity of the conflict. Capitalists do not consider themselves as sharing a common destiny with the commoners they turn into proletarians, even though they may need their labour. As highlighted above, the enclosures are a violent process that shows very little consideration for the commoners they expropriate. And the resulting social conflict can quickly escalate to extreme forms of violence, bordering on cruelty (Balibar, 2010). In the *Communist Manifesto* Marx had described the opposition between proletarians and capitalists as a civil war (Engels and Marx, 2002) that is the most merciless form of conflict, likely to unravel the community and striving toward the definitive extermination of close enemies. Civil wars are such bitter and hard-fought conflicts that any form of self-control and self-limitation in the recourse to violence is discarded. Decades later, Marx is sadly convinced that he has seen his prediction come true when he witnesses the annihilation of one of the most radical attempts at building a political common, that is the Paris commune of 1871 (Ross, 2015). Crushed by the way in which the Parisian revolutionaries had been wiped out by reactionary forces, Marx would famously describe the event as a 'Civil War in France'. Afterwards, he would consider that the Commune had epitomized the kind of violent struggle that must be expected when a group attempts to break free of the capitalist mould to build its own common (Marx, 1971).

For those two reasons, I therefore contend that the struggle between capitalists and commoners is too tumultuous to be conducive to any form of agonism and should not be relied upon to sustain a dynamic internal division constitutive of democracy. Given its scope and its intensity, it would be better described as an antagonistic conflict that escapes the democratic realm. As I suggested in the introduction, because they mistakenly locate the democratic conflict in this opposition, many authors (chiefly Hardt and Negri or Dardot and Laval in terms of authors discussed in this article – but the same could be said of David Harvey, Naomi Klein, David Bollier or Peter Linebaugh) end up overlooking the fact that, in their political proposition, conflict is absent from the commons. Conflict is entirely associated with resistance to the enclosure movements (Harvey, 2011; Klein, 2001), while commons are assumed to be harmoniously self-governed through spontaneously cooperative practices.

In Hardt and Negri's case, the assumption that commons are self-creating, self-regulatory and would function better away from any form of centralized control is so strong that it is sometimes difficult to fathom what distinguishes it from the neoliberal utopia according to which all aspects of societies would be better off being deregulated and abandoned to unimpeded market mechanisms.[4] Dardot and Laval are more nuanced and repeatedly stress the importance of creating political and social institutions in order

to foster and support the cooperative *praxis* that takes place inside the commons. What is nevertheless shared by both approaches is that, from Lefort's perspective, the image they offer of a community reconciled with itself is nothing less than worrying. For no political community is ever without its disagreements and subsequent divisions, and such a projection can therefore only be interpreted as an attempt to cover up inconvenient truths regarding its less-than-ideal internal organization. Hardt and Negri do nothing to alleviate that fear when they claim that 'love is really the living heart of the project we have been developing' and add for good measure that 'love is a process of the production of the common' (Hardt and Negri, 2009: 180–1). Although they stress that love should not be identitarian, that is a love of the same, or understood as a process of unification, they nevertheless come to the Spinozian conclusion that love is a passion that 'composes singularities, like themes in a musical score' (Hardt and Negri, 2009: 184). One would be hard pressed not to read into this last description of love as the driving force behind the constitution of the community of the commoners the suggestion that the latter would demonstrate the harmony of a melodic tune. This principle has been subsequently applied to a political example in their *Declaration*, a text that attempts to make sense of the cycle of struggles that occurred in 2011. This pamphlet claims that the diverse uprisings of 2011, ranging from the overthrow of authoritarian regimes in the Arab crescent to the encampments in public squares in New York, Tel Aviv and Madrid, respond to the same type of anguish directed toward neoliberal policies and exhibit as a response the form of self-management they associate with the common, that is 'a process of differential inclusion or, rather, [. . .] the agglutination of differences' (Hardt and Negri, 2012) The decentralized and horizontal process of decision-making used in the various militant assemblies would illustrate, in Hardt and Negri's view, this 'process of love'. While Hardt and Negri acknowledge fleetingly the possibility for inward discord, they then leap to the conclusion that 'a federalist logic of association' would prove sufficient to overcome the tension between singular minorities and the majority rule (Hardt and Negri, 2012). From the radical democrat viewpoint, such a claim is highly suspicious. Here too, Laval and Dardot show more caution than Hardt and Negri. Nevertheless, their plea for the associativist tradition (Proudhon, Mauss, Jaurès) and its practical network of cooperatives to pick up the torch of the socialist movement could be interpreted as a rebuttal, or at least a move away, from the acknowledgement of the presence of perennial economic conflicts (Dardot and Laval, 2014: 391–403).[5] For the cooperativist ideal still relies, to a certain extent, on the utopia of a conflict-free community of workers. In contrast, from a radical democratic viewpoint, one should never assume that commons are per se democratic (or jointly converge to outline a new democratic principle of self-governance of the social called *the common*) but rather wonder which internal and limited conflict could be the engine of its democratization.

The persistent conflict

And once we take a closer look, conflicts do indeed abound in the commons, be they ecological common-pool resources self-managed by a community of local stakeholders, or a global network of immaterial workers producing open-access information. Since commons are nothing but collectives democratically organized around the

self-governance of social production, there is no reason to think that they could avoid giving birth, like any other democratically governed community, to internal divisions. First, as Elinor Ostrom had herself established strikingly with the case of water management in California, because there is more often an imbalance of power among the different protagonists than its opposite (that is a perfect equity) (Ostrom, 1990: 146–9). In the classical case of common-pool resources, the numerous protagonists involved may have stakes that vary to a great degree, leading to socio-political situations in which the odds are rather stacked against an egalitarian procedure of decision-making (Andersson and Agrawal, 2011). It has also been argued that information networks whose structure follows a pattern of decentralization rather than distribution end up creating local obligatory hubs in a position to restrict the access of individual agents to the larger network, proving that even an horizontal distribution power is not free from inequalities (Galloway, 2004). This imbalance of power may often be large enough to exclude small stakeholders from exerting any real influence on the eventual outcome of the decision-making process, and consequently leave them without a say on how to solve collective action dilemmas. At the very least, it should therefore never be taken for granted that well-functioning and efficient self-governance of the commons passes without instances of disregard for more marginal or less powerful social groups.

Second, conflicts over the governance of the commons do not simply arise from inequalities in the distribution of material goods and in the endowments of the protagonists; perceptions also play an important role. Even in a hypothetically egalitarian commons, the democratic co-decision on governance of social issues would encounter obstacles and generate heated debates that would divide the community (or network) of commoners and generate conflicts. For the agents are differently located in the social sphere, hold distinct worldviews and would therefore have varying epistemic assessments of how best to manage resources, distribute labour and its outcomes, organize the procedures of decision-making and so forth. As has been documented and shown by Adams et al., the very definition of the problems in common-pool resources may lead to deep disagreements, not to mention the framing and conception of their solutions (Adams et al., 2003).

These last two issues could be said to apply to any instance of democratic decision-making. After all, what participative co-decision could be said to avoid the twin problems of inequality amongst its participants and kaleidoscopic perceptions of its shortcomings? But additionally, overlooking the role of conflict in the governance of the commons would amount to denying (or covering up) some of its structural internal divisions in a way that would be unacceptable for any committed radical democrat. Silvia Federici has eloquently shown, for instance, that women accomplish a disproportionate amount of the invisible (and therefore unrecognized) labour in the commons (Federici, 2004). While their work is necessary to the sustainability of the commons, it is rarely acknowledged as such, for it is mostly executed in the private sphere. If one insists on the dynamic role of agonism in democratic communities, one would then conclude that the unfair division of the labour along gender lines amounts to a division of the community governing the commons that should be challenged and polemically discussed. To democratize the commons (or to enact the principle of the

common), women would have to raise their concern over this unbalanced distribution of work and force men to open a debate on how best to curb this trend.

Finally, commons are sometimes assumed to pacify and subdue democratic deliberation because they revolve around a shared ecological concern. Per this argument, their environmental purpose entails more consensual discussions and prevents conflicts. Once again, for the radical democrat, nothing could be further from the truth. As Razmig Keucheyan has recently expressed in a well-documented book, nature has of late been increasingly turned into a political battleground, and with the deepening ecological crisis, conflicts around its governance are likely to get even fiercer (Keucheyan, 2014). Even amongst like-minded environmentalists, disagreements abound on how to best solve key issues such as global warming, loss of biodiversity or the increase in natural disasters due to climate change. Any theory of political ecology should take into consideration the divisive dimension of environmental concerns. For natural resources held in common to be democratically governed, conflict has to be an ever-present feature that will be put to use to denounce, condemn and challenge any factional attempts to seize indefinite power over its governance and rule in its own single interest.

Conclusion

To sum up, as I briefly outlined above, conflicts are present in many guises in the commons. The list I have given here, while far from exhaustive, is sufficient to claim that the governance of commons is neither spontaneous nor harmonious. It is replete with epistemic disagreements, structural imbalances in the distribution of duties, capacities and rewards, and far from systematic reliance on an egalitarian decision-making process. And yet conflicts amongst commoners fail to play any significant role in the accounts of either Hardt and Negri or Dardot and Laval of the political principle of the common. Their emphasis on the conflict between capitalists and commoners at the expense of all others prevents them from grasping one of the key dimensions of the democratic regime according to radical democrats – that is the role played by internal conflict in identifying and denouncing socio-political issues and in creatively attempting to solve them.

Let us consider for instance the issue of the disproportionate amount of work realized by women in the traditional commons. Federici laments that most of scholarly focus in the study of the traditional commons has been on the *productive* work (harvesting, sowing, fishing, etc.) excluding from its consideration the *reproductive* work that takes place inside the household. While the obligations linked to the productive work in the commons tend to be evenly distributed amongst commoners, the reproductive work suffers from a structural imbalance between two subgroups of commoners. It is overwhelmingly the women that tend to bear the burden of the chores in the household (Federici, 2010). Underlying Federici's critical observation is the idea that to present the commoners as forming a community – in the sense of an organic whole – obscures its internal heterogeneity, which helps silence the contestation of some forms of internal oppression.

In a seminal article that echoes strongly with this line of reasoning, Agrawal and Gibson urged commons scholar to reconsider the simplistic definition they gave of 'communities'. Given the failure of most state-driven ecological projects in the Global

South, ecological scholars suggested in the 1990s a shift in the approach of resource conservation. In a dramatic reversal of their previous recommendations, they now championed the role of local communities in bringing about a decentralized, participative, and sustainable management of local resources. However, the term 'community' often went unquestioned in this literature. The implicit assumption was that any given 'community' was, according to Agrawal and Gibson, a small spatial unit, organized around a homogeneous social structure, whose members would share the same norms (Agrawal and Gibson, 1999). Since this idyllic depiction of the community overlooked the heterogeneity of status and opportunities amongst its members, it saw no legitimate reason for a conflict to erupt. At best, the causes of conflict were to be found in a disputed understanding of the shared norms (Ostrom, 1990: 100). But seen through the prism of the organic community, conflict could not be considered as a means to gain leverage in order to denounce and redress some intragroup injustices. Conflict was rather perceived as a hindrance to resource preservation that had to be resolved as quickly and as economically as possible. It is telling that conflict appears, in Ostrom's famous list of design principles, *only* as a disruption to contain, usually springing from diverging understandings of the appropriation rules. The sixth design states that sustainable and self-regulating commons need to possess '*Conflict-resolution mechanisms:* Appropriators and their officials have rapid access to low-cost local arenas to resolve conflicts among appropriators or between appropriators and officials' (Ostrom, 1990: 90). The creative and constructive role that limited conflict might play in shedding a light on injustices, suggesting revised distribution of goods and power or redesigning unfair institutions, is lost in this narrow depiction of conflict as a disruptive force (Dell'Angelo, 2013).

Interestingly, recent empirical findings corroborate our theoretical argument. Analysing a database of 499 forest user groups spread across three continents and 15 countries, Van Laerhoeven and Andersson find – counter-intuitively perhaps – a *positive* correlation between the attested presence of intragroup conflict and the condition of the forest inhabited by each group (assessed on the basis of the density of its vegetation) (Van Laerhoeven and Andersson, 2013). Forest user groups living in degraded forests report significantly less intragroup conflict than the forest user groups that manage to sustainably maintain their habitat. To explain this phenomenon, they point to two further positive correlations. The level of local *monitoring* done by the forest user group has a direct and significative influence on the level of conflict that this group experiences. The level of *autonomy* granted to the forest user group in the design of its own regulative institutions also has a positive correlation with intragroup conflict. Taking into consideration the discourse of radical democracy, this should hardly come as a surprise. If participants to a cooperative practice are tasked with monitoring their co-participants and with designing collectively their self-governing institutions, the opportunities for conflict to arise grow exponentially more numerous. Crucially, in this context, conflict is no longer seen as a negative condition to resolve. It rather becomes the force that steers the course of the local and autonomous self-governance in a sustainable direction by submitting its regulative institutions to a constant criticism and, if need be, to a vocal contestation.

Drawing inspiration from those examples, this article does not aim to dismiss altogether the idea that commons could constitute the matrix of an egalitarian democracy to

come. It rather calls for a twist in the research agenda for this field. If commons do indeed hold political promises, we should not however jump to conclusions and assume that they are democratic per se. Their self-organizing practices may share with democracy the centrality of the principle of autonomy, but this does not prevent them from reproducing illegitimate inequalities or disregarding the voices of small stakeholders. Thus, for this burgeoning socio-political democracy to blossom, it needs to acknowledge that *commoners first have their conflicts in common*. Commons are not realized utopias in which the community is reconciled with itself and eventually becomes One; they are governance practices. And as such, they raise unevenly distributed concerns, split the group of members and constantly generate new conflicts. If we want to elaborate a democratic principle of the *common* further, we must turn our attention to the socio-political dynamism of those internal divisions and investigate whether limited conflicts play a role in sustaining a vibrant democracy in the existing commons.

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Notes

1. It has been pointed out that this extension is partially unjustified and generates a certain amount of confusion in the literature as it conflates the narrowly defined 'historical commons' with the more expansive analytical definition of the commons (De Moor, 2011).
2. The book has not yet been published in English. This translation and all the following ones from Dardot and Laval are mine.
3. 'The process of divorce of the conditions of labour from the producers [. . .] forms the concept of capital and of primitive accumulation, subsequently appearing as a constant process in the accumulation of capital' (Marx, 2016: 350).
4. A critique forcefully articulated by Dardot and Laval, who candidly recognize the extent of their debt to Hardt and Negri's first outline of the principle of the common but are nonetheless very keen to distance themselves from their predecessors on several key conceptual points, and notably on the question of commons' relationship to capital and to social institutions (2014: 189–227).
5. Though a thorough comparative exploration of this topic is beyond the remit of this article, the attempt to inject a new sense of urgency into sharing practices and to revive the tradition of cooperativism or mutualism is in no way limited to the French-speaking world. Dardot and Laval's work was foreshadowed in this regard by the late work of Paul Hirst. Dardot and Laval seem to be unaware of Hirst's attempt to bring up to date the idea of an 'associative democracy', drawing inspiration both from the long history of British cooperative experiments and from British pluralist thinkers such as Harold Laski and G.D.H. Cole. Hirst's and Dardot and Laval's accounts of the crucial role of the 'associations' within the state are nonetheless strikingly similar (Hirst, 1989, 1994).

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